



**Maryland**  
Department of  
the Environment

**Larry Hogan**, Governor  
**Boyd K. Rutherford**, Lt. Governor

**Suzanne E. Dorsey**, Deputy Secretary/Acting Secretary

Mr. David Burton, Plant Manager  
Vienna Power, LLC  
4621 Chapel of Ease Road  
Vienna, MD 21869

JAN 17 2023

Dear Mr. Burton:

Re: Renewal Part 70/ Title V Operating Permit 24-019-0013

Enclosed, please find the renewal Part 70/Title V Operating Permit and Fact Sheet for the Vienna Power, LLC located in Dorchester County, MD. 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.

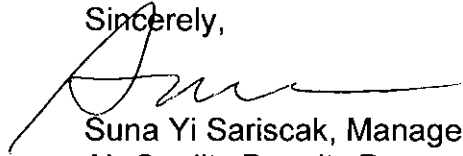
Please note the following revised condition in the Permit under Section II, General Conditions, Number 5, Permit Renewal:

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.

Mr. Burton  
Page 2

If you have any questions, please feel free to contact Ms. Marcie Gurley, the permit manager for this facility, at [Marcie.gurley@maryland.gov](mailto:Marcie.gurley@maryland.gov) or (410) 537-3230.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suna Yi Sariscak', with a long horizontal flourish extending to the right.

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

SYS/jm

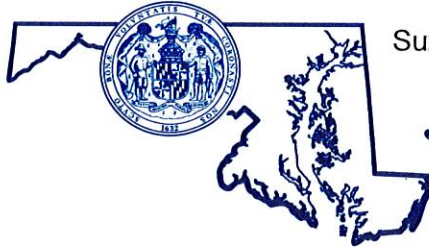
Enclosures

cc: EPA Region III (w/encl)

Larry Hogan  
Governor

Suzanne E. Dorsey, Deputy Secretary  
Acting Secretary

*State of*



*Maryland*

**DEPARTMENT OF THE ENVIRONMENT**

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

Construction Permit

Part 70  
 Operating Permit

PERMIT NO. 24-019-0013

DATE ISSUED JAN 17 2023

PERMIT FEE To be paid in accordance with COMAR 26.11.02.19B

EXPIRATION DATE September 30, 2027

**LEGAL OWNER & ADDRESS**

Vienna Power LLC  
4621 Chapel of Ease Road  
Vienna, MD 21869  
Attn: Mr. David A. Burton, Plant Manager

**SITE**

Vienna Generating Station  
4621 Chapel of Ease Road  
Vienna, MD 21869  
Dorchester County  
AI # 1884

**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

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>SECTION I</b>	<b>SOURCE IDENTIFICATION .....</b>	<b>4</b>
1.	DESCRIPTION OF FACILITY .....	4
2.	FACILITY INVENTORY LIST .....	4
<b>SECTION II</b>	<b>GENERAL CONDITIONS .....</b>	<b>5</b>
1.	DEFINITIONS .....	5
2.	ACRONYMS .....	5
3.	EFFECTIVE DATE .....	6
4.	PERMIT EXPIRATION .....	6
5.	PERMIT RENEWAL .....	6
6.	CONFIDENTIAL INFORMATION .....	7
7.	PERMIT ACTIONS .....	7
8.	PERMIT AVAILABILITY .....	8
9.	REOPENING THE PART 70 PERMIT FOR CAUSE BY THE EPA .....	8
10.	TRANSFER OF PERMIT .....	8
11.	REVISION OF PART 70 PERMITS – GENERAL CONDITIONS .....	8
12.	SIGNIFICANT PART 70 OPERATING PERMIT MODIFICATIONS .....	9
13.	MINOR PERMIT MODIFICATIONS .....	10
14.	ADMINISTRATIVE PART 70 OPERATING PERMIT AMENDMENTS .....	13
15.	OFF-PERMIT CHANGES TO THIS SOURCE .....	15
16.	ON-PERMIT CHANGES TO SOURCES .....	16
17.	FEE PAYMENT .....	18
18.	REQUIREMENTS FOR PERMITS-TO-CONSTRUCT AND APPROVALS .....	18
19.	CONSOLIDATION OF PROCEDURES FOR PUBLIC PARTICIPATION .....	19
20.	PROPERTY RIGHTS .....	20
21.	SEVERABILITY .....	20
22.	INSPECTION AND ENTRY .....	20
23.	DUTY TO PROVIDE INFORMATION .....	21
24.	COMPLIANCE REQUIREMENTS .....	21
25.	CREDIBLE EVIDENCE .....	22
26.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE .....	22
27.	CIRCUMVENTION .....	22
28.	PERMIT SHIELD .....	22
29.	ALTERNATE OPERATING SCENARIOS .....	23
<b>SECTION III</b>	<b>PLANT WIDE CONDITIONS .....</b>	<b>24</b>
1.	PARTICULATE MATTER FROM CONSTRUCTION AND DEMOLITION .....	24
2.	OPEN BURNING .....	24
3.	AIR POLLUTION EPISODE .....	24
4.	REPORT OF EXCESS EMISSIONS AND DEVIATIONS .....	24
5.	ACCIDENTAL RELEASE PROVISIONS .....	25
6.	GENERAL TESTING REQUIREMENTS .....	26
7.	EMISSIONS TEST METHODS .....	26
8.	EMISSIONS CERTIFICATION REPORT .....	26
9.	COMPLIANCE CERTIFICATION REPORT .....	28
10.	CERTIFICATION BY RESPONSIBLE OFFICIAL .....	28
11.	SAMPLING AND EMISSIONS TESTING RECORD KEEPING .....	29

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

12.	GENERAL RECORDKEEPING .....	29
13.	GENERAL CONFORMITY .....	30
14.	ASBESTOS PROVISIONS.....	30
15.	OZONE DEPLETING REGULATIONS.....	30
16.	ACID RAIN PERMIT.....	31
<b>SECTION IV PLANT SPECIFIC CONDITIONS .....</b>		<b>32</b>
<b>SECTION V INSIGNIFICANT ACTIVITIES .....</b>		<b>82</b>
<b>SECTION VI STATE-ONLY ENFORCEABLE CONDITIONS .....</b>		<b>85</b>

**Phase II Acid Rain Permit**

**CO2 Budget Permit**

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**SECTION I SOURCE IDENTIFICATION**

**1. DESCRIPTION OF FACILITY**

Vienna Power LLC operates the Vienna Generating Station, an electric generating facility, located at 4621 Chapel of Ease Road in Dorchester County. The primary SIC code for this plant is 4911. The Vienna Generating Station consists of two major units that generate electricity: one (1) utility steam boiler (Boiler No.8 (V8)) and one (1) combustion turbine (V10). The facility also includes an auxiliary boiler (V20), three (3) main No. 6 fuel oil storage tanks (V101, V102, and V103), two (2) No. 2 fuel oil storage tanks (V104 and V105), two (2) fuel oil day tanks (V105 and V107), one (1) waste oil tank (V108) and two (2) parts cleaners (V200 and V201).

Dorchester County is located in the Ozone Transport Region. Because the actual emissions of regulated pollutants are greater than the major source threshold, Vienna Generating Station is required to obtain a Title V-Part 70 Operating Permit under COMAR 26.11.03.01

**2. FACILITY INVENTORY LIST**

<b>Emissions Unit Number</b>	<b>MDE - ARA Registration Number</b>	<b>Emissions Unit Name and Description</b>	<b>Date of Installation</b>
V8	4-0065	Boiler #8: One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 2 fuel oil, No. 6 fuel oil or waste oil.	December 1971
V10	4-0020	Unit V10: One (1) Pratt & Whitney Canada (model FT4A-9) turbo-shaft gas combustion turbine rated at 276 million Btu per hour internal combustion engine firing No. 2 fuel oil.	April 1968
V20	4-0114	Unit V20: One (1) Nebraska Boiler Company (model 20-1896) auxiliary boiler rated at 48 million Btu per hour firing on No.2 fuel oil. <i>Limited-use liquid oil-fired subcategory means an oil-fired electric utility steam generating unit with an annual capacity factor of less than 8 percent of its maximum or nameplate heat input, whichever is greater, averaged over a 24-month block contiguous period commencing April 16, 2015.</i> [§63.10042]	March 1980

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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 <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
OTR	Ozone Transport Region
PM	Particulate Matter
PM <sub>10</sub>	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
SO <sub>2</sub>	Sulfur Dioxide

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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;
- 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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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.
- 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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, 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;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (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:
  - (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,

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (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
  - (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:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (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.
    - (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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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;
  - (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;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (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.
  - 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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:
  - (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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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;
  - (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;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (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.
- 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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;
- 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;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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.

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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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
- 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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 discloseable 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
- 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

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 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;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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:

- 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;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

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)

**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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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:
    - (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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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.

**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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

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
- 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:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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.

**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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- 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 82.166.

**16. ACID RAIN PERMIT**

A renewal Phase II Acid Rain Permit is attached in Appendix A. The Permittee shall comply with all requirements of the Acid Rain permit.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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)**]

<b>Table IV – 1</b>	
<b>1.0</b>	<p><b><u>Emissions Unit Number(s): V8 (Boiler #8)</u></b></p> <p><b>V8:</b> One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 2 fuel oil, No. 6 fuel oil or waste oil. (4-0065)</p>
<b>1.1</b>	<p><b><u>Applicable Standards/Limits:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b>  <b>COMAR 26.11.09.05A(1) – <u>Visible Emissions.</u></b>            “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.  <b>COMAR 26.11.09.05A(3) - <u>Exceptions.</u></b> “Section A (1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, start-up, 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> <p><b>B. <u>Control of Particulate Matter Emissions</u></b>  <b>COMAR 26.11.09.06A(1) – <u>Particulate Matter Emissions</u></b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1**

“Fuel Burning Equipment Constructed Before January 17, 1972. A person may not cause or permit particulate matter caused by the combustion of solid fuel or residual oil in the fuel burning equipment erected before January 17, 1972, to be discharged into the atmosphere in excess of the amounts shown in Figure 1.” The allowable limit for this boiler is **0.169 lbs. PM/MMBtu.**

**COMAR 26.11.09.06C. Determination of Compliance (by stack test).**

“Compliance with the particulate matter emissions standards in this regulation shall be calculated as the average of 3 test runs using EPA Test Method 5 or other United States Environmental Protection Agency test method approved by the Department.”

**See Table IV-1a for CAM requirements.**

**C. Control of Sulfur Oxides Emissions**

**1. COMAR 26.11.09.07A(1) - Control of Sulfur Oxides from Fuel Burning Equipment**

“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:

(1) In Areas I, II, V, and VI: (b) Residual fuel oils, 2.0 percent; (c) Distillate fuel oils, 0.3 percent; (d) Process gas used as fuel, 0.3 percent.”

**2. Cross State Air Pollution Rule (CSAPR).**

**See Table IV-4: CSAPR for Requirements.**

**D. Control of Nitrogen Oxides Emissions**

**COMAR 26.11.09.08B(5) - Operator Training.**

“(a) For purposes of this regulation, the equipment operator to be trained may be the person who maintains the equipment and makes the necessary adjustments for efficient operation.

(b) The operator training course sponsored by the Department shall include an in-house training course that is approved by the Department. “

**COMAR 26.11.09.08C - Requirements for Fuel-Burning Equipment with a Rated Heat Input Capacity of 250 Million Btu Per Hour or Greater.**

“(1) A person who owns or operates fuel-burning equipment with a rated heat input capacity of 250 Million Btu per hour or greater shall equip each installation with combustion modifications or other technologies to meet the NO<sub>x</sub> emission rates in §C(2) of this regulation.

(2) The maximum NO<sub>x</sub> emission rates as pounds of NO<sub>x</sub> per Million Btu per hour are: (c) 0.30 for oil fired or gas/oil fired units located at an electric generating facility”

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 1</b>	
	<p><b>COMAR 26.11.09.08B(2)(d) - <u>Demonstration of Compliance.</u></b> “(a) A person subject to a NO<sub>x</sub> emission standard in this regulation shall demonstrate compliance as follows: (d) Except as otherwise established by the Department and approved by the EPA, for a person who establishes compliance with the NO<sub>x</sub> emissions standards in this regulation using a CEM, compliance shall be determined as 30-day rolling averages.”</p> <p>2. Cross State Air Pollution Rule (CSAPR). <b>See Table IV-4: CSAPR for Requirements.</b></p> <p>3. Acid Rain Permit The Permittee shall comply with the requirements of the Phase II Acid Rain Permit issued for this generating station. <u>Note:</u> A renewal Phase II Acid Rain Permit will be issued in conjunction with this Part 70 permit and is attached to the Part 70 permit as Appendix A.</p> <p>E. <u>Control of HAP Emissions</u> <b>See Table IV-1b: Boiler MACT Subpart UUUUU.</b></p>
<b>1.2</b>	<p><b><u>Testing Requirements:</u></b></p> <p>A. <u>Control of Visible Emissions</u> See Monitoring Requirements.</p> <p>B. <u>Control of Particulate Matter Emissions</u> The Permittee shall perform an EPA Reference Method 5 particulate emissions test on the stack gases at least once during the life of the permit. The Permittee shall submit a protocol to the Department for approval at least 30 days prior to the schedule date of the test. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p>C. <u>Control of Sulfur Oxides Emissions</u> See Monitoring Requirements.</p> <p>D. <u>Control of Nitrogen Oxides Emissions</u> See Monitoring Requirements.</p>
<b>1.3</b>	<p><b><u>Monitoring Requirements:</u></b></p> <p>A. <u>Control of Visible Emissions</u> The Permittee, in accordance with <b>COMAR 26.11.01.10B</b>, shall continuously monitor the opacity of the stack gases using a continuous</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 1</b>	
	<p>opacity monitor that is certified in accordance with 40 CFR Part 60, Appendix B and meets the quality assurance criteria COMAR 26.11.31. <b>[Reference: COMAR 26.11.01.10C]</b></p> <p><b>B. <u>Control of Particulate Matter Emissions</u></b> The Permittee shall follow the Compliance Assurance Monitoring (CAM) Requirement included in Table IV-1a of the Title V Operating Permit. <b>[Reference: 40 CFR Part 64]</b></p> <p><b>C. <u>Control of Sulfur Oxides Emissions</u></b> 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. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>D. <u>Control of Nitrogen Oxides Emissions</u></b> The Permittee shall monitor NO<sub>x</sub> emissions from this unit with a NO<sub>x</sub> CEM. The Permittee shall certify the CEM in accordance with 40 CFR Part 75, Appendix A. <b>[Reference: COMAR 26.11.09.08B(2)(b)]</b></p>
<b>1.4</b>	<p><b><u>Record Keeping Requirements:</u></b> <b>Note:</b> All records must be maintained for a period of at least 5 years. <b>[Reference: COMAR 26.11.03.06C(5)(g)].</b></p> <p><b>A. <u>Control of Visible Emissions</u></b> The Permittee will maintain all records necessary to comply with the data reporting requirements by COMAR 26.11.01.11E on file. Records will be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.01.11E]</b></p> <p><b>B. <u>Control of Particulate Matter Emissions</u></b> The Permittee shall maintain all records of the particulate matter emission tests. Records shall be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>C. <u>Control of Sulfur Oxides Emissions</u></b> The Permittee shall maintain records of the fuel supplier's certification and shall make records available to the Department upon request. Records shall be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>D. <u>Control of Nitrogen Oxides Emissions</u></b> The Permittee shall maintain records necessary for the quarterly emission reports. Records shall be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p>

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1**

<b>1.5</b>	<p><b><u>Reporting Requirements:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b>          The Permittee shall report:          All CEM system downtime that lasts or is expected to last more than 24 hours shall be reported to the Department by telephone before 10 a.m. of the first regular business day following the breakdown.          The system breakdown report required by Sec. G(1)(a) of this regulation shall include the reason, if known, for the breakdown and the estimated period of time that the CEM will be down. The owner or operator of the CEM shall notify the Department by telephone when an out-of-service CEM is back in operation and producing valid data. <b>[Reference: COMAR 26.11.01.11E]</b>          The Permittee shall submit:          Quarterly summary reports to the Department not later than 30 days following each calendar quarter. The report shall be in a format approved by the Department, and shall include the following:          (i) The cause, time periods, and magnitude of all emissions which exceed the applicable emission standards;          (ii) The source downtime including the time and date of the beginning and end of each downtime period and whether the source downtime was planned or unplanned;          (iii) The time periods and cause of all CEM downtime including records of any repairs, adjustments, or maintenance that may affect the validity of emission data;          (iv) Quarterly totals of excess emissions, installation downtime, and CEM downtime during the calendar quarter;          (v) Quarterly quality assurance activities; and          (vi) Daily calibration activities that include reference values, actual values, absolute or percent of span differences, and drift status; and          (vii) Other information required by the Department that is determined to be necessary to evaluate the data, to ensure that compliance is achieved, or to determine the applicability of this regulation." <b>[Reference: COMAR 26.11.01.11E]</b></p> <p><b>B. <u>Control of Particulate Matter Emissions</u></b>          The Permittee shall report the results of the particulate matter emissions stack tests to the Department within 45 days after the completion of the testing. <b>[Reference; COMAR 26.11.03.06C]</b></p> <p><b>C. <u>Control of Sulfur Oxides Emissions</u></b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 1</b>	
	The Permittee shall report fuel supplier certifications to the Department upon request. <b>[Reference: COMAR 26.11.09.07C]</b>
	<b>D. Control of Nitrogen Oxides Emissions</b> The Permittee shall submit quarterly emission reports of CEM data to the Department before the 30 <sup>th</sup> day of the month following the end of each calendar quarter. The emission report will contain the information required by COMAR 26.11.01.11E(2). <b>[Reference: COMAR 26.11.09.08K(1) and COMAR 26.11.03.06C]</b>

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

<b>Table IV-1a</b>		
<b>COMPLIANCE ASSURANCE MONITORING REQUIREMENTS – PART 64</b>		
<b>Multi-clone dust collector on Boiler #8 (V8: tangential fired boiler – uses waste oil, No. 6 and No. 2 fuel oil</b>		
<b>Applicable Requirement</b>	<b>PM: Emission limit: 0.169 lbs. particulate matter per million Btu of heat input.</b>	
I. Indicator	Indicator #1	Indicator #2
	Pressure differential across the multi-clone	Opacity of multi-clone
Measurement Approach	Pressure differential across the multi-clone will be measured with a differential pressure gauge. The inlet pressure tap will be at the economizer outlet duct (near inlet of the multi-clone inlet) and outlet pressure tap will be at multi-clone outlet.	Continuous Opacity Monitoring System (COMS) downstream of multi-clone.
II. Indicator Range	The indicator range will be 0.1-inch water gauge and 10-inch water gauge	The opacity indicator range is an hourly average opacity less than 20 percent.
	An excursion is defined as a pressure drop greater than 10-inch	When the hourly average is outside the indicator range, there is

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-1a</b>		
<b>COMPLIANCE ASSURANCE MONITORING REQUIREMENTS – PART 64</b>		
<b>Multi-clone dust collector on Boiler #8 (V8: tangential fired boiler – uses waste oil, No. 6 and No. 2 fuel oil</b>		
Corrective Action	water gauge or less than 0.1-inch water gauge. Excursion will trigger an inspection corrective action and a reporting requirement. Facility plans to collect data in pressure drop. Based on collected data, indicator range may be revised later to reflect actual operation	no reporting or corrective action requirement relative to the PM limit.
<b>III. Performance Criteria</b>		
1. Data Representativeness	Pressure taps are located at the economizer outlet (upstream of multi-clone inlet) and multi-clone outlet. The differential pressure gauge will have a minimum accuracy of +/- 2.5% of full scale	The COMS was installed at a representative location in the multi-clone per 40 CFR 60, Appendix B, PS-1
2. Verification of Operational Status	N/A	Results of initial COMS performance evaluation conducted per PS-1.
3. AQ/AC Practices and Criteria	The pressure gauge will be calibrated annually. Pressure taps will be checked for plugging semi-annually and in case of excursions. All instruments will be calibrated and maintained per manufacturer's standard. Records of all QA/QC will be	The COMS was initially installed and evaluated per PS-1. Check the Zero and span drift daily and perform quarterly filter audits.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-1a</b>		
<b>COMPLIANCE ASSURANCE MONITORING REQUIREMENTS – PART 64</b>		
<b>Multi-clone dust collector on Boiler #8 (V8: tangential fired boiler – uses waste oil, No. 6 and No. 2 fuel oil</b>		
	maintained at site for at least 5 years	
4. (i) Monitoring Frequency	Pressure differential will be monitored continuously using an automated system.	The opacity of the multi-clone is monitored continuously (every 10 seconds).
(ii) Data Collection	Pressure differential will be recorded automatically or manually at least four times per hour	The Data Acquisition System (DAS) retains all 6-minutes and hourly average opacity data.
(iii) Averaging period	Not applicable for differential pressure measurements. Typical measurements are continuous.	The 10-second opacity data are used to calculate 6-minute averages. The 6-minute averages are used to calculate the hourly block average opacity.
5. Record keeping	Maintain for a period of at least 5 years records of inspection and of corrective action taken in response to excursions	Maintain for a period of at least 5 years records of quarterly filter audits.
6. (i) Reporting	Report the number, duration and cause of any excursion and corrective action taken.	Report the results of quarterly filter audits
(ii) Frequency	Semi-annually	Quarterly

*Please Note: Corrected typographical error. The correct, approved indicator range for differential pressure is 0.1" to 10" water gauge. The condition references an indicator range of 1" to 10" water gauge. Correction resolved.*

**Please Note:** On June 29, 2015, the Supreme Court issued an opinion in *Michigan et al v. Environmental Protection Agency*. The Supreme Court's decision remands the MATS rule to EPA and returns the matter to the U.S. Court of Appeals for the D.C. Circuit for

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

further proceedings. As of the issuance of this permit, the MATS rule is in effect. The Supreme Court decision in *Michigan* requires the EPA to undertake additional proceedings for the limited purpose of evaluating costs for its “appropriate and necessary” finding which preceded the MATS rule.

On December 27, 2018, EPA issued a proposed revised Supplemental Cost Finding for the Mercury and Air Toxics Standards, as well as the Clean Air Act required “risk and technology review.” After taking account of both the cost to coal- and oil-fired power plants of complying with the MATS rule (costs that range from \$7.4 to \$9.6 billion annually) and the benefits attributable to regulating hazardous air pollutant (HAP) emissions from these power plants (quantifiable benefits that range from \$4 to \$6 million annually), as EPA was directed to do by the United States Supreme Court, the Agency proposes to determine that it is not “appropriate and necessary” to regulate HAP emissions from power plants under Section 112 of the Clean Air Act.

On October 4, 2019 EPA sent the revised Supplemental Cost Finding and Residual Risk and Technology Review to the Office of Management and Budget for review. *This is typically the last step before the final rule is released.*

**On July 17, 2020**, the U.S. Environmental Protection Agency (EPA) finalized revisions to the electronic reporting requirements for the Mercury and Air Toxics Standards (MATS). This final action revises and streamlines those requirements, increases data transparency by requiring use of one electronic reporting system - the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool - instead of two separate systems and provides enhanced access to MATS data. No new monitoring requirements are imposed by this final action. This final action also extends the current deadline for alternative electronic data submission via portable document format (PDF) files through December 31, 2023.

Until and unless the MATS rule is stayed and/or vacated by the D.C. Circuit, MATS related conditions in the Title V permit apply. If the MATS rule is stayed and/or vacated or partially stayed and/or vacated, then the affected conditions in the Title V permit will be revised/removed accordingly.

<b>Table IV – 1b: MACT Subpart UUUUU</b>	
<b>1b.0</b>	<p><b><u>Emissions Unit Number(s): V8 (Cont'd)</u></b></p> <p>One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 2 fuel oil, No. 6 fuel oil or waste oil. (4-0065)</p> <p><b><i><u>Please Note:</u> V8 operates as limited-use liquid oil fired unit and are only subject to tune-up requirements.</i></b></p> <p><b><i>Limited-use liquid oil-fired subcategory means an oil-fired electric utility steam generating unit with an annual capacity factor of less than 8 percent of its maximum or nameplate heat input, whichever is greater, averaged over a 24-month block contiguous period commencing April 16, 2015. [§63.10042]</i></b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

<b>1b.1</b>	<p><b><u>Applicable Standards/Limits:</u></b></p> <p><u>Control of HAP Emissions</u>  <b>40 CFR Part 63, Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units.</b></p> <p><b>§63.9980 - <u>What is the purpose of this subpart?</u></b>  This subpart establishes national emission limitations and work practice standards for hazardous air pollutants (HAP) emitted from coal- and oil-fired electric utility steam generating units (EGUs) as defined in §63.10042 of this subpart. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.</p> <p><i>Electric utility steam generating unit (EGU) means a fossil fuel-fired combustion unit of more than 25 megawatts electric (MWe) that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 MWe output to any utility power distribution system for sale is considered an electric utility steam generating unit.</i></p> <p><b>§63.9981 - <u>Am I subject to this subpart?</u></b>  “You are subject to this subpart if you own or operate a coal-fired EGU or an <b>oil-fired</b> EGU as defined in §63.10042 of this subpart.”</p> <p><b>§63.9984 - <u>When do I have to comply with this subpart?</u></b>  “(b) If you have an <b>existing</b> EGU, you must comply with this subpart no later than <b>April 16, 2015.</b>”  “(c) You must meet the notification requirements in §63.10030 according to the schedule in §63.10030 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.”  “(f) You must demonstrate that compliance has been achieved, by conducting the required performance tests and other activities, no later than 180 days after the applicable date in paragraph (a), (b), (c), (d), or (e) of this section.”</p> <p><b>§63.9991 - <u>What emission limitations, work practice standards, and operating limits must I meet?</u></b>  “(a) You must meet the requirements in paragraphs (a)(1) and (2) of this section. You must meet these requirements at all times.</p>
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**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

(1) You must meet each emission limit and work practice standard in Table 1 through 3 to this subpart that applies to your EGU, for each EGU at your source, except as provided under §63.10009.

(2) *Not Applicable.*

(b) As provided in §63.6(g), the Administrator may approve use of an alternative to the work practice standards in this section.

(c) Not Applicable.

*General Compliance Requirements*

**§63.10000 - What are my general requirements for complying with this subpart?**

“(a) You must be in compliance with the emission limits and operating limits in this subpart. These limits apply to you at all times except during periods of startup and shutdown; however, for coal-fired, **liquid oil-fired**, or solid oil-derived fuel-fired EGUs, you are required to meet the work practice requirements in Table 3 to this subpart during periods of startup or shutdown.

(b) At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.”

**“(c)(2)(iv) If your unit qualifies as a limited-use liquid oil-fired as defined in §63.10042, then you are not subject to the emission limits in Tables 1 and 2, but you must comply with the performance tune-up work practice requirements in Table 3.**

**Table 3 to Subpart UUUUU of Part 63—Work Practice Standards**

As stated in §§63.9991, you must comply with the following applicable work practice standards:

If your EGU is...	You must meet the following...
1. An <b>existing</b> EGU	Conduct a tune-up of the EGU burner and combustion controls at least each 36 calendar months, or each 48 calendar months if neural network combustion optimization software is employed, as specified in §63.10021(e).

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

<b>1b.2</b>	<p><b><u>Testing Requirements:</u></b></p> <p><u>Control of HAPs Emissions</u></p> <p><b><u>Testing and Initial Compliance Requirements</u></b></p> <p><b><u>§63.10005 - What are my initial compliance requirements and by what date must I conduct them?</u></b></p> <p>“(e) <u>Tune-ups</u>. All affected EGUs are subject to the work practice standards in Table 3 of this subpart. As part of your initial compliance demonstration, you must conduct a performance tune-up of your EGU according to §63.10021(e).</p> <p>“(f) For existing affected sources a tune-up may occur prior to April 16, 2012, so that existing sources without neural networks have up to 42 calendar months (3 years from promulgation plus 180 days) or, in the case of units employing neural network combustion controls, up to 54 calendar months (48 months from promulgation plus 180 days) after the date that is specified for your source in §63.9984 and according to the applicable provisions in §63.7(a)(2) as cited in Table 9 to this subpart to demonstrate compliance with this requirement. If a tune-up occurs prior to such date, the source must maintain adequate records to show that the tune-up met the requirements of this standard.”</p> <p>“(j) Startup and shutdown for coal-fired or solid oil derived-fired units. You must follow the requirements given in Table 3 to this subpart.</p> <p>(k) You must submit a Notification of Compliance Status summarizing the results of your initial compliance demonstration, as provided in §63.10030.”</p> <p><b><u>§63.10006 - When must I conduct subsequent performance tests or tune-ups?</u></b></p> <p>“(i) If you are required to meet an applicable tune-up work practice standard, you must conduct a performance tune-up according to §63.10021(e).</p> <p>(1) For EGUs not employing neural network combustion optimization during normal operation, each performance tune-up specified in §63.10021(e) must be no more than 36 calendar months after the previous performance tune-up.</p> <p>(2) For EGUs employing neural network combustion optimization systems during normal operation, each performance tune-up specified in §63.10021(e) must be no more than 48 calendar months after the previous performance tune-up.”</p> <p>“(j) You must report the results of performance tests and performance tune-ups within 60 days after the completion of the performance tests and performance tune-ups. The reports for all subsequent performance tests must include all applicable information required in §63.10031.”</p>
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**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 1b: MACT Subpart UUUUU</b>	
<b>1b.3</b>	<p><b><u>Monitoring Requirements:</u></b></p> <p><u>Control of HAPs Emissions</u> <u>Continuous Compliance Requirements</u> <b>§63.10021 - How do I demonstrate continuous compliance with the emission limitations, operating limits, and work practice standards?</b></p> <p>“(a) You must demonstrate continuous compliance with each emissions limit, operating limit, and <b>work practice standard</b> in Tables 1 through 4 to this subpart that applies to you, according to the monitoring specified in Tables 6 and 7 to this subpart and paragraphs (b) through (g) of this section.</p> <p>“(e) If you must conduct periodic performance tune-ups of your EGU(s), as specified in paragraphs (e)(1) through (9) of this section, perform the first tune-up as part of your initial compliance demonstration. Notwithstanding this requirement, you may delay the first burner inspection until the next scheduled unit outage provided you meet the requirements of §63.10005. Subsequently, you must perform an inspection of the burner at least once every 36 calendar months unless your EGU employs neural network combustion optimization during normal operations in which case you must perform an inspection of the burner and combustion controls at least once every 48 calendar months.</p> <p>(1) As applicable, inspect the burner and combustion controls, and clean or replace any components of the burner or combustion controls as necessary upon initiation of the work practice program and at least once every required inspection period. Repair of a burner or combustion control component requiring special order parts may be scheduled as follows:</p> <p>(i) Burner or combustion control component parts needing replacement that affect the ability to optimize NO<sub>x</sub> and CO must be installed within 3 calendar months after the burner inspection,</p> <p>(ii) Burner or combustion control component parts that do not affect the ability to optimize NO<sub>x</sub> and CO may be installed on a schedule determined by the operator;</p> <p>(2) As applicable, inspect the flame pattern and make any adjustments to the burner or combustion controls necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available, or in accordance with best combustion engineering practice for that burner type;</p> <p>(3) As applicable, observe the damper operations as a function of mill and/or cyclone loadings, cyclone and pulverizer coal feeder loadings, or other pulverizer and coal mill performance parameters, making</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

	<p>adjustments and effecting repair to dampers, controls, mills, pulverizers, cyclones, and sensors;</p> <p>(4) As applicable, evaluate wind box pressures and air proportions, making adjustments and effecting repair to dampers, actuators, controls, and sensors;</p> <p>(5) Inspect the system controlling the air-to-fuel ratio and ensure that it is correctly calibrated and functioning properly. Such inspection may include calibrating excess O<sub>2</sub> probes and/or sensors, adjusting overfire air systems, changing software parameters, and calibrating associated actuators and dampers to ensure that the systems are operated as designed. Any component out of calibration, in or near failure, or in a state that is likely to negate combustion optimization efforts prior to the next tune-up, should be corrected or repaired as necessary;</p> <p>(6) Optimize combustion to minimize generation of CO and NO<sub>x</sub>. This optimization should be consistent with the manufacturer's specifications, if available, or best combustion engineering practice for the applicable burner type. NO<sub>x</sub> optimization includes burners, overfire air controls, concentric firing system improvements, neural network or combustion efficiency software, control systems calibrations, adjusting combustion zone temperature profiles, and add-on controls such as SCR and SNCR; CO optimization includes burners, overfire air controls, concentric firing system improvements, neural network or combustion efficiency software, control systems calibrations, and adjusting combustion zone temperature profiles;</p> <p>(7) While operating at full load or the predominantly operated load, measure the concentration in the effluent stream of CO and NO<sub>x</sub> in ppm, by volume, and oxygen in volume percent, before and after the tune-up adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). You may use portable CO, NO<sub>x</sub> and O<sub>2</sub> monitors for this measurement. EGU's employing neural network optimization systems need only provide a single pre- and post-tune-up value rather than continual values before and after each optimization adjustment made by the system;</p> <p>(8) Maintain on-site and submit, <b>if requested by the Administrator</b>, an annual report containing the information in paragraphs (e)(1) through (e)(9) of this section including:</p> <p>(i) The concentrations of CO and NO<sub>x</sub> in the effluent stream in ppm by volume, and oxygen in volume percent, measured before and after an adjustment of the EGU combustion systems;</p> <p>(ii) A description of any corrective actions taken as a part of the combustion adjustment; and</p>
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**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

(iii) The type(s) and amount(s) of fuel used over the 12 calendar months prior to an adjustment, but only if the unit was physically and legally capable of using more than one type of fuel during that period; and  
 (9) Report the dates of the initial and subsequent tune-ups as follows:  
 (i) If the first required tune-up is performed as part of the initial compliance demonstration, report the date of the tune-up in hard copy (as specified in §63.10030) and electronically (as specified in §63.10031). Report the date of each subsequent tune-up electronically (as specified in §63.10031).  
 (ii) If the first tune-up is not conducted as part of the initial compliance demonstration, but is postponed until the next unit outage, report the date of that tune-up and all subsequent tune-ups electronically, in accordance with §63.10031."

**Table 7 to Subpart UUUUU of Part 63—Demonstrating Continuous Compliance**

As stated in §63.10021, you must show continuous compliance with the emission limitations for affected sources according to the following:

If you use one of the following to meet applicable emissions limits, operating limits, or work practice standards	You demonstrate continuous compliance by
5. Conducting periodic performance tune-ups of your EGU(s)	Conducting periodic performance tune-ups of your EGU(s), as specified in §63.10021(e).

**1b.4 Record Keeping Requirements:**

**Note:** All records must be maintained for a period of 5 years. [Reference: COMAR 26.11.03.06C(5)(g)]

Control of HAPs Emissions  
**Notification, Reports, and Records**

**§63.10032 - What records must I keep?**

"(a) You must keep records according to paragraphs (a)(1) and (2) of this section. If you are required to (or elect to) continuously monitor Hg and/or HCl and/or HF emissions, you must also keep the records required under appendix A and/or appendix B to this subpart.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in §63.10(b)(2)(xiv).

(2) Records of performance stack tests, fuel analyses, or other compliance demonstrations and performance evaluations, as required in §63.10(b)(2)(viii).

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

- (b) For each CEMS and CPMS, you must keep records according to paragraphs (b)(1) through (4) of this section.
- (1) Records described in §63.10(b)(2)(vi) through (xi).
  - (2) Previous (*i.e.*, superseded) versions of the performance evaluation plan as required in §63.8(d)(3).
  - (3) Request for alternatives to relative accuracy test for CEMS as required in §63.8(f)(6)(i).
  - (4) Records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.
- (c) You must keep the records required in Table 7 to this subpart including records of all monitoring data and calculated averages for applicable PM CPMS operating limits to show continuous compliance with each emission limit and operating limit that applies to you.
- (d) For each EGU subject to an emission limit, you must also keep the records in paragraphs (d)(1) through (3) of this section.
- (1) You must keep records of monthly fuel use by each EGU, including the type(s) of fuel and amount(s) used.”
  - “(f) You must keep records of the occurrence and duration of each startup and/or shutdown.
  - (g) You must keep records of the occurrence and duration of each malfunction of an operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment.
  - (h) You must keep records of actions taken during periods of malfunction to minimize emissions in accordance with §63.10000(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
  - (i) You must keep records of the type(s) and amount(s) of fuel used during each startup or shutdown.”
- §63.10033 - In what form and how long must I keep my records?**
- “(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).
  - (b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
  - (c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.”

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

<b>1b.5</b>	<p><b><u>Reporting Requirements:</u></b></p> <p><u>Control of HAPs Emissions</u> <b><u>Notification, Reports, and Records</u></b></p> <p><b><u>§63.10030 - What notifications must I submit and when?</u></b></p> <p>“(a) You must submit all of the notifications in §§63.7(b) and (c), 63.8 (e), (f)(4) and (6), and 63.9 (b) through (h) that apply to you by the dates specified.</p> <p>(b) As specified in §63.9(b)(2), if you startup your EGU that is an affected source before April 16, 2012, you must submit an Initial Notification not later than 120 days after April 16, 2012.”</p> <p>“(e) When you are required to conduct an initial compliance demonstration as specified in §63.10011(a), you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). The Notification of Compliance Status report must contain all the information specified in paragraphs (e)(1) through (7), as applicable.</p> <p>(1) A description of the affected source(s) including identification of which subcategory the source is in, the design capacity of the source, a description of the add-on controls used on the source, description of the fuel(s) burned, including whether the fuel(s) were determined by you or EPA through a petition process to be a non-waste under 40 CFR 241.3, whether the fuel(s) were processed from discarded non-hazardous secondary materials within the meaning of 40 CFR 241.3, and justification for the selection of fuel(s) burned during the performance test.</p> <p>(2) – (4) <i>Not Applicable.</i></p> <p>(5) A signed certification that you have met all applicable emission limits and work practice standards.</p> <p>(6) If you had a deviation from any emission limit, work practice standard, or operating limit, you must also submit a brief description of the deviation, the duration of the deviation, emissions point identification and the cause of the deviation in the Notification of Compliance Status report.</p> <p>(7) – (8) <i>Not Applicable.</i></p> <p><b><u>§63.10031 - What reports must I submit and when?</u></b></p> <p>“(a) You must submit each report in Table 8 to this subpart that applies to you. If you are required to (or elect to) continuously monitor Hg and/or HCl and/or HF emissions, you must also submit the electronic reports required under appendix A and/or appendix B to the subpart, at the specified frequency.</p>
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**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 1b: MACT Subpart UUUUU**

<b>Table 8 to Subpart UUUUU of Part 63—Reporting Requirements</b>		
As stated in §63.10031, you must comply with the following requirements for reports:		
<b>You must submit a...</b>	<b>The report must contain...</b>	<b>You must submit the report...</b>
1. Compliance report	a. Information required in §63.10031(c)(1) through (4); and b. If there are no deviations from any emission limitation (emission limit and operating limit) that applies to you and there are no deviations from the requirements for work practice standards in Table 3 to this subpart that apply to you, a statement that there were no deviations from the emission limitations and work practice standards during the reporting period. If there were no periods during which the CMSs, including continuous emissions monitoring system, and operating parameter monitoring systems, were out-of-control as specified in §63.8(c)(7), a statement that there were no periods during which the CMSs were out-of-control during the reporting period; and	Semiannually according to the requirements in §63.10031(b).
	c. If you have a deviation from any emission limitation (emission limit and operating limit) or work practice standard during the reporting period, the report must contain the information in §63.10031(d). If there were periods during which the CMSs, including continuous emissions monitoring systems and continuous parameter monitoring systems, were out-of-control, as specified in §63.8(c)(7), the report must contain the information in §63.10031(e)	

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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 2</b>	
<b>2.0</b>	<p><b><u>Emissions Unit Number(s): V10 (Combustion Turbine)</u></b></p> <p><b>V10:</b> One (1) Pratt &amp; Whitney Canada (model FT4A-9) turbo-shaft gas combustion turbine rated at 276 million Btu per hour internal combustion engine firing No.2 fuel oil. (4-0020)</p>
<b>2.1</b>	<p><b><u>Applicable Standards/Limits:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b>  <b>COMAR 26.11.09.05A(1) – <u>Visible Emissions.</u></b>            “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.  <b>COMAR 26.11.09.05A(3) - <u>Exceptions.</u></b> “Section A (1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, start-up, 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> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b>  <b>COMAR 26.11.09.07A(1) - <u>Control of Sulfur Oxides From Fuel Burning Equipment</u></b>            “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: (1) In Areas I, II, V, and VI: (c) Distillate fuel oils, 0.3 percent.”</p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b>  <b>1. COMAR 26.11.09.08G - <u>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.</u></b>            “(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;</p>

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 2</b>	
	<p>(d) Require each operator of an installation, except combustion turbines, to attend operator training programs at least once every 3 years, on combustion optimization that are sponsored by the Department, the EPA, or equipment vendors; and</p> <p>(e) Maintain a record of training program attendance for each operator at the site, and make these records available to the Department upon request.</p> <p>(2) A person who owns or operates a combustion turbine with a capacity factor greater than 15 percent shall meet an hourly average NO<sub>x</sub> 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>2. Cross State Air Pollution Rule (CSAPR).  <b>See Table IV-4: CSAPR for Requirements.</b></p>
<b>2.2</b>	<p><b><u>Testing Requirements:</u></b></p> <p>A. <u>Control of Visible Emissions</u>          See Monitoring Requirements</p> <p>B. <u>Control of Sulfur Oxides Emissions</u>          See Monitoring Requirements.</p> <p>C. <u>Control of Nitrogen Oxides Emissions</u>          If the turbine operates more than 500 hours, the Permittee shall perform a combustion analysis and optimize combustion at least once annually.  <b>[Reference: COMAR 26.11.09.08G(1)(b)]</b></p>
<b>2.3</b>	<p><b><u>Monitoring Requirements:</u></b></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 one 18-minute period once every 168 hours of operation or at a minimum of once a year. If emissions exceed 20 percent opacity, the Permittee shall perform maintenance, and if the excess emissions are not eliminated with 48 hours of operation, a Method 9 observation shall be conducted daily until the visible emissions are reduced. <b>[Reference: COMAR 26.11.03.06C]</b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 2</b>	
	<p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> 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. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> See Record Keeping and Reporting Requirements</p>
<b>2.4</b>	<p><b><u>Record Keeping Requirements:</u></b> <b>Note:</b> All records must be maintained for a period of at least 5 years. <b>[Reference: COMAR 26.11.03.06C(5)(g)].</b></p> <p><b>A. <u>Control of Visible Emissions</u></b> The Permittee shall maintain records of all visible emissions observations and the certification of the visible emission readers. Records will be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> The Permittee shall maintain records of the fuel supplier's certification and shall make records available to the Department upon request. Records shall be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> The Permittee shall maintain results of the combustion analysis and any stack tests at the site for at least 5 years and make available to the Department and EPA upon request. <b>[Reference: COMAR 26.11.09.08G(1)(c)]</b></p>
<b>2.5</b>	<p><b><u>Reporting Requirements:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b> The Permittee shall report incidents of visible emissions in accordance with Permit Condition 4, Section III, "Report of Excess Emissions and Deviations." <b>[Reference: COMAR 26.11.03.06C].</b></p> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> The Permittee shall report fuel supplier certifications to the Department upon request. <b>[Reference: COMAR 26.11.09.07C]</b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 2</b>	
	<p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> The Permittee shall provide certification of the capacity factor of the equipment to the Department in writing. [Reference: <b>COMAR 26.11.09.08G(1)(a)</b>].</p>

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

<b>Table IV – 3</b>	
<b>3.0</b>	<p><b><u>Emissions Unit Number(s): V20 (Auxiliary Boiler)</u></b></p> <p><b>V20:</b> One (1) Nebraska Boiler Company (model 20-1896) auxiliary boiler rated at 48 million Btu per hour firing on No.2 fuel oil. (4-0114).</p>
<b>3.1</b>	<p><b><u>Applicable Standards/Limits:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b> <b>COMAR 26.11.09.05A(1) – <u>Visible Emissions.</u></b> “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. <b>COMAR 26.11.09.05A(3) - <u>Exceptions.</u></b> “Section A (1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, start-up, 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> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> <b>COMAR 26.11.09.07A(1) - <u>Control of Sulfur Oxides From Fuel Burning Equipment</u></b> “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: (1) In Areas I, II, V, and VI: (c) Distillate fuel oils, 0.3 percent;”</p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> <b>COMAR 26.11.09.08G - <u>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.</u></b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 3</b>	
	<p>“(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:</p> <p>(a) Provide certification of the capacity factor of the equipment to the Department in writing;</p> <p>(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;</p> <p>(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;</p> <p>(d) Require each operator of an installation, except combustion turbines, to attend operator training programs at least once every 3 years, on combustion optimization that are sponsored by the Department, the EPA, or equipment vendors; and</p> <p>(e) Maintain a record of training program attendance for each operator at the site, and make these records available to the Department upon request.</p> <p>(2) A person who owns or operates a combustion turbine with a capacity factor greater than 15 percent shall meet an hourly average NO<sub>x</sub> 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><b>D. <u>Operational Limit</u></b> The Permittee shall only burn No. 2 fuel oil unless the Permittee applies for and receives an approval or permit from the Department to burn an alternate fuel. <b>[Reference: COMAR 26.11.02.09A]</b></p> <p><b>E. <u>Control of HAP Emissions</u></b> <b>See Table IV-3a: Boiler MACT Subpart DDDDD.</b></p>
<b>3.2</b>	<p><b><u>Testing Requirements:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b> See Monitoring Requirements</p> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> See Monitoring Requirements.</p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> If the Permittee operates the auxiliary boiler in excess of 15 percent capacity factor, the Permittee shall demonstrate compliance with the 42</p>

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 3</b>	
	<p>ppm limit by performing and EPA Reference Method Test within 120 days after exceeding the 15 percent capacity factor. The Permittee shall submit a test protocol to the Department for approval at least 30 prior to the proposed test date. <b>[Reference: COMAR 26.11.09.08G(1)(b)]</b></p> <p>D. <u>Operational Limit</u>            See Monitoring Requirements</p>
<b>3.3</b>	<p><b><u>Monitoring Requirements:</u></b></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 one 18-minute period once every 168 hours of operation or at a minimum of once a year. If emissions exceed 20 percent opacity, the Permittee shall perform maintenance, and if the excess emissions are not eliminated with 48 hours of operation, a Method 9 observation shall be conducted daily until the visible emissions are reduced. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p>B. <u>Control of Sulfur Oxides Emissions</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. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p>C. <u>Control of Nitrogen Oxides Emissions</u>            If the auxiliary boiler operates more than 500 hours during a calendar year, the Permittee shall perform a combustion analysis and optimize combustion. The Permittee shall calculate the capacity factor of the auxiliary boiler within 30 days after the end of each month. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p>D. <u>Operational Limit</u>            The Permittee shall log the number of hours that the auxiliary boiler is operated on a daily basis. <b>[Reference: COMAR 26.11.03.06C]</b></p>
<b>3.4</b>	<p><b><u>Record Keeping Requirements:</u></b></p> <p><b><u>Note:</u></b> All records must be maintained for a period of at least 5 years. <b>[Reference: COMAR 26.11.03.06C(5)(g)].</b></p> <p>A. <u>Control of Visible Emissions</u></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 3**

	<p>The Permittee shall maintain records of all visible emissions observations. Records will be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> The Permittee shall maintain records of the fuel supplier's certification and shall make records available to the Department upon request. Records shall be maintained for a period of 5 years. <b>[Reference: COMAR 26.11.03.06C]</b></p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> The Permittee shall maintain 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 EPA upon request. The Permittee shall maintain a record of the calculated capacity factor. The Permittee shall maintain a record of training program attendance for each operator on site. <b>[Reference: COMAR 26.11.09.08G(1)(c)]</b></p> <p><b>D. <u>Operational Limit</u></b> The Permittee shall keep records of the type and quantity of the fuel used in the auxiliary boiler. <b>[Reference: COMAR 26.11.03.06C]</b></p>
<b>3.5</b>	<p><b><u>Reporting Requirements:</u></b></p> <p><b>A. <u>Control of Visible Emissions</u></b> The Permittee shall report excess emissions to the Department. <b>[References: COMAR 26.11.01.10C&amp;D]</b></p> <p><b>B. <u>Control of Sulfur Oxides Emissions</u></b> The Permittee shall report fuel supplier certifications to the Department upon request. <b>[Reference: COMAR 26.11.09.07C]</b></p> <p><b>C. <u>Control of Nitrogen Oxides Emissions</u></b> The Permittee shall provide certification of the capacity factor of the equipment to the Department in writing as part of the Emission Certification Report. The Permittee shall a list of trained operators to the Department upon request. A person subject to this regulation shall maintain annual fuel use records on site for not less than 3 years and make these records available to the Department upon request. <b>[Reference: COMAR 26.11.09.08G(1)(a)]</b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 3</b>	
	<p><b>D. Operational Limit</b> The Permittee shall report the type and quantity of fuel used in the auxiliary boiler to the Department in the annual emission certification report due on April 1 of each year. [Reference: COMAR 26.11.02.19C]</p>

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

<b>Table IV – 3a: MACT Subpart DDDDD</b>	
<b>3a.0</b>	<p><b><u>Emissions Unit Number(s): V20 (Cont'd)</u></b></p> <p><b>V20:</b> One (1) Nebraska Boiler Company (model 20-1896) auxiliary boiler rated at 48 million Btu per hour firing on No.2 fuel oil. (4-0114). <i>This is a Limited Use Boiler.</i></p>
<b>3a.1</b>	<p><b><u>Applicable Standards/Limits:</u></b></p> <p><b><u>Control of HAP Emissions</u></b> <b>40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters</b> <b>§63.7485 - Am I subject to this subpart?</b> You are subject to this subpart if you own or operate an industrial, commercial, or institutional boiler or process heater as defined in §63.7575 that is located at, or is part of, a major source of HAP, except as specified in §63.7491. For purposes of this subpart, a major source of HAP is as defined in §63.2, except that for oil and natural gas production facilities, a major source of HAP is as defined in §63.7575.</p> <p><b>§63.7495 - When do I have to comply with this subpart?</b> “(b) If you have an <b>existing boiler</b> or process heater, you must comply with this subpart no later than <b>January 31, 2016</b>, except as provided in §63.6(i).” “(d) You must meet the notification requirements in §63.7545 according to the schedule in §63.7545 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.”</p> <p><b>§63.7500 - What emission limitations, work practice standards, and operating limits must I meet?</b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 3a: MACT Subpart DDDDD</b>	
	<p>“(a) You must meet the requirements in paragraphs (a)(1) through (3) of this section, <b>except as provided in paragraphs (b), through (e) of this section.</b> You must meet these requirements at all times the affected unit is operating, except as provided in paragraph (f) of this section.”</p> <p>“(c) Limited-use boilers and process heaters must complete a tune-up every 5 years as specified in §63.7540. <b>They are not subject to the emission limits in Tables 1 and 2 or 11 through 13 to this subpart, the annual tune-up, or the energy assessment requirements in Table 3 to this subpart, or the operating limits in Table 4 to this subpart.</b>”</p> <p><b>Limited-use boiler or process heater</b> means any boiler or process heater that burns any amount of solid, liquid, or gaseous fuels and has a federally enforceable average annual capacity factor of no more than 10 percent. [Reference: §63.7575]</p> <p><u>Operational Limit</u> In order to meet the definition of a “Limited–use boiler” under 40 CFR Part 63, Subpart DDDDD, the Permittee shall limit the annual capacity factor, as defined in §63.7575, for <b>V20</b> to no more than 10 percent.</p>
<b>3a.2</b>	<p><b><u>Testing Requirements:</u></b></p> <p><u>Control of HAPs Emissions</u> <b>§63.7510 - What are my initial compliance requirements and by what date must I conduct them?</b></p> <p>“(e) For existing affected sources (as defined in §63.7490), you must complete the initial compliance demonstration, as specified in paragraphs (a) through (d) of this section, no later than 180 days after the compliance date that is specified for your source in §63.7495 and according to the applicable provisions in §63.7(a)(2) as cited in Table 10 to this subpart, except as specified in paragraph (j) of this section. You must complete an initial tune-up by following the procedures described in §63.7540(a)(10)(i) through (vi) no later than the compliance date specified in §63.7495, except as specified in paragraph (j) of this section. You must complete the one-time energy assessment specified in Table 3 to this subpart no later than the compliance date specified in §63.7495, except as specified in paragraph (j) of this section. <b>Note:</b> Limited use boilers are exempt from the energy assessment requirement.</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 3a: MACT Subpart DDDDD</b>	
	<p><b>§63.7515 - <u>When must I conduct subsequent performance tests, fuel analyses, or tune-ups?</u></b> “(d) If you are required to meet an applicable tune-up work practice standard, you must conduct an annual, biennial, or 5-year performance tune-up according to §63.7540(a)(10), (11), or (12), respectively. Each annual tune-up specified in §63.7540(a)(10) must be no more than 13 months after the previous tune-up. Each biennial tune-up specified in §63.7540(a)(11) must be conducted no more than 25 months after the previous tune-up. Each 5-year tune-up specified in §63.7540(a)(12) must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed affected source (as defined in §63.7490), the first annual, biennial, or 5-year tune-up must be no later than 13 months, 25 months, or 61 months, respectively, after the initial startup of the new or reconstructed affected source.”</p>
<b>3a.3</b>	<p><b><u>Monitoring Requirements:</u></b></p> <p><b><u>Control of HAPs Emissions</u></b> <b>§63.7530 - <u>How do I demonstrate initial compliance with the emission limitations, fuel specifications and work practice standards?</u></b> “(f) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.7545(e).”</p> <p><b><u>Continuous Compliance Requirements</u></b> <b>§63.7540 - <u>How do I demonstrate continuous compliance with the emission limitations, fuel specifications and work practice standards?</u></b> “(a) You must demonstrate continuous compliance with each emission limit in Tables 1 and 2 or 11 through 13 to this subpart, the work practice standards in Table 3 to this subpart, and the operating limits in Table 4 to this subpart that applies to you according to the methods specified in Table 8 to this subpart and paragraphs (a)(1) through (19) of this section.” “(10) If your boiler or process heater has a heat input capacity of 10 million Btu per hour or greater, you must conduct an annual tune-up of the boiler or process heater to demonstrate continuous compliance as specified in paragraphs (a)(10)(i) through (vi) of this section. <b><u>This frequency does not apply to limited-use boilers</u></b> and process heaters, as defined in §63.7575, or units with continuous oxygen trim systems that maintain an optimum air to fuel ratio. (i) As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown). Units that produce</p>

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 3a: MACT Subpart DDDDD**

	<p>electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection. At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;</p> <p>(ii) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;</p> <p>(iii) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection;</p> <p>(iv) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO<sub>x</sub> requirement to which the unit is subject;</p> <p>(v) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and</p> <p>(vi) Maintain on-site and submit, if requested by the Administrator, an annual report containing the information in paragraphs (a)(10)(vi)(A) through (C) of this section,</p> <p>(A) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater;</p> <p>(B) A description of any corrective actions taken as a part of the tune-up; and</p> <p>(C) The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit."</p>
<p><b>3a.4</b></p>	<p><b><u>Record Keeping Requirements:</u></b>  <b>Note:</b> All records must be maintained for a period of 5 years. [Reference: COMAR 26.11.03.06C(5)(g)]</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV – 3a: MACT Subpart DDDDD</b>	
	<p><u>Control of HAPs Emissions</u> <b><u>Notification, Reports, and Records</u></b> <b><u>§63.7555 - What records must I keep?</u></b> “(a) You must keep records according to paragraphs (a)(1) and (2) of this section. (1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in §63.10(b)(2)(xiv). (2) Records of performance tests, fuel analyses, or other compliance demonstrations and performance evaluations as required in §63.10(b)(2)(viii).”</p> <p><b><u>§63.7560 - In what form and how long must I keep my records?</u></b> “(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1). (b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. (c) You must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.”</p>
<b>3a.5</b>	<p><b><u>Reporting Requirements:</u></b></p> <p><u>Control of HAPs Emissions</u> <b><u>Notification, Reports, and Records</u></b> <b><u>§63.7545 - What notifications must I submit and when?</u></b> “(a) You must submit to the Administrator all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (6), and 63.9(b) through (h) that apply to you by the dates specified. “(e) If you are required to conduct an initial compliance demonstration as specified in §63.7530, you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). For the initial compliance demonstration for each boiler or process heater, you must submit the Notification of Compliance Status, including all performance test results and fuel analyses, before the close of business on the 60th day following the completion of all performance test and/or other initial compliance demonstrations for all boiler or process heaters at the facility according to §63.10(d)(2). The Notification of Compliance Status report must</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 3a: MACT Subpart DDDDD**

contain all the information specified in paragraphs (e)(1) through (8), as applicable. If you are not required to conduct an initial compliance demonstration as specified in §63.7530(a), the Notification of Compliance Status must only contain the information specified in paragraphs (e)(1) and (8).”

“(8) In addition to the information required in §63.9(h)(2), your notification of compliance status must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

(i) “This facility complies with the required initial tune-up according to the procedures in §63.7540(a)(10)(i) through (vi).”

**§63.7550 - What reports must I submit and when?**

“(a) You must submit each report in Table 9 to this subpart that applies to you.

You must submit a(n)	The report must contain	You must submit the report
<b>1. Compliance report</b>	<b>a. Information required in §63.7550(c)(1) through (5); and</b>	<b>Semiannually, annually, biennially, or every 5 years according to the requirements in §63.7550(b).</b>

(b) Unless the EPA Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report, according to paragraph (h) of this section, by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (4) of this section. **For units that are subject only to a requirement to conduct an annual, biennial, or 5-year tune-up according to §63.7540(a)(10), (11), or (12), respectively, and not subject to emission limits or operating limits, you may submit only an annual, biennial, or 5-year compliance report, as applicable, as specified in paragraphs (b)(1) through (4) of this section, instead of a semi-annual compliance report.**

(1) The first compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in §63.7495 and ending on July 31 or January 31, whichever date is the first date that occurs at least 180 days (or 1, 2, or 5 years, as applicable, if submitting an annual, biennial, or 5-year compliance report) after the compliance date that is specified for your source in §63.7495.

(2) The first compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for each boiler or process heater in §63.7495. The first annual, biennial,

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV – 3a: MACT Subpart DDDDD**

or 5-year compliance report must be postmarked or submitted no later than January 31.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. **Annual, biennial, and 5-year compliance reports must cover the applicable 1-, 2-, or 5-year periods from January 1 to December 31.**

(4) Each subsequent compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period. **Annual, biennial, and 5-year compliance reports must be postmarked or submitted no later than January 31.**

(c) A compliance report must contain the following information depending on how the facility chooses to comply with the limits set in this rule.

(1) If the facility is subject to a the requirements of a tune up they must submit a compliance report with the information in paragraphs (c)(5)(i) through (iv) and (xiv) of this section.

“(5)(i) Company and Facility name and address.

(ii) Process unit information, emissions limitations, and operating parameter limitations.

(iii) Date of report and beginning and ending dates of the reporting period.

(iv) The total operating time during the reporting period.”

“(xiv) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or 5-year tune-up according to §63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.”

“(h) You must submit the reports according to the procedures specified in paragraphs (h)(1) through (3) of this section.”

“(3) You must submit all reports required by Table 9 of this subpart electronically using CEDRI that is accessed through the EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due the report you must submit the report to the Administrator at the appropriate address listed in § 63.13. At the discretion of the Administrator, you must also submit these reports, to the Administrator in the format specified by the Administrator.”

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-4: Cross State Air Pollution Rule (CSAPR)</b>	
<b>4.0</b>	<p><b><u>Emissions Unit Number(s): V8 &amp; V10</u></b></p> <p><b>V8:</b> One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 2 fuel oil, No. 6 fuel oil or waste oil. (4-0065)</p> <p><b>V10:</b> One (1) Pratt &amp; Whitney Canada (model FT4A-9) turbo-shaft gas combustion turbine rated at 276 million Btu per hour internal combustion engine firing No.2 fuel oil. (4-0020)</p>
<b>4.1</b>	<p><b><u>Applicable Standards/Limits:</u></b></p> <p><b>COMAR 26.11.28.02 - Requirements.</b></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<sub>x</sub> 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<sub>x</sub> 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><b>This is superseded by Group 3 Subpart GGGGG published April 30, 2021, effective June 29, 2021.</b></i>)</p> <p>(3) This chapter incorporates by reference provisions of the CSAPR SO<sub>2</sub> 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><b>A. 40 CFR Part 97 Subpart AAAAA—CSAPR NO<sub>x</sub> Annual Trading Program</b></p> <p><b>§97.406 - Standard requirements.</b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

**(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<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual allowances under §§97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions requirements—(1) CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under §97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Annual units at the source.

(ii) If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Annual units at a CSAPR NO<sub>x</sub> Annual source are in excess of the CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual unit at the source shall hold the CSAPR NO<sub>x</sub> Annual allowances required for deduction under §97.424(d); and

(B) The owners and operators of the source and each CSAPR NO<sub>x</sub> 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.

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

(2) *CSAPR NO<sub>x</sub> Annual assurance provisions.* (i) If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions exceed the sum, for such control period, of the State NO<sub>x</sub> 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<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> 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 designated representative's share of total NO<sub>x</sub> emissions from the

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-4: Cross State Air Pollution Rule (CSAPR)</b>	
	<p>CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> 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.</p> <p>(v) To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,</p> <p>(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</p> <p>(B) Each CSAPR NO<sub>x</sub> 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.</p> <p>(3) <u>Compliance periods.</u> (i) A CSAPR NO<sub>x</sub> 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.</p> <p>(ii) A CSAPR NO<sub>x</sub> 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.</p> <p>(4) <u>Vintage of CSAPR NO<sub>x</sub> Annual allowances held for compliance.</u> (i) A CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual allowance that was allocated or auctioned for such control period or a control period in a prior year.</p> <p>(ii) A CSAPR NO<sub>x</sub> 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<sub>x</sub> 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.</p> <p>(5) <u>Allowance Management System requirements.</u> Each CSAPR NO<sub>x</sub> Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.</p> <p>(6) <u>Limited authorization.</u> A CSAPR NO<sub>x</sub> Annual allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:</p> <p>(i) Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Annual Trading Program; and</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

(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<sub>x</sub> 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<sub>x</sub> Annual allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report NO<sub>x</sub> 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<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> 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<sub>x</sub> 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.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

compliance with the requirements of, the CSAPR NO<sub>x</sub> Annual Trading Program.

(2) The designated representative of a CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual source or the designated representative of a CSAPR NO<sub>x</sub> Annual source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Annual units at the source.

(2) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual unit or the designated representative of a CSAPR NO<sub>x</sub> Annual unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.** No provision of the CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual source or CSAPR NO<sub>x</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowances under §§97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO<sub>2</sub> Group 1 emissions limitation and assurance provisions under paragraph (c) of this section, provided that,

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

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) SO<sub>2</sub> emissions requirements—(1) CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under §97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> Group 1 units at the source.

(ii) If total SO<sub>2</sub> emissions during a control period in a given year from the CSAPR SO<sub>2</sub> Group 1 units at a CSAPR SO<sub>2</sub> Group 1 source are in excess of the CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 unit at the source shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required for deduction under §97.624(d); and

(B) The owners and operators of the source and each CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 assurance provisions.** (i) If total SO<sub>2</sub> emissions during a control period in a given year from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowances available for deduction for such control period under §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—

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

(A) The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> 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 SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> emissions exceed the sum, for such control period, of the State SO<sub>2</sub> 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 SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> emissions from the CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 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 SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(1) of this section for the control

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowances held for compliance.* (i) A CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowance is a limited authorization to emit one ton of SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report SO<sub>2</sub> 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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

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 SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 Trading Program.

(2) The designated representative of a CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall make all submissions required under the CSAPR SO<sub>2</sub> 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.

**(f) Liability.** (1) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 source or the designated representative of a CSAPR SO<sub>2</sub> Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO<sub>2</sub> Group 1 units at the source.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

(2) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 unit or the designated representative of a CSAPR SO<sub>2</sub> Group 1 unit shall also apply to the owners and operators of such unit.

(g) **Effect on other authorities.** No provision of the CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 source or CSAPR SO<sub>2</sub> 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<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 source and each CSAPR NO<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 allowances under §§97.1011(a)(2) and (b) and 97.1012 and to determine compliance with the CSAPR NO<sub>x</sub> 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 to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) **NO<sub>x</sub> emissions requirements -**

(1) **CSAPR NO<sub>x</sub> 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<sub>x</sub> Ozone Season

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

Group 3 source and each CSAPR NO<sub>x</sub> Ozone Season Group 3 unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Ozone Season Group 3 units at the source.

(ii) If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Ozone Season Group 3 units at a CSAPR NO<sub>x</sub> Ozone Season Group 3 source are in excess of the CSAPR NO<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 unit at the source shall hold the CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 assurance provisions.**

(i) If total NO<sub>x</sub> emissions during a control period in a given year from all base CSAPR NO<sub>x</sub> Ozone Season Group 3 units at base CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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 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<sub>x</sub> 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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO<sub>x</sub> emissions from all base CSAPR NO<sub>x</sub> Ozone Season Group 3 units at base CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> emissions from all base CSAPR NO<sub>x</sub> Ozone Season Group 3 units at base CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions exceed the sum, for such control period, of the State NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> emissions from all base CSAPR NO<sub>x</sub> Ozone Season Group 3 units at base CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions from the base CSAPR NO<sub>x</sub> Ozone Season Group 3 units at base CSAPR NO<sub>x</sub> 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<sub>x</sub> 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:

(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<sub>x</sub> 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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

**(3) Compliance periods.**

(i) A CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 allowances held for compliance.**

(i) A CSAPR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 allowance is a limited authorization to emit one ton of NO<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 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<sub>x</sub> Ozone Season Group 3 allowance does not constitute a property right.

**(d) Title V permit requirements.**

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**Table IV-4: Cross State Air Pollution Rule (CSAPR)**

- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances in accordance with this subpart.
- (2) A description of whether a unit is required to monitor and report NO<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 source and each CSAPR NO<sub>x</sub> 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<sub>x</sub> 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.
- (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<sub>x</sub> Ozone Season Group 3 Trading Program.
- (2) The designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 3 source and each CSAPR NO<sub>x</sub> Ozone Season Group 3 unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program, except as provided in

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
 PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-4: Cross State Air Pollution Rule (CSAPR)</b>	
	<p>§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><b>(f) <u>Liability.</u></b></p> <p>(1) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 3 source or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 3 source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Ozone Season Group 3 units at the source.</p> <p>(2) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 3 unit or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 3 unit shall also apply to the owners and operators of such unit.</p> <p><b>(g) <u>Effect on other authorities.</u></b> No provision of the CSAPR NO<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 source or CSAPR NO<sub>x</sub> 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>
<b>4.2</b>	<p><b><u>Testing Requirements:</u></b></p> <p><b>A, B &amp; C:</b> See Monitoring Requirements.</p>
<b>4.3</b>	<p><b><u>Monitoring Requirements:</u></b></p> <p><b>A. 40 CFR Part 97 Subpart AAAAA—CSAPR NO<sub>x</sub> Annual Trading Program</b>        The Permittee shall comply with the monitoring requirements found in §97.406, §97.430, and §97.434 for the NO<sub>x</sub> Annual Trading Program.</p> <p><b>B. 40 CFR Part 97 Subpart CCCCC—CSAPR SO<sub>2</sub> Group 1 Trading Program</b>        The Permittee shall comply with the monitoring requirements found in §97.606, §97.630, §97.631, §97.632, and §97.633.</p> <p><b>40 CFR Part 97 Subpart GGGGG - CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program</b>        The Permittee shall comply with the monitoring requirements found in §97.1006; §97.1030; §97.1031, §97.1032, and §97.1033 for the NO<sub>x</sub> Ozone Season Group 3 Trading Program.</p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-4: Cross State Air Pollution Rule (CSAPR)</b>	
	<p>The Permittee operates an EPA-approved alternative monitoring system requirement pursuant to 40 CFR Part 75, Subpart E for SO<sub>2</sub> and NO<sub>x</sub>. This is the same monitoring to satisfy the requirements of the Acid Rain Program.</p>
<b>4.4</b>	<p><b><u>Record Keeping Requirements:</u></b> <b>Note:</b> All records must be maintained for a period of at least 5 years. <b>[Reference: COMAR 26.11.03.06C(5)(g)]</b></p> <p><b>A. 40 CFR Part 97 Subpart AAAAA—CSAPR NO<sub>x</sub> Annual Trading Program</b> The Permittee shall comply with the recordkeeping requirements found in §97.406, §97.430, and §97.434 for the NO<sub>x</sub> Annual Trading Program.</p> <p><b>B. 40 CFR Part 97 Subpart CCCCC—CSAPR SO<sub>2</sub> Group 1 Trading Program</b> The Permittee shall comply with the recordkeeping requirements found in §97.606, §97.630, and §97.634.</p> <p><b>C. 40 CFR Part 97 Subpart GGGGG - CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program</b> The Permittee shall comply with the recordkeeping requirements found in §97.1006; §97.1030 and §97.1034 for the NO<sub>x</sub> Ozone Season Group 3 Trading Program.</p>
<b>4.5</b>	<p><b><u>Reporting Requirements:</u></b></p> <p><b>A. 40 CFR Part 97 Subpart AAAAA—CSAPR NO<sub>x</sub> Annual Trading Program</b> The Permittee shall comply with the reporting requirements found in §97.406, §97.430, §97.433 and §97.434 for the NO<sub>x</sub> Annual Trading Program.</p> <p><b>B. 40 CFR Part 97 Subpart CCCCC—CSAPR SO<sub>2</sub> Group 1 Trading Program</b> The Permittee shall comply with the reporting requirements found in §97.606, §97.630, §97.633 and §97.634.</p> <p><b>C. 40 CFR Part 97 Subpart GGGGG - CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program</b></p>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

<b>Table IV-4: Cross State Air Pollution Rule (CSAPR)</b>	
	The Permittee shall comply with the reporting requirements found in §97.1006; §97.1030 and §97.1034 for the NO <sub>x</sub> Ozone Season Group 3 Trading Program

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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**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)              ✓        Space heaters utilizing direct heat transfer and used solely for comfort heat;
  
- (2)              ✓        Water cooling towers and water cooling ponds unless used for evaporative cooling of water from barometric jets or barometric condensers, or used in conjunction with an installation requiring a permit to operate;
  
- (3) No.   1      Unheated VOC dispensing containers or unheated VOC rinsing containers of 60 gallons (227 liters) capacity or less;

The *affected unit* is subject to COMAR 26.11.19.09D, which requires that the Permittee control emissions of volatile organic compounds (VOC) from cold degreasing operations by meeting the following requirements:

- (a) COMAR 26.11.19.09D(2)(b), which establishes that the Permittee shall not use any VOC degreasing material that exceeds a vapor pressure of 1 mm Hg at 20 ° C;
  
- (b) COMAR 26.11.19.09D(3)(a—d), which requires that the Permittee implement good operating practices designed to minimize spills and evaporation of VOC degreasing material. These practices, which shall be established in writing and displayed such that they are clearly visible to operators, shall include covers (including water covers), lids, or other methods of minimizing evaporative losses, and reducing the time and frequency during which parts are cleaned;
  
- (c) COMAR 26.11.19.09D(4), which prohibits the use of any halogenated VOC for cold degreasing.

The Permittee shall maintain on site for at least five (5) years, and shall make available to the Department upon request, the following records of operating data:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (a) Monthly records of the total VOC degreasing materials used; and
  - (b) Written descriptions of good operating practices designed to minimize spills and evaporation of VOC degreasing materials.
- (4)  Equipment for drilling, carving, cutting, routing, turning, sawing, planing, spindle sanding, or disc sanding of wood or wood products;
- (5)  Brazing, soldering, or welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals and not directly related to plant maintenance, upkeep and repair or maintenance shop activities;
- (6) Containers, reservoirs, or tanks used exclusively for:
- (a)  Storage of butane, propane, or liquefied petroleum, or natural gas;
  - (b) No. 2 Storage of lubricating oils;
  - (c) No. 7 Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel;
  - (d) No. 30 The storage of VOC normally used as solvents, diluents, thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins, or other surface coatings and having individual capacities of 2,000 gallons (7.6 cubic meters) or less;
- (7)  Charbroilers and pit barbecues as defined in COMAR 26.11.18.01 with a total cooking area of 5 square feet (0.46 square meter) or less;
- (8)  First aid and emergency medical care provided at the facility, including related activities such as sterilization and medicine preparation used in support of a manufacturing or production process;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (9)        ✓        Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks displays, and kerosene fuel use;
  
- (10)      ✓        Potable water treatment equipment, not including air stripping equipment;
  
- (11)      ✓        Comfort air conditioning subject to requirements of Title VI of the Clean Air Act;
  
- (12)      ✓        Laboratory fume hoods and vents;

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**SECTION VI STATE-ONLY ENFORCEABLE CONDITIONS**

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

1. Applicable Regulations:

**COMAR 26.11.06.08 – Nuisance.**

“An installation or premises may not be operated or maintained in such a manner that 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.”

**Emissions Unit Number(s): V8 (Cont'd)**

**V8:** One (1) Combustion Engineering model natural circulation, tangential fired boiler rated at 2317 million Btu per hour firing on distillate oil, residual oil and/or waste oil. [4-0065]:

**Applicable Standards/Limits:**

**COMAR 26.11.09.05A(4) - Fuel Burning Equipment Required to Operate a COM.** “The owner or operator of fuel burning equipment that is subject to the requirement to install and operate a COM shall demonstrate compliance with the applicable visible emissions limitation specified in §A(1) and (2) of this regulation as follows:

(a) For units with a capacity factor greater than 25 percent, until December 31, 2009, compliance is achieved if visible emissions do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4 percent of the unit's operating time in any calendar quarter, during which time visible emissions:

- (i) Do not exceed 40.0 percent opacity, except for 5.0 hours or 0.5 percent of the unit's operating time, whichever is greater;
- (ii) Do not exceed 70.0 percent opacity for more than four (4) 6-minute periods, except that coal-fired units equipped with electrostatic precipitators may exceed 70.0 percent opacity for no more than 2.2 hours; and
- (iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

1.4 hours and do not exceed 70.0 percent opacity for more than two (2) six-minute periods;

(b) For units with a capacity factor greater than 25 percent, beginning January 1, 2010, compliance is achieved if visible emissions do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 2 percent of the unit's operating time in any calendar quarter, during which time visible emissions:

(i) Do not exceed 40.0 percent opacity, except for 5.0 hours or 0.5 percent of the unit's operating time, whichever is greater;

(ii) Do not exceed 70.0 percent opacity for more than four (4) six-minute periods, except that coal-fired units equipped with electrostatic precipitators may exceed 70.0 percent opacity for no more than 2.2 hours; and

(iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two 6-minute periods;

(c) For units with a capacity factor equal to or less than 25 percent that operate more than 300 hours per quarter, beginning July 1, 2009, compliance with the applicable visible emissions limitation in §A(1) and (2) of this regulation is achieved if, during a calendar quarter, visible emissions do not exceed the applicable standard for more than 20.0 hours, during which time visible emissions:

(i) Do not exceed 40.0 percent opacity for more than 2.2 hours;

(ii) Do not exceed 70 percent for more than four 6-minute periods; and

(iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two 6-minute periods; and

(d) For units with a capacity factor equal to or less than 25 percent that operate less than 300 hours per quarter, beginning July 1, 2009, compliance with the applicable visible emissions limitation in §A(1) and (2) of this regulation is achieved if, during a calendar quarter, visible emissions do not exceed the applicable standard for more than 12.0 hours, during which time visible emissions:

(i) Do not exceed 40.0 percent opacity for more than 2.2 hours;

(ii) Do not exceed 70.0 percent opacity for more than four 6-minute periods; and

(iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two 6-minute periods."

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

**COMAR 26.11.09.05B. Determining Violations.**

"(1) For each unit required to operate a COM pursuant to COMAR 26.11.01.10A(1)(a) and (b), each day during a calendar quarter when the opacity of emissions from that unit during the calendar quarter or calendar day, as applicable, exceeds the emission limitations in §A(4)(a), (b), (c) and (d) of this regulation shall constitute a separate day of violation.

(2) A violation of §A(4)(a)(i), (ii), or (iii), §A(4)(b)(i), (ii) or (iii), §A(4)(c)(i), (ii) or (iii), or §A(4)(d)(i), (ii) or (iii), of this regulation, as applicable, that occur on the same day shall constitute separate violations.

(3) A daily violation that occurs during the same calendar quarter as a quarterly violation is a separate violation."

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**COMAR 26.11.09.10 - Requirements to Burn Used Oil and Waste Combustible Fluid as Fuel.**

**A. General Requirements.**

(1) A person who proposes to burn used oil or waste combustible fluid in an installation shall submit the following information to the Department:

(a) A description of, and the location of, each fuel-burning equipment or other installation in which the used oil or WCF is to be burned and the rated heat input capacity of each;

(b) The type and amount of fuel currently being used in each installation and the gallons of used oil or WCF expected to be burned annually;

(c) The maximum percentage of used oil or WCF to be burned as fuel in each installation; and

(d) An analysis by an independent laboratory of a representative sample of the used oil or WCF, which shall include the concentration of each of the materials listed in §B of this regulation, the PCB concentration, and the flash point.

(2) A person may burn on-specification used oil in any installation upon submitting the information required in §A(1) of this regulation.

(3) A person who is burning used oil or WCF under a current approval issued by the Department may continue to burn the approved material if:

(a) The person registers the equipment that is burning the used oil or WCF by submitting the information required in §A(1) of this regulation; and

(b) The used oil or WCF is being burned in an authorized installation.

(4) A person who proposes to burn off-specification used oil or WCF in an installation other than a space heater, as provided in 40 CFR §279.23, is subject to the permit or registration requirements in COMAR 26.11.02.

(5) A person who receives a permit or registration to burn used oil or WCF shall burn only the materials authorized in the permit or registration.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

(6) A person may burn off-specification used oil and waste combustible fluid only in those installations listed at 40 CFR §279.12(c).

**B. Specifications for Used Oil.**

(1) Except as provided in §B(2) of this regulation, used oil specifications are as follows:

Material	Allowable Level
(a) Lead	100 ppm
(b) Total halogens	4,000 ppm
(c) Arsenic	5 ppm
(d) Cadmium	2 ppm
(e) Chromium	10 ppm
(f) Flash point	100° F minimum

(2) For used oil that does not satisfy the rebuttable presumption for halogens at 40 CFR 279.10(b)(1)(ii) and 279.63, the maximum allowable level for halogens may not exceed 1,000 ppm.

**C. Requirements for Burning Used Oil or WCF Containing PCB.**

(1) Used oil or WCF containing quantifiable levels of PCB (2ppm) or greater but less than 50 ppm may be burned only in those installations listed at 40 CFR §279.12(c) or 40 CFR 761.

(2) Used oil or WCF containing PCB with a concentration of 50 ppm or greater is hazardous waste.”

The Permittee shall submit with the annual emissions certification report a record of the total quantity of used oil and WCF burned during the calendar year and a copy of an analysis by an independent laboratory of a representative sample of the used oil and WCF.

**2. Record Keeping and Reporting:**

The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee’s facility during the previous calendar year. The analysis shall include either:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD, VIENNA, MD 21869  
PART 70 OPERATING PERMIT NO. 24-019-0013**

- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.

Maryland Department of the Environment  
Air and Radiation Administration

# PHASE II ACID RAIN PERMIT

Plant Name:	Vienna Generating Station		
Affected Units:	8		
Owner: Vienna Power LLC			ORIS Code 1564
Effective Date From:	To: September 30, 2027		

**Contents:**

1. Statement of Basis
2. Permit Requirements
3. SO<sub>2</sub> and NO<sub>x</sub> Permit Requirements for Each Affected Unit.
4. Monitoring Requirements
5. Excess Emissions Requirements
6. Recordkeeping Requirements
7. Liability
8. Effect on Other Authorities
9. Comments, Notes, and Justifications Regarding Permit Decisions; Changes Made to Permit Application Forms During the Review Process; Any Additional Requirements or Conditions.

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**1. Statement of Basis**

Statutory and Regulatory Authorities: In accordance with Environmental Article§2-401, Annotated Code of Maryland and Titles IV and V of the Clean Air Act, the Maryland Department of the Environment, Air and Radiation Administration issues this permit pursuant to COMAR 26.11.02 and COMAR 26.11.03.

## **Phase II Renewal Acid Rain Permit: Vienna Generating Station**

### **2. Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

### **3. SO<sub>2</sub> and NO<sub>x</sub> Requirements for Each Affected Unit**

#### **Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

## Phase II Renewal Acid Rain Permit: Vienna Generating Station

### Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**NO<sub>x</sub> Requirements:** None. The unit does not burn coal so there are no NO<sub>x</sub> emissions limits

#### **4. Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source

#### **5. Excess Emissions Requirements**

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

#### **6. Recordkeeping and Reporting Requirements**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or

## **Phase II Renewal Acid Rain Permit: Vienna Generating Station**

required under the Acid Rain Program; and,

(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

### **7. Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

### **8. Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting

**Phase II Renewal Acid Rain Permit: Vienna Generating Station**

any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**9. Comments, Notes, and Justifications Regarding Decisions; Changes Made to the Permit Application Forms During the Review Process, Any Additional Requirements or Conditions:**

The allowances allocated by the United States Environmental Protection Agency (U.S. EPA) to the unit are listed in Table 2 of 40 CFR Part 73. However, the number of allowances actually held by an affected source in the unit account may differ from the number allocated by the U.S. EPA. Information about, emissions, allowances and compliance with the Acid Rain can be accessed on-line at the Clean Air Market's (CAM) website: <http://camddataandmaps.epa.gov/gdm/>

This unit burns primarily No. 6 fuel oil. Because it is not a coal-fired unit, the nitrogen oxides emissions reduction regulations of 40 CFR Part 76 are not applicable

On June 22, 2001, Delmarva Power sold the Vienna Generating Station to Vienna Power, an affiliate of NRG Energy, Inc.

**Renewal Permit Approval**

JAN 17 2023

*Christopher R. Hoagland*

Date of Issuance: \_\_\_\_\_

Christopher R. Hoagland, Director  
Air and Radiation Administration

Maryland Department of the Environment  
Air and Radiation Administration

**CO<sub>2</sub> BUDGET TRADING PROGRAM PERMIT**

<b>Plant Name:</b> Vienna Generating Station	
<b>Affected Trading Units:</b> Unit8	
<b>Owner:</b> Vienna Power LLC	<b>ORIS Code</b> 1564
<b>Effective Date From:</b>	<b>To:</b> September 30, 2027

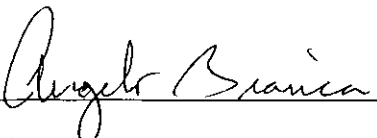
**Contents:**

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.

**Renewal Permit Approval**

  
f Christopher Hoagland., Director  
Air and Radiation Administration

JAN 17 2023

Date of Issue

Vienna Generating Station Vienna Power LLC	CO <sub>2</sub> Budget Trading Program Permit Renewal
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2. Affected Units

Unit ID #	ARA ID #	Unit Description
Unit 8	4-0065	One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 6 fuel oil, No. 2 fuel oil or waste oil.

3. Standard Requirements:

**A. Selection and Responsibilities of CO<sub>2</sub> Budget Source Compliance Account Authorized Account Representatives.**

- (1) Each CO<sub>2</sub> budget source shall have a CO<sub>2</sub> authorized account representative and an alternate CO<sub>2</sub> authorized account representative. (COMAR 26.09.01.04B)
- (2) Upon receipt of a complete account certificate of representation:
  - (a) The CO<sub>2</sub> authorized account representative and alternate CO<sub>2</sub> authorized account representative shall represent and, by representations, actions, inactions, or submissions, legally bind each owner or operator of the CO<sub>2</sub> budget source represented and each CO<sub>2</sub> budget unit at the source in all matters pertaining to this subtitle, notwithstanding any agreement between the CO<sub>2</sub> authorized account representative, alternate CO<sub>2</sub> authorized account representative, and the owners or operators; and
  - (b) The owners or operators shall be bound by any decision or order issued to the CO<sub>2</sub> authorized account representative or alternate CO<sub>2</sub> authorized account representative by the Department or a court regarding the CO<sub>2</sub> budget source or unit. (COMAR 26.09.01.04E (1) & (2))
- (3) A CO<sub>2</sub> budget permit may not be issued or a compliance account established for a CO<sub>2</sub> budget source until the Department has received a complete account certificate of representation for a CO<sub>2</sub> authorized account representative and alternate CO<sub>2</sub> authorized account representative of the source and the CO<sub>2</sub> budget units at the source. (COMAR 26.09.01.04F)
- (4) Each submission shall be signed and certified by the CO<sub>2</sub> authorized account representative or alternate CO<sub>2</sub> authorized account representative on behalf of each CO<sub>2</sub> budget source and shall include the following statement by the CO<sub>2</sub> authorized account representative or alternate CO<sub>2</sub> authorized account representative: "I am authorized to make the submission on behalf of the owners or operators of the CO<sub>2</sub> budget sources or CO<sub>2</sub> 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 CO<sub>2</sub> Allowances And Compliance

- (1) Unless otherwise specified in this chapter, a CO<sub>2</sub> budget source shall demonstrate compliance with its CO<sub>2</sub> budget emissions limitation by holding one CO<sub>2</sub> allowance in its compliance account for every ton of CO<sub>2</sub> that it emits in a control period, by the allowance transfer deadline for that control period. (COMAR 26.09.02.03I(1))
- (2) As of the CO<sub>2</sub> allowance transfer deadline for an interim control period, the owners and operators of each CO<sub>2</sub> budget source and each CO<sub>2</sub> budget unit at the source shall hold, in the source's compliance account for deduction under §I of this regulation, CO<sub>2</sub> allowances for no less than 50 percent of the total CO<sub>2</sub> emissions for the interim control period from all CO<sub>2</sub> budget units at the source. (COMAR 26.09.02.03I(2))
- (3) Allowances Available for Compliance Deduction. The following CO<sub>2</sub> allowances may be deducted from a compliance account for purposes of complying with a budget source's CO<sub>2</sub> budget emissions limitation for a control period or an interim control period:
  - (a) CO<sub>2</sub> allowances that are not CO<sub>2</sub> offset allowances and are identified as allowances falling within a prior control period, the same control period, or the same interim control period for which the allowances are deducted;
  - (b) CO<sub>2</sub> allowances that are held or transferred into the CO<sub>2</sub> budget source's compliance account as of the CO<sub>2</sub> allowance transfer deadline for that control period or for the interim control period contained within that control period;
  - (c) CO<sub>2</sub> offset allowances that are available to be deducted for compliance during a control period or an interim control period where the quantity of allowances is limited to:
    - (i) 3.3 percent of the CO<sub>2</sub> budget source's CO<sub>2</sub> emissions for that control period; or
    - (ii) 3.3 percent of the CO<sub>2</sub> budget source's CO<sub>2</sub> emissions for an interim control period multiplied by 0.50.(COMAR 26.09.02.03I(3)(a)-(c))
- (4) Deduction of CO<sub>2</sub> allowances:
  - (a) The Department shall deduct allowances from the CO<sub>2</sub> budget source's compliance account until:
    - (i) The number of CO<sub>2</sub> allowances deducted equals 50 percent of the total CO<sub>2</sub> emissions for an interim control period; or
    - (ii) The number of CO<sub>2</sub> allowances deducted equals the total CO<sub>2</sub> emissions for the control period.
  - (b) No deduction shall be made for CO<sub>2</sub> emissions attributable to the burning of eligible biomass.

(COMAR 26.09.02.03I(4)(a) & (b))

(5) The identification of available CO<sub>2</sub> allowances for compliance deduction by serial number or by default is as follows:

- (a) The CO<sub>2</sub> authorized account representative for a source's compliance account may request that specific CO<sub>2</sub> allowances, identified by serial number for a control period or interim control period, be deducted; and
  - (b) In the absence of an identification or in the case of a partial identification of available CO<sub>2</sub> allowances by serial number, the Department shall deduct CO<sub>2</sub> allowances for a control period or interim control period in the following descending order:
    - (i) For the first control period, all CO<sub>2</sub> 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 CO<sub>2</sub> allowances for a control period allocated to a CO<sub>2</sub> 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 §I(3)(c) of this regulation, any CO<sub>2</sub> offset allowances transferred and recorded in the compliance account, in chronological order; and
    - (iv) Any CO<sub>2</sub> allowances, other than those identified in §I(5)(b)(i)—(iii) of this regulation, that are available for deduction in the order they were recorded.
- (COMAR 26.09.02.03I(5)(a)-(b))

(6) Deductions for Excess Emissions.

- (a) If a CO<sub>2</sub> budget source has excess emissions, the Department shall deduct, from the CO<sub>2</sub> budget source's compliance account, CO<sub>2</sub> allowances from allocation years that occur after the control period or interim control period in which the excess emissions or excess interim emissions occurred, equal to three times the excess emissions.
  - (b) If a source's compliance account holds insufficient CO<sub>2</sub> allowances to cover the excess emissions, the source shall immediately transfer sufficient allowances into its compliance account.
  - (c) CO<sub>2</sub> offset allowances may not be deducted to account for the source's excess emissions.
  - (d) No CO<sub>2</sub> allowance deduction shall relieve the owners or operators of the CO<sub>2</sub> budget units at the source of liability for any fine, penalty, assessment or obligation to comply with any other remedy, for the same violation, as ordered under applicable State law.
- (COMAR 26.09.02.03I(6)(a)-(d))

(7) Guidelines.

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

- (i) For purposes of determining the number of days of violation, if a CO<sub>2</sub> budget unit has excess emissions for a control period or interim control period, each day in the control period or interim control period, as applicable, constitutes a separate 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
- (ii) The Department shall consider the amount of excess emissions in determining the severity of the violation.

(b) Each ton of excess interim emissions is a separate violation.  
(COMAR 26.09.02.03I(7)(a)-(b))

(8) If the CO<sub>2</sub> budget source's compliance account no longer exists, the CO<sub>2</sub> allowances shall be deposited in a general account selected by the owner or operator of the CO<sub>2</sub> budget source.  
(COMAR 26.09.02.03I(8))

(9) Adjustments and Errors.

- (a) The Department may review and conduct independent audits concerning any submission under this subtitle and make appropriate adjustments to 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 CO<sub>2</sub> authorized account representative for the account.  
(COMAR 26.09.02.03I(9)(a)-(b))

### C. Applicability and Administration

- (1) The requirements of this permit apply to the owner or operator of a CO<sub>2</sub> 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 CO<sub>2</sub> budget source or unit.  
(COMAR 26.09.02.02A)
- (2) The requirements of this subtitle are effective on January 1, 2009 or, for new CO<sub>2</sub> 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 CO<sub>2</sub> 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 26.09.02.02E)
- (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 26.09.02.02F)

#### **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 CO<sub>2</sub> authorized account representative for the source shall submit an initial CO<sub>2</sub> budget permit application by October 1, 2008, or 12 months before the date on which the CO<sub>2</sub> budget source, or a new unit at the source, commences operation.  
(COMAR 26.09.02.04A(2));
  - (b) The CO<sub>2</sub> budget permit application shall include the following in a format prescribed by the Department: 1) the identification of the CO<sub>2</sub> budget source; 2) plant 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 CO<sub>2</sub> budget unit at the source; and 4) other information required by the Department.  
(COMAR 26.09.02.04A(3))
  - (c) A CO<sub>2</sub> authorized account representative for the source shall submit a complete application for the renewal of an existing CO<sub>2</sub> budget permit on forms provided by the Department not later than 90 days before the expiration of the current CO<sub>2</sub> budget permit and in accordance with this regulation.  
(COMAR 26.09.02.04E)
- (2) Each CO<sub>2</sub> budget source shall apply for and have in effect a CO<sub>2</sub> budget permit that contains all applicable requirements.  
(COMAR 26.09.02.04A(1)).
- (3) The CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> budget source is subject to the CO<sub>2</sub> budget emissions limitation, the CO<sub>2</sub> authorized account representative of the source shall submit a compliance certification report by the March 1 following the relevant control period. A compliance certification report is not required as part of the compliance obligation during an interim control period.  
(COMAR 26.09.02.05A(1))
- (2) The CO<sub>2</sub> authorized account representative shall include in the compliance certification report the following:
  - (a) Identification of the source and each CO<sub>2</sub> budget unit at the source;
  - (b) At the CO<sub>2</sub> authorized account representative's option, the serial numbers of the CO<sub>2</sub> allowances that are to be deducted from the source's compliance account for the control period, including the serial numbers of any CO<sub>2</sub> offset allowances that are to be deducted subject to applicable limitations; and
  - (c) The compliance certification required by §A(3) of COMAR 26.09.02.05.  
(COMAR 26.09.02.05A(2))
- (3) In the compliance certification report, the CO<sub>2</sub> authorized account representative shall certify whether the source and each CO<sub>2</sub> 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 CO<sub>2</sub> budget unit at the source was operated in compliance with the CO<sub>2</sub> budget emissions limitation;
  - (b) Whether the monitoring plan applicable to each unit at the source: (i) has been maintained to reflect the actual operation and monitoring of the unit; and (ii) contains all information necessary to track CO<sub>2</sub> emissions from the unit;
  - (c) Whether all CO<sub>2</sub> 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: (i) whether all conditional data was reported in the quarterly reports; or (ii) 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; and
  - (e) If a change is required to be reported, include: (i) the nature and reasons for the change; (ii) when the change occurred; and (iii) 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 26.09.02.05B(1))

- (5) The Department may deduct CO<sub>2</sub> allowances from, or transfer CO<sub>2</sub> allowances to, a compliance account to correct errors in the account or to accurately reflect CO<sub>2</sub> emissions, based on the information in the compliance certification or other submissions.

(COMAR 26.09.02.05B(2))

- (6) The owner or operator of a CO<sub>2</sub> budget unit shall:

- (a) Install monitoring systems to monitor CO<sub>2</sub> 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

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

Where:

W<sub>CO<sub>2</sub></sub>=CO<sub>2</sub> emitted from combustion, tons/day.

MW<sub>C</sub>=Molecular weight of carbon (12.0).

MW<sub>O<sub>2</sub></sub>=Molecular weight of oxygen (32.0)

W<sub>C</sub>= 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 26.09.02.10A(1)(d))

- (8) The owner or operator of a CO<sub>2</sub> 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) CO<sub>2</sub> concentration;
  - (b) CO<sub>2</sub> emissions rate;
  - (c) Stack gas moisture content;
  - (d) Fuel flow rate; and
  - (e) Any other parameter required to determine CO<sub>2</sub> mass emissions.  
(COMAR 26.09.02.10A(2)(a)-(e))
- (9) The owner or operator of a CO<sub>2</sub> 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 26.09.02.10A(3))
- (10) An owner or operator of a CO<sub>2</sub> budget unit or a non-CO<sub>2</sub> 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, CO<sub>2</sub> 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 CO<sub>2</sub> mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed; or
  - (d) 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 26.09.02.10A(4)(a)-(d))
- (11) For purposes of this subtitle only, the owner or operator of a CO<sub>2</sub> 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 26.09.02.10B(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 26.09.02.10B(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 CO<sub>2</sub> 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 CO<sub>2</sub> authorized account representative shall resubmit the petition to the Department to determine whether the approval applies under this chapter.  
(COMAR 26.09.02.10B(3))
- (14) The owner or operator of a CO<sub>2</sub> 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 26.09.02.10B(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 CO<sub>2</sub> 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 26.09.02.10C(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 26.09.02.10C(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 CO<sub>2</sub> 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 26.09.02.10C(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 26.09.02.10C(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 26.09.02.10D(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 26.09.02.10D(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 26.09.02.10D(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 CO<sub>2</sub> authorized account representative is to submit the additional information required to complete the certification application.

(COMAR 26.09.02.10D(4))

(24) If the CO<sub>2</sub> authorized account representative does not comply with the notice of incompleteness by the specified date, the Department may issue a notice of disapproval.

(COMAR 26.09.02.10D(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 CO<sub>2</sub> 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 CO<sub>2</sub> mass emissions using a CO<sub>2</sub> pollutant concentration monitor and a flow monitor, the maximum potential concentration of CO<sub>2</sub> 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 CO<sub>2</sub> 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 26.09.02.10D(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 26.09.02.10E(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 26.09.02.10E(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 26.09.02.10F)
- (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 26.09.02.10G(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 26.09.02.10G(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 26.09.02.10G(3))

## **F. Record Keeping and Reporting Requirements**

- (1) The CO<sub>2</sub> 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 26.09.02.11A)
- (2) The CO<sub>2</sub> authorized account representative shall submit quarterly reports as described below in this section.  
(COMAR 26.09.02.11B(1))
- (3) The report shall contain the CO<sub>2</sub> mass emissions data for the CO<sub>2</sub> 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: (i) date of provisional certification; or (ii) applicable deadline for initial certification.  
(COMAR 26.09.02.11B(2)(a)-(b))
  - (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 26.09.02.11B(3))
- (4) The CO<sub>2</sub> 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<sub>x</sub> and SO<sub>2</sub> provisions.  
(COMAR 26.09.02.11B(4))
- (5) The CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> emissions; and

- (c) The CO<sub>2</sub> concentration values substituted for missing data under 40 CFR Part 75, Subpart D, do not systematically underestimate CO<sub>2</sub> emissions.  
(COMAR 26.09.02.11B(5)(a)-(c))
- (6) The CO<sub>2</sub> authorized account representative of a CO<sub>2</sub> 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 26.09.02.11C)
- (7) The CO<sub>2</sub> authorized account representative or alternate CO<sub>2</sub> authorized account representative of a CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> emitted from the CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> budget unit shall calculate and submit on a quarterly basis the total dry weight for each distinct type of eligible biomass fired by the CO<sub>2</sub> 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<sub>j</sub> = Total eligible biomass dry basis fuel input (pounds) for fuel type j;
- (ii) F<sub>i</sub> = Eligible biomass as fired fuel input (pounds) for fired shipment i;
- (iii) M<sub>i</sub> = 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<sub>j</sub> = Total eligible biomass dry basis fuel input (pounds) for fuel type j;
- (ii) D<sub>j</sub> = Density of biogas (pounds/scf) for fuel type j;
- (iii) V<sub>j</sub> = Total volume (scf) for fuel type j;
- (iv) M<sub>j</sub> = Moisture content (fraction) for fuel type j; and
- (v) j = fuel type

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

- (9) The amount of CO<sub>2</sub> 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) CO<sub>2</sub> tons = CO<sub>2</sub> emissions due to firing of eligible biomass for the reporting quarter;
- (b) F<sub>j</sub> = Total eligible biomass dry basis fuel input (pounds) for fuel type j, as calculated in §D(2)(a) of this regulation;
- (c) C<sub>j</sub> = Carbon fraction (dry basis) for fuel type j;
- (d) O<sub>j</sub> = 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 26.09.02.11D(3))

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

- (a) For each distinct fuel type:

$$H_j = F_j \times HHV_j$$

where:

- (i) H<sub>j</sub> = Heat input (MMBtu) for fuel type j;
- (ii) F<sub>j</sub> = Total eligible biomass dry basis fuel input (pounds) for fuel type j;
- (iii) HHV<sub>j</sub> = 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<sub>j</sub> = 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, September 2011.

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

- (11) A CO<sub>2</sub> 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 CO<sub>2</sub> budget units at the facility used by the independent system operator (ISO) to determine settlement resources of energy market participants.

(COMAR 26.09.02.11E(1))

- (12) A CO<sub>2</sub> 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 26.09.02.11E(2))

- (13) A CO<sub>2</sub> budget unit shall submit the net electrical output to the Department in accordance with this regulation. A CO<sub>2</sub> 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 26.09.02.11E(3))

- (14) Report of net Steam Output.

(a) CO<sub>2</sub> 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 CO<sub>2</sub> budget source may report heat input, substituting useful steam output for steam output.

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

- (15) Each CO<sub>2</sub> budget source shall submit an output monitoring plan with a description and diagram that include the following:

(a) If the CO<sub>2</sub> budget unit monitors net electric output, the diagram shall contain all CO<sub>2</sub> budget units and all generators served by each CO<sub>2</sub> budget unit and the relationship between CO<sub>2</sub> budget units and generators;

(b) If a generator served by a CO<sub>2</sub> 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 CO<sub>2</sub> budget units;

(e) If the CO<sub>2</sub> budget unit monitors net thermal output, the diagram shall indicate all steam or hot

water coming into the net steam system, including steam from CO<sub>2</sub> 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 26.09.02.11F(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 26.09.02.11F(3)(a)-(b))
- (17) A certification statement shall be submitted by the CO<sub>2</sub> 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 26.09.02.11G(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 26.09.02.11G(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 26.09.02.11G(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 26.09.02.11G(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 26.09.02.11G(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 26.09.02.11G(6))

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

(COMAR 26.09.02.11H(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 26.09.02.11H(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 CO<sub>2</sub> 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 CO<sub>2</sub> authorized account representative stating the following, "I am authorized to make this submission on behalf of the owners and operators of the CO<sub>2</sub> budget sources or CO<sub>2</sub> 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. CO<sub>2</sub> Emission Offset Projects

(1) In order to qualify for the award of CO<sub>2</sub> 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 (SF<sub>6</sub>);

(c) Sequestration of carbon due to afforestation;

(d) Reduction or avoidance of CO<sub>2</sub> emissions from natural gas, oil, or propane end-use combustion

<b>Vienna Generating Station Vienna Power LLC</b>	<b>CO<sub>2</sub> Budget Trading Program Permit Renewal</b>
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due to end-use energy efficiency; and

(e) Avoided methane emissions from agricultural manure management operations.  
(COMAR 26.09.03.02A(1)-(5))

4. Permit Application (See Attachment)

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**BACKGROUND**

Vienna Power LLC operates the Vienna Generating Station, an electric generating facility located at 4621 Chapel of Ease Road in Dorchester County. The primary SIC code for this plant is 4911. The Vienna Generating Station consists of two major units that generate electricity: one (1) utility steam boiler (Boiler No.8 (V8)) and one (1) combustion turbine (V10). The facility also includes an auxiliary boiler (V20), three (3) main No. 6 fuel oil storage tanks (V101, V102, and V103), two (2) No. 2 fuel oil storage tanks (V104 and V105), two (2) fuel oil day tanks (V105 and V107), one (1) waste oil tank (V108) and two (2) parts cleaners (V200 and V201).

The following table summarizes the actual emissions from Vienna Generating Station based on its Annual Emission Certification Reports:

**Table 1: Actual Emissions**

Year	NO <sub>x</sub> (TPY)	SO <sub>x</sub> (TPY)	PM <sub>10</sub> (TPY)	CO (TPY)	VOC (TPY)	Total HAP (TPY)
2019	9.34	38.38	1.18	1.20	0.161	0.120
2018	25.57	91.51	1.44	1.96	0.285	0.144
2017	5.72	21.49	0.76	0.73	0.533	0.171
2016	12.00	58.28	1.84	1.78	0.242	0.543
2015	41.86	264.15	11.09	3.28	0.479	0.410

The major source threshold for triggering Title V permitting requirements in Dorchester County is 50 tons per year for VOCs, 100 tons per year for any other criteria pollutant, 10 tons per year of any single hazardous air pollutant (HAP) or 25 tons per year of any combination of HAPs. Dorchester County is located in the Ozone Transport Region. Since potential emissions of NO<sub>x</sub> and actual emissions of SO<sub>x</sub> are greater than the major source threshold of 100 tons per year, Vienna Generating Station is required to obtain a Title V Part 70 Operating Permit under COMAR 26.11.03.01.

The Department, on September 16, 2020, received the Vienna Generating Station's Part 70-permit renewal application, which was submitted by Vienna Power, LLC. An administrative completeness review was conducted, and the application was deemed complete. A completeness determination letter was sent to NRG Vienna Power LLC on September 24, 2020, granting Vienna Generating Station an application Shield.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**CHANGES AND MODIFICATIONS TO THE PART 70 OPERATING PERMIT**

The following changes and/or modifications have been incorporated into the renewal Title V – Part 70 Operating Permit for Vienna Generating Station:

Vienna requested the following changes to the Title V operating permit:

- Operating Permit Condition, Table IV, 1.2B for Unit 8 states, *“The Permittee shall perform an EPA Reference Method 5 particulate emissions test on the stack gases at least twice during the life of the permit (not in consecutive years). The Permittee shall submit a protocol to the Department for approval at least 30 days prior to the schedule date of the test.”*

The frequency of the particulate emissions test from twice per permit term to once per permit term. As the Department is aware, the facility operates at a very low-capacity factor (CF), where the 8% CF limit is applied for MATS. As a result, Vienna is requesting this modification to avoid the start-up of the unit just for testing purposes. In addition, the unit has consistently demonstrated compliance with the particulate emission limit.

- *Operating Permit Condition, Table IV-1a, Indicator Range (Permit Page 37) contains a typographical error.*

The correct, approved indicator range for differential pressure is 0.1” to 10” water gauge. The condition references an indicator range of 1” to 10” water gauge. It is our understanding this error was intended to be corrected in the previous permit renewal

**MACT**

Vienna Generating Station is subject to the following MACT standards (40 CFR Part 63):

1. Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (**V8**)
2. Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (**V20**).

Vienna Generating Station is also subject to the NO<sub>x</sub> Reasonably Available Control Technology (RACT) requirements, Acid Rain Program, and the Cross-State Air Pollution Rule (CSAPR). Vienna Generating Station is also subject to the requirements of the Regional Greenhouse Gas Initiative (RGGI) program which is a State-only enforceable program. Under these regulations, Vienna Generating Station is required to submit a RGGI permit application. The renewal RGGI permit upon issuance will be attached to the Part 70 permit.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**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 (SO<sub>2</sub>) and/or nitrogen oxides (NO<sub>x</sub>) 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 SO<sub>2</sub>, annual NO<sub>x</sub>, and/or ozone season NO<sub>x</sub> 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.

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<sub>x</sub> 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).

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

Starting in the 2021 ozone season, the rule will require additional emissions reductions of nitrogen oxides (NO<sub>x</sub>) 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<sub>x</sub> Annual Trading Program, subparts GGGGG- CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program, and subpart CCCCC SO<sub>2</sub> Group 1 Trading Program.

**COMPLIANCE ASSURANCE MONITORING (CAM) Applicability**

CAM is intended to provide a reasonable assurance of compliance with applicable requirements under the Clean Air Act for large emission units that rely on air pollution control (APC) equipment to achieve compliance. The CAM approach establishes monitoring for the purpose of: (1) documenting continued operation of the control measures within ranges of specified indicators of performance (such as emissions, control device parameters, and process parameters) that are designed to provide a reasonable assurance of compliance with applicable requirements; (2) indicating any excursions from these ranges; and (3) responding to the data so that the cause or causes of the excursions are corrected. In order for a unit to be subject to CAM, the unit must be located at a major source, be subject to an emission limitation or standard; use a control device to achieve compliance; have post-control emissions of at least 100% of the major source amount (for initial CAM submittals); and must not otherwise be exempt from CAM. Applicability determinations are made on a pollutant-by-pollutant basis for each emission unit.

Vienna Generating Station is subject to the CAM for particulate matter for (V8) Boiler #8 equipped with a multi-clone. A CAM plan was submitted dated October 14, 2015.

**MERCURY AND AIR TOXICS (MATS) RULE**

The US EPA finalized on February 16, 2012, the National Emissions Standards for Hazardous Air Pollutants from coal and oil-fired Electric Utility Steam Generating Units (EGUs) codified under 40 CFR Part 63, Subpart UUUUU, also known as the Mercury and Air Toxics (MATS) rule. The MATS rule established national emission limitations and work practices for certain hazardous air pollutants emitted from coal and oils-fired steam generating units as well as requirements to demonstrate initial and continuous compliance with the emission limitations. Existing units are required to comply with the rule requirements by

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

April 16, 2015, while new or reconstructed units were required to comply by April 16, 2012 or upon start-up.

Vienna Generating Station is subject to the requirements of this rule because it meets the applicability requirements for the rule as an existing source. A source is subject to the rule if it is a coal fired EGU or **oil-fired** EGU as defined in §63.10042. The section defined an **oil-fired electric utility steam generating unit** as an electric utility steam generating unit meeting the definition of “fossil fuel-fired” that is not a coal-fired electric utility steam generating unit and that burns oil for more than 10.0 percent of the average annual heat input during any 3 consecutive calendar years or for more than 15.0 percent of the annual heat input during any one calendar year. The section also defined electric utility steam generating unit (EGU) as a fossil fuel-fired combustion unit of more than 25 megawatts electric (MWe) that serves a generator that produces electricity for sale. It further adds that a fossil fuel-fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 MWe output to any utility power distribution system for sale is considered an electric utility steam generating unit.

**Limited-use liquid oil-fired subcategory** means an oil-fired electric utility steam generating unit with an annual capacity factor of less than 8 percent of its maximum or nameplate heat input, whichever is greater, averaged over a 24-month block contiguous period commencing April 16, 2015. **[§63.10042]**

**Please Note:** On June 29, 2015, the Supreme Court issued an opinion in *Michigan et al v. Environmental Protection Agency*. The Supreme Court's decision remands the MATS rule to EPA and returns the matter to the U.S. Court of Appeals for the D.C. Circuit for further proceedings. As of the issuance of this permit, the MATS rule is in effect. The Supreme Court decision in *Michigan* requires the EPA to undertake additional proceedings for the limited purpose of evaluating costs for its “appropriate and necessary” finding which preceded the MATS rule.

On December 27, 2018, EPA issued a proposed revised Supplemental Cost Finding for the Mercury and Air Toxics Standards, as well as the Clean Air Act required “risk and technology review.” After taking account of both the cost to coal- and oil-fired power plants of complying with the MATS rule (costs that range from \$7.4 to \$9.6 billion annually) and the benefits attributable to regulating hazardous air pollutant (HAP) emissions from these power plants (quantifiable benefits that range from \$4 to \$6 million annually), as EPA was directed to do by the United States Supreme Court, the Agency proposes to determine that it is not

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

“appropriate and necessary” to regulate HAP emissions from power plants under Section 112 of the Clean Air Act.

On October 4, 2019 EPA sent the revised Supplemental Cost Finding and Residual Risk and Technology Review to the Office of Management and Budget for review. *This is typically the last step before the final rule is released.*

**On July 17, 2020**, the U.S. Environmental Protection Agency (EPA) finalized revisions to the electronic reporting requirements for the Mercury and Air Toxics Standards (MATS). This final action revises and streamlines those requirements, increases data transparency by requiring use of one electronic reporting system - the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool - instead of two separate systems and provides enhanced access to MATS data. No new monitoring requirements are imposed by this final action. This final action also extends the current deadline for alternative electronic data submission via portable document format (PDF) files through December 31, 2023.

Until and unless the MATS rule is stayed and/or vacated by the D.C. Circuit, MATS related conditions in the Title V permit apply. If the MATS rule is stayed and/or vacated or partially stayed and/or vacated, then the affected conditions in the Title V permit will be revised/removed accordingly.

**GREENHOUSE GAS (GHG) EMISSIONS**

Vienna Generating Station emits the following greenhouse gases (GHGs) related to Clean Air Act requirements: carbon dioxide, methane, and nitrous oxide. These GHGs originate from various processes (boilers and combustion turbine) contained within the facility premises applicable to Vienna Generating Station. 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 certifications report for the years 2019, 2018, and 2017, showed that Vienna Generating Station is not a major source (threshold: 100,000tpy CO<sub>2</sub>e) for GHG's (see Table 3 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 Vienna Generating Station based on its Annual Emission Certification Reports:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**Table 3: Greenhouse Gases Emissions Summary**

<b>GHG</b>	<b>Conversion factor</b>	<b>2017 tpy CO<sub>2e</sub></b>	<b>2018 tpy CO<sub>2e</sub></b>	<b>2019 tpy CO<sub>2e</sub></b>
Carbon dioxide CO <sub>2</sub>	1	3488.72	10,853.92	5912.69
Methane CH <sub>4</sub>	25	0.134	0.446	0.244
Nitrous Oxide N <sub>2</sub> O	298	0.023	0.093	0.044
<b>Total GHG CO<sub>2eq</sub></b>		<b>3488.87</b>	<b>10,854.46</b>	<b>5912.97</b>

**EMISSION UNIT IDENTIFICATION**

Vienna Generating Station has identified the following emission units as being subject to Title V permitting requirements and having applicable requirements.

**Table 2: Emission Unit Identification**

<b>Emissions Unit Number</b>	<b>MDE - ARA Registration Number</b>	<b>Emissions Unit Name and Description</b>	<b>Date of Installation</b>
V8	4-0065	Boiler #8: One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 2 fuel oil, No. 6 fuel oil or waste oil.	December 1971
V10	4-0020	Unit V10: One (1) Pratt & Whitney Canada (model FT4A-9) turbo-shaft gas combustion turbine rated at 276 million Btu per hour internal combustion engine firing No. 2 fuel oil.	April 1968
V20	4-0114	Unit V20: One (1) Nebraska Boiler Company (model 20-1896) auxiliary boiler rated at 48 million Btu per hour firing on No.2 fuel oil. <i>Limited-use liquid oil-fired subcategory means an oil-fired electric utility steam generating unit with an annual capacity factor of less than 8 percent of its maximum or nameplate heat input, whichever is greater,</i>	March 1980

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

		<i>averaged over a 24-month block contiguous period commencing April 16, 2015.</i> <b>[\$63.10042]</b>	
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**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

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

activities that are subject to a requirement under the Clean Air Act, the requirement is listed under the activity.

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 Unit: V8 (Boiler #8)**

**V8:** One (1) Combustion Engineering model natural circulation, tangential fired boiler rated at 2317 million Btu per hour firing on distillate oil, residual oil and/or waste oil. [4-0065]: The Unit has a generating capacity of 155 megawatts. The Unit typically starts up early in the morning, increases load during the daytime as electric demand increases, and reduces load or shuts down at night. During the spring and fall months, this unit may only operate a few days.

A UOP Air Correction Multiple Cyclone controls particulate matter emissions from this unit. Fly ash is collected in the hoppers and is cleaned periodically depending upon the days of operation. Bottom ash is cleaned manually approximately twice per year. The fly ash contains vanadium, a precious metal, that is sold to a company for recycling. The stack on Unit –V8 is continuously monitored for opacity, NO<sub>x</sub>, and CO<sub>2</sub>.

**NSPS**

**40 CFR Part 60 Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971, is not** applicable to this unit since construction was prior (September 1969) to the effective date of this regulation. The boiler has not undergone any major modification since its initial construction.

**MACT**

**V8 is subject to the requirements of 40 CFR Part 63 Subpart UUUUU-National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units.**

**V8 operates as limited-use liquid oil fired unit and are only subject to tune-up requirements.**

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

*Limited-use liquid oil-fired subcategory* means an oil-fired electric utility steam generating unit with an annual capacity factor of less than 8 percent of its maximum or nameplate heat input, whichever is greater, averaged over a 24-month block contiguous period commencing April 16, 2015. [**§63.10042**]

**Compliance Status**

During the June 11, 2020, inspection, V8 (Boiler #8) was not operating due to limited demand. V8 last operated on Feb 24, 2020. In 2019 V8 operated 19 days for a total of 119 hours. Operation at Vienna Generating Station has been reduced due to the low price of natural gas causing electricity to be generated elsewhere.

Particulate Matter stack test was conducted August 7, 2018. During the test runs, the unit was operating on #6 fuel oil and producing an average of 159 MW. The average PM emissions rate during the test was 0.036 lb./MMBtu. In compliance with the allowable limit of 0.169 lb.PM/MMBtu.

The most recent CAM Plan report was submitted January 15, 2020, for the period July thru December 2019.

NRG Vienna submitted the MATS Boiler tune-up completion notification and the Notification of Compliance for V8. Completion date was August 7, 2018. Semi-annual MATA report was submitted.

**Applicable Standards and Limitations:**

**A. Control of Visible Emissions**

**COMAR 26.11.09.05A(1) – Visible Emissions.**

“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.

**COMAR 26.11.09.05A(3) - Exceptions.** “Section A (1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, start-up, 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, in accordance with **COMAR 26.11.01.10B**, shall continuously monitor the opacity of the stack gases using a continuous opacity monitor that is certified in accordance with 40 CFR Part 60, Appendix B and meets the quality assurance criteria COMAR 26.11.31. [**Reference: COMAR 26.11.01.10C**]

The Permittee will maintain all records necessary to comply with the data reporting requirements by COMAR 26.11.01.11E on file. Records will be maintained for a period of 5 years. [**Reference: COMAR 26.11.01.11E**]

The Permittee shall report:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

All CEM system downtime that lasts or is expected to last more than 24 hours shall be reported to the Department by telephone before 10 a.m. of the first regular business day following the breakdown.

The system breakdown report required by Sec. G(1)(a) of this regulation shall include the reason, if known, for the breakdown and the estimated period of time that the CEM will be down. The owner or operator of the CEM shall notify the Department by telephone when an out-of-service CEM is back in operation and producing valid data.

The Permittee shall submit:

Quarterly summary reports to the Department not later than 30 days following each calendar quarter. The report shall be in a format approved by the Department, and shall include the following:

- (i) The cause, time periods, and magnitude of all emissions which exceed the applicable emission standards;
- (ii) The source downtime including the time and date of the beginning and end of each downtime period and whether the source downtime was planned or unplanned;
- (iii) The time periods and cause of all CEM downtime including records of any repairs, adjustments, or maintenance that may affect the validity of emission data;
- (iv) Quarterly totals of excess emissions, installation downtime, and CEM downtime during the calendar quarter;
- (v) Quarterly quality assurance activities; and
- (vi) Daily calibration activities that include reference values, actual values, absolute or percent of span differences, and drift status; and
- (vii) Other information required by the Department that is determined to be necessary to evaluate the data, to ensure that compliance is achieved, or to determine the applicability of this regulation." **[Reference: COMAR 26.11.01.11E]**

Note: The regulation, COMAR 26.11.09.05A(4) found in State Only Section, replaces the enforcement policies for use of COM data as specified in Department's Air Management Administration Technical Memorandum 90-01 "Continuous Emission Monitoring (CEM) Policies and Procedures" (October 1990). The enforcement policies of TM-01 was withdrawn and replaced with the new adopted regulation effective May 17, 2010.

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**B. Control of Particulate Matter Emissions**

**COMAR 26.11.09.06A(1) – Particulate Matter Emissions**

"Fuel Burning Equipment Constructed Before January 17, 1972. A person may not cause or permit particulate matter caused by the combustion of solid fuel or

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

residual oil in the fuel burning equipment erected before January 17, 1972, to be discharged into the atmosphere in excess of the amounts shown in Figure 1.” The allowable limit for this boiler is **0.169 lb.PM/MMBtu**.

**COMAR 26.11.09.06C. Determination of Compliance (by stack test).**

“Compliance with the particulate matter emissions standards in this regulation shall be calculated as the average of 3 test runs using EPA Test Method 5 or other United States Environmental Protection Agency test method approved by the Department.”

*Please Note: The Permittee request an update to frequency of the particulate emissions test from twice per permit to once per permit term. As the Department is aware, the facility operates at a very low-capacity factor (CF), where the 8% CF limit is applied for MATS. As a result, Vienna is requesting this modification to avoid the start-up of the unit just for testing purposes. In addition, the unit has consistently demonstrated compliance with the particulate emission limit.*

**Compliance Demonstration**

The Permittee shall perform an EPA Reference Method 5 particulate emissions test on the stack gases at least once during the life of the permit. The Permittee shall submit a protocol to the Department for approval at least 30 days prior to the schedule date of the test. [Reference: **COMAR 26.11.03.06C**]

The Permittee shall follow the Compliance Assurance Monitoring (CAM) Requirement included in Table IV-1a of the Title V Operating Permit.

**[Reference: 40 CFR Part 64]**

The Permittee shall maintain all records of the particulate matter emission tests. Records shall be maintained for a period of 5 years. The Permittee shall report the results of the particulate matter emissions stack tests to the Department within 45 days after the completion of the testing. [Reference: **COMAR 26.11.03.06C**]

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**Compliance Assurance Monitoring – CAM (Table IV-1a)**

The pollutant-specific emission unit is a tangentially fired-boiler, V8 (Boiler #8), manufactured by Combustion Engineering. Boiler #8 has a capacity of 2317 MMBtu/hr. and operates on No.2 fuel oil, No.6 fuel oil or waste oil. The CAM plan applies to a multi-clone dust collector associated with this unit.

The CAM indicators selected are as follows:

The performance (i.e., control efficiency) of the multi-clone dust collector depends on the inlet gas velocity. The pressure differential across the multi-clone was selected as a performance indicator because pressure differential

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

across a multi-clone is primarily a function of the inlet velocity. Particulate control efficiency increases with increasing differential pressure up to the point where the critical differential pressure is reached. The indicator range will be 0.1-inch water gauge and 10-inch water gauge. The pressure gauge will be calibrated annually.

As the opacity of the multi-clone emissions increases, it can be reasonably assumed that the PM emissions increase. The indicator range selected for opacity is an hourly average less than 20 percent. A Continuous Opacity Monitoring System (COMS) is used to assure compliance with the opacity limit. The opacity of the multi-clone is monitored continuously. The COMS meets 40 CFR 60 Appendix B, PS-1 criteria. The zero and span drift are checked daily, and a quarterly filter audit will be performed. The DAS retains all 6-minute and hourly average opacity data. The 10-second opacity data are used to calculate the 6-minute averages. The 6-minute averages are used to calculate the hourly block average opacity.

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**C. Control of Sulfur Oxides Emissions**

**1. COMAR 26.11.09.07A(1) - Control of Sulfur Oxides from Fuel Burning Equipment**

"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:

(1) In Areas I, II, V, and VI: (b) Residual fuel oils, 2.0 percent; (c) Distillate fuel oils, 0.3 percent; (d) Process gas used as fuel, 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 the fuel supplier's certification and shall make records available to the Department upon request. Records shall be maintained for a period of 5 years. [Reference: COMAR 26.11.03.06C]

The Permittee shall report fuel supplier certifications to the Department upon request. [Reference: COMAR 26.11.09.07C]

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**2. Cross State Air Pollution Rule (CSAPR).  
See Table IV-4: CSAPR for requirements**

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**D. Control of Nitrogen Oxides Emissions**

**COMAR 26.11.09.08B(5) - Operator Training.**

“(a) For purposes of this regulation, the equipment operator to be trained may be the person who maintains the equipment and makes the necessary adjustments for efficient operation.

(b) The operator training course sponsored by the Department shall include an in-house training course that is approved by the Department. “

**COMAR 26.11.09.08C - Requirements for Fuel-Burning Equipment with a Rated Heat Input Capacity of 250 Million Btu Per Hour or Greater.**

“(1) A person who owns or operates fuel-burning equipment with a rated heat input capacity of 250 Million Btu per hour or greater shall equip each installation with combustion modifications or other technologies to meet the NO<sub>x</sub> emission rates in §C(2) of this regulation.

(2) The maximum NO<sub>x</sub> emission rates as pounds of NO<sub>x</sub> per Million Btu per hour are: (c) 0.30 for oil fired or gas/oil fired units located at an electric generating facility”

**COMAR 26.11.09.08B(2)(d) - Demonstration of Compliance.**

“(a) A person subject to a NO<sub>x</sub> emission standard in this regulation shall demonstrate compliance as follows: (d) Except as otherwise established by the Department and approved by the EPA, for a person who establishes compliance with the NO<sub>x</sub> emissions standards in this regulation using a CEM, compliance shall be determined as 30-day rolling averages.”

**Compliance Demonstration**

The Permittee shall monitor NO<sub>x</sub> emissions from this unit with a NO<sub>x</sub> CEM. The Permittee shall certify the CEM in accordance with 40 CFR Part 75, Appendix A.

**[Reference: COMAR 26.11.09.08B(2)(b)]**

The Permittee shall maintain records necessary for the quarterly emission reports. Records shall be maintained for a period of 5 years. **[Reference:**

**COMAR 26.11.03.06C]**

The Permittee shall submit quarterly emission reports of CEM data to the Department before the 30<sup>th</sup> day of the month following the end of each calendar quarter. The emission report will contain the information required by COMAR

26.11.01.11E(2). **[Reference: COMAR 26.11.09.08K(1) and COMAR 26.11.03.06C]**

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2. Cross State Air Pollution Rule (CSAPR).

**See Table IV-4: CSAPR for requirements**

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**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

3. Acid Rain Permit

The Permittee shall comply with the requirements of the Phase II Acid Rain Permit issued for this generating station. Note: A renewal Phase II Acid Rain Permit will be issued in conjunction with this Part 70 permit and is attached to the Part 70 permit as Appendix A.

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**E. Control of HAP Emissions (Table IV-1b)**

**40 CFR Part 63, Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units.**

**§63.9980 - What is the purpose of this subpart?**

This subpart establishes national emission limitations and work practice standards for hazardous air pollutants (HAP) emitted from coal- and oil-fired electric utility steam generating units (EGUs) as defined in §63.10042 of this subpart. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.

*Electric utility steam generating unit (EGU) means a fossil fuel-fired combustion unit of more than 25 megawatts electric (MWe) that serves a generator that produces electricity for sale. A fossil fuel-fired unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 MWe output to any utility power distribution system for sale is considered an electric utility steam generating unit.*

**§63.9981 - Am I subject to this subpart?**

“You are subject to this subpart if you own or operate a coal-fired EGU or an oil-fired EGU as defined in §63.10042 of this subpart.”

**§63.9984 - When do I have to comply with this subpart?**

“(b) If you have an **existing** EGU, you must comply with this subpart no later than **April 16, 2015**.”

“(c) You must meet the notification requirements in §63.10030 according to the schedule in §63.10030 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.”

“(f) You must demonstrate that compliance has been achieved, by conducting the required performance tests and other activities, no later than 180 days after the applicable date in paragraph (a), (b), (c), (d), or (e) of this section.”

**§63.9991 - What emission limitations, work practice standards, and operating limits must I meet?**

“(a) You must meet the requirements in paragraphs (a)(1) and (2) of this section. You must meet these requirements at all times.

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD  
 VIENNA, MD 21869  
 PERMIT NO. 24-019-0013  
 PART 70 OPERATING PERMIT FACT SHEET**

(1) You must meet each emission limit and work practice standard in Table 1 through 3 to this subpart that applies to your EGU, for each EGU at your source, except as provided under §63.10009.

(2) *Not Applicable.*

(b) As provided in §63.6(g), the Administrator may approve use of an alternative to the work practice standards in this section.

(c) *Not Applicable.*

*General Compliance Requirements*

**§63.10000 - What are my general requirements for complying with this subpart?**

“(a) You must be in compliance with the emission limits and operating limits in this subpart. These limits apply to you at all times except during periods of startup and shutdown; however, for coal-fired, **liquid oil-fired**, or solid oil-derived fuel-fired EGUs, you are required to meet the work practice requirements in Table 3 to this subpart during periods of startup or shutdown.

(b) At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.”

**“(c)(2)(iv) If your unit qualifies as a limited-use liquid oil-fired as defined in §63.10042, then you are not subject to the emission limits in Tables 1 and 2, but you must comply with the performance tune-up work practice requirements in Table 3.**

**Table 3 to Subpart UUUUU of Part 63—Work Practice Standards**

As stated in §§63.9991, you must comply with the following applicable work practice standards:

If your EGU is...	You must meet the following...
1. An <b>existing</b> EGU	Conduct a tune-up of the EGU burner and combustion controls at least each 36 calendar months, or each 48 calendar months if neural network combustion optimization software is employed, as specified in §63.10021(e).

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**Compliance Demonstration**

**Testing and Initial Compliance Requirements**

**§63.10005 - What are my initial compliance requirements and by what date must I conduct them?**

“(e) *Tune-ups*. All affected EGUs are subject to the work practice standards in Table 3 of this subpart. As part of your initial compliance demonstration, you must conduct a performance tune-up of your EGU according to §63.10021(e).

“(f) For existing affected sources a tune-up may occur prior to April 16, 2012, so that existing sources without neural networks have up to 42 calendar months (3 years from promulgation plus 180 days) or, in the case of units employing neural network combustion controls, up to 54 calendar months (48 months from promulgation plus 180 days) after the date that is specified for your source in §63.9984 and according to the applicable provisions in §63.7(a)(2) as cited in Table 9 to this subpart to demonstrate compliance with this requirement. If a tune-up occurs prior to such date, the source must maintain adequate records to show that the tune-up met the requirements of this standard.”

“(j) Startup and shutdown for coal-fired or solid oil derived-fired units. You must follow the requirements given in Table 3 to this subpart.

(k) You must submit a Notification of Compliance Status summarizing the results of your initial compliance demonstration, as provided in §63.10030.”

**§63.10006 - When must I conduct subsequent performance tests or tune-ups?**

“(i) If you are required to meet an applicable tune-up work practice standard, you must conduct a performance tune-up according to §63.10021(e).

(1) For EGUs not employing neural network combustion optimization during normal operation, each performance tune-up specified in §63.10021(e) must be no more than 36 calendar months after the previous performance tune-up.

(2) For EGUs employing neural network combustion optimization systems during normal operation, each performance tune-up specified in §63.10021(e) must be no more than 48 calendar months after the previous performance tune-up.”

“(j) You must report the results of performance tests and performance tune-ups within 60 days after the completion of the performance tests and performance tune-ups. The reports for all subsequent performance tests must include all applicable information required in §63.10031.”

**Continuous Compliance Requirements**

**§63.10021 - How do I demonstrate continuous compliance with the emission limitations, operating limits, and work practice standards?**

“(a) You must demonstrate continuous compliance with each emissions limit, operating limit, and **work practice standard** in Tables 1 through 4 to this subpart that applies to you, according to the monitoring specified in Tables 6 and 7 to this subpart and paragraphs (b) through (g) of this section.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**Table 7 to Subpart UUUUU of Part 63—Demonstrating Continuous Compliance**  
As stated in §63.10021, you must show continuous compliance with the emission limitations for affected sources according to the following:

<b>If you use one of the following to meet applicable emissions limits, operating limits, or work practice standards</b>	<b>You demonstrate continuous compliance by</b>
5. Conducting periodic performance tune-ups of your EGU(s)	Conducting periodic performance tune-ups of your EGU(s), as specified in §63.10021(e).

**Notification, Reports, and Records**

**§63.10032 - What records must I keep?**

“(a) You must keep records according to paragraphs (a)(1) and (2) of this section. If you are required to (or elect to) continuously monitor Hg and/or HCl and/or HF emissions, you must also keep the records required under appendix A and/or appendix B to this subpart.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in §63.10(b)(2)(xiv).

(2) Records of performance stack tests, fuel analyses, or other compliance demonstrations and performance evaluations, as required in §63.10(b)(2)(viii).

**§63.10033 - In what form and how long must I keep my records?**

“(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.”

**§63.10030 - What notifications must I submit and when?**

“(a) You must submit all of the notifications in §§63.7(b) and (c), 63.8 (e), (f)(4) and (6), and 63.9 (b) through (h) that apply to you by the dates specified.

(b) As specified in §63.9(b)(2), if you startup your EGU that is an affected source before April 16, 2012, you must submit an Initial Notification not later than 120 days after April 16, 2012.”

**VIENNA POWER, LLC  
 VIENNA GENERATING STATION  
 4621 CHAPEL OF EASE ROAD  
 VIENNA, MD 21869  
 PERMIT NO. 24-019-0013  
 PART 70 OPERATING PERMIT FACT SHEET**

“(e) When you are required to conduct an initial compliance demonstration as specified in §63.10011(a), you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). The Notification of Compliance Status report must contain all the information specified in paragraphs (e)(1) through (7), as applicable.

**§63.10031 - What reports must I submit and when?**

“(a) You must submit each report in Table 8 to this subpart that applies to you. If you are required to (or elect to) continuously monitor Hg and/or HCl and/or HF emissions, you must also submit the electronic reports required under appendix A and/or appendix B to the subpart, at the specified frequency.

**Table 8 to Subpart UUUUU of Part 63—Reporting Requirements**

As stated in §63.10031, you must comply with the following requirements for reports:

You must submit a...	The report must contain...	You must submit the report...
1. Compliance report	a. Information required in §63.10031(c)(1) through (4); and b. If there are no deviations from any emission limitation (emission limit and operating limit) that applies to you and there are no deviations from the requirements for work practice standards in Table 3 to this subpart that apply to you, a statement that there were no deviations from the emission limitations and work practice standards during the reporting period. If there were no periods during which the CMSs, including continuous emissions monitoring system, and operating parameter monitoring systems, were out-of-control as specified in §63.8(c)(7), a statement that there were no periods during which the CMSs were out-of-control during the reporting period; and	Semiannually according to the requirements in §63.10031(b).
	c. If you have a deviation from any emission limitation (emission limit and operating limit) or work practice standard during the reporting period, the report must contain the information in §63.10031(d). If there were periods during which the CMSs, including continuous emissions monitoring systems and continuous parameter monitoring systems, were out-of-control, as specified in §63.8(c)(7), the report must contain the information in §63.10031(e)	

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**Emission Unit: V10 (Combustion Turbine)**

**V10:** One (1) Pratt & Whitney Canada (model FT4A-9) turbo-shaft gas combustion turbine rated at 276 million Btu per hour internal combustion engine firing No.2 fuel oil. (4-0020). The combustion turbine has a generating capacity of 16 megawatts. The unit also operates during peak electric demand or emergency situations.

**NSPS**

**40 CFR Part 60 Subpart GG—Standards of Performance for Stationary Gas Turbines for Which Construction Is Commenced After October 3, 1977, is not applicable to this unit since construction (April 1968) was prior to the effective date of this regulation. The combustion turbine has not undergone any major modification since its initial construction.**

**Compliance Status**

During the June 11, 2020, inspection, V10 (CT) was not operating due to limited demand. In 2019, V10 operated 2 days for a total of 4 hours. Combustion analysis was not required. Operation at Vienna Generating Station has been reduced due to the low price of natural gas causing electricity to be generated elsewhere.

**Applicable Standards and limits**

**A. Control of Visible Emissions**

**COMAR 26.11.09.05A(1) – Visible Emissions.**

“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.

**COMAR 26.11.09.05A(3) - Exceptions.** “Section A (1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, start-up, 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 one 18-minute period once every 168 hours of operation or at a minimum of once a year. If emissions exceed 20 percent opacity, the Permittee shall perform maintenance, and if the excess emissions are not eliminated with 48 hours of operation, a Method 9 observation shall be conducted daily until the visible emissions are reduced. The Permittee shall maintain records of all visible

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VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

emissions observations and the certification of the visible emission readers. Records will be maintained for a period of 5 years. The Permittee shall report incidents of visible emissions in accordance with Permit Condition 4, Section III, "Report of Excess Emissions and Deviations." [Reference: **COMAR 26.11.03.06C**].

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**B. Control of Sulfur Oxides Emissions**

**COMAR 26.11.09.07A(1) - Control of Sulfur Oxides from Fuel Burning Equipment**

"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: (1) 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 the fuel supplier's certification and shall make records available to the Department upon request. Records shall be maintained for a period of 5 years. [Reference: **COMAR 26.11.03.06C**]

The Permittee shall report fuel supplier certifications to the Department upon request. [Reference: **COMAR 26.11.09.07C**]

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**C. Control of Nitrogen Oxides Emissions**

**1. 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;

(d) Require each operator of an installation, except combustion turbines, to attend operator training programs at least once every 3 years, on combustion

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VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

optimization that are sponsored by the Department, the EPA, or equipment vendors; and

(e) Maintain a record of training program attendance for each operator at the site and make these records available to the Department 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<sub>x</sub> 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 turbine operates more than 500 hours, the Permittee shall perform a combustion analysis and optimize combustion at least once annually.

**[Reference: COMAR 26.11.09.08G(1)(b)]**

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

The Permittee shall provide certification of the capacity factor of the equipment to the Department in writing. **[Reference: COMAR 26.11.09.08G(1)(a)].**

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2. Cross State Air Pollution Rule (CSAPR).

**See Table IV-4: CSAPR for requirements**

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**Emission Unit: V20 (Auxiliary Boiler)**

**V20:** One (1) Nebraska Boiler Company (model 20-1896) auxiliary boiler rated at 48 million Btu per hour firing on No.2 fuel oil. (4-0114). This unit is used to provide steam for cold startups of V8 (Boiler #8).

**NSPS**

**40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units** with a heat input capacity less than 100 million Btu/hour but greater than 10 million Btu/hour for which construction began after June 9, 1989, is not applicable to this unit since construction (March 1980) was prior to the effective date of this regulation.

**Compliance Status**

During the June 11, 2020, inspection, **V20** (aux boiler) last operated on April 28, 2020. In 2019, the aux boiler operated 45 days for a total of 170 hours. Operation at Vienna

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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

Generating Station has been reduced due to the low price of natural gas causing electricity to be generated elsewhere.

**Applicable Standards and limits**

**A. Control of Visible Emissions**

**COMAR 26.11.09.05A(1) – Visible Emissions.**

“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.

**COMAR 26.11.09.05A(3) - Exceptions.** “Section A (1) and (2) of this regulation do not apply to emissions during load changing, soot blowing, start-up, 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 one 18-minute period once every 168 hours of operation or at a minimum of once a year. If emissions exceed 20 percent opacity, the Permittee shall perform maintenance, and if the excess emissions are not eliminated with 48 hours of operation, a Method 9 observation shall be conducted daily until the visible emissions are reduced. **[Reference: COMAR 26.11.03.06C]**

The Permittee shall maintain records of all visible emissions observations.

Records will be maintained for a period of 5 years. **[Reference: COMAR 26.11.03.06C]**

The Permittee shall report excess emissions to the Department. **[References: COMAR 26.11.01.10C&D]**

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**B. Control of Sulfur Oxides Emissions**

**COMAR 26.11.09.07A(1) - Control of Sulfur Oxides from Fuel Burning Equipment**

“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:

(1) 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

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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

shall maintain records of the fuel supplier's certification and shall make records available to the Department upon request. Records shall be maintained for a period of 5 years. **[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.

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**C. Control of Nitrogen Oxides Emissions**

**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;
  - (d) Require each operator of an installation, except combustion turbines, to attend operator training programs at least once every 3 years, on combustion optimization that are sponsored by the Department, the EPA, or equipment vendors; and
  - (e) Maintain a record of training program attendance for each operator at the site and make these records available to the Department 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<sub>x</sub> 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 Permittee operates the auxiliary boiler in excess of 15 percent capacity factor, the Permittee shall demonstrate compliance with the 42-ppm limit by performing and EPA Reference Method Test within 120 days after exceeding the 15 percent capacity factor. The Permittee shall submit a test protocol to the

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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

Department for approval at least 30 prior to the proposed test date. **[Reference: COMAR 26.11.09.08G(1)(b)]**

If the auxiliary boiler operates more than 500 hours during a calendar year, the Permittee shall perform a combustion analysis and optimize combustion. The Permittee shall calculate the capacity factor of the auxiliary boiler within 30 days after the end of each month. **[Reference: COMAR 26.11.03.06C]**

The Permittee shall maintain 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 EPA upon request. The Permittee shall maintain a record of the calculated capacity factor. The Permittee shall maintain record of training program attendance for each operator on site. **[Reference: COMAR 26.11.09.08G(1)(c)]**

The Permittee shall provide certification of the capacity factor of the equipment to the Department in writing as part of the Emission Certification Report. The Permittee shall a list of trained operators to the Department upon request. A person subject to this regulation shall maintain annual fuel use records on site for not less than 3 years and make these records available to the Department upon request. **[Reference: COMAR 26.11.09.08G(1)(a)]**

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**D. Operational Limit**

The Permittee shall only burn No. 2 fuel oil unless the Permittee applies for and receives an approval or permit from the Department to burn an alternate fuel. **[Reference: COMAR 26.11.02.09A]**

**Compliance Demonstration**

The Permittee shall log the number of hours that the auxiliary boiler is operated on a daily basis. The Permittee shall keep records of the type and quantity of the fuel used in the auxiliary boiler. **[Reference: COMAR 26.11.03.06C]**

The Permittee shall report the type and quantity of fuel used in the auxiliary boiler to the Department in the annual emission certification report due on April 1 of each year. **[Reference: COMAR 26.11.02.19C]**

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**E. Control of HAP Emissions (Table IV-3a: MACT Subpart DDDDD)**  
**40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters**

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VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**§63.7485 - Am I subject to this subpart?**

You are subject to this subpart if you own or operate an industrial, commercial, or institutional boiler or process heater as defined in §63.7575 that is located at, or is part of, a major source of HAP, except as specified in §63.7491. For purposes of this subpart, a major source of HAP is as defined in §63.2, except that for oil and natural gas production facilities, a major source of HAP is as defined in §63.7575.

**§63.7495 - When do I have to comply with this subpart?**

“(b) If you have an **existing boiler** or process heater, you must comply with this subpart no later than **January 31, 2016**, except as provided in §63.6(i).”

“(d) You must meet the notification requirements in §63.7545 according to the schedule in §63.7545 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.”

**§63.7500 - What emission limitations, work practice standards, and operating limits must I meet?**

“(a) You must meet the requirements in paragraphs (a)(1) through (3) of this section, **except as provided in paragraphs (b), through (e) of this section**. You must meet these requirements at all times the affected unit is operating, except as provided in paragraph (f) of this section.”

“(c) Limited-use boilers and process heaters must complete a tune-up every 5 years as specified in §63.7540. **They are not subject to the emission limits in Tables 1 and 2 or 11 through 13 to this subpart, the annual tune-up, or the energy assessment requirements in Table 3 to this subpart, or the operating limits in Table 4 to this subpart.**”

*Limited-use boiler or process heater* means any boiler or process heater that burns any amount of solid, liquid, or gaseous fuels and has a federally enforceable average annual capacity factor of no more than 10 percent. **[Reference: §63.7575]**

**Operational Limit**

In order to meet the definition of a “Limited–use boiler” under 40 CFR Part 63, Subpart DDDDD, the Permittee shall limit the annual capacity factor, as defined in §63.7575, for **V20** to no more than 10 percent.

**Compliance Demonstration**

**§63.7510 - What are my initial compliance requirements and by what date must I conduct them?**

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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

“(e) For existing affected sources (as defined in §63.7490), you must complete the initial compliance demonstration, as specified in paragraphs (a) through (d) of this section, no later than 180 days after the compliance date that is specified for your source in §63.7495 and according to the applicable provisions in §63.7(a)(2) as cited in Table 10 to this subpart, except as specified in paragraph (j) of this section. You must complete an initial tune-up by following the procedures described in §63.7540(a)(10)(i) through (vi) no later than the compliance date specified in §63.7495, except as specified in paragraph (j) of this section. You must complete the one-time energy assessment specified in Table 3 to this subpart no later than the compliance date specified in §63.7495, except as specified in paragraph (j) of this section.

**Note:** Limited use boilers are exempt from the energy assessment requirement.

**§63.7515 - When must I conduct subsequent performance tests, fuel analyses, or tune-ups?**

“(d) If you are required to meet an applicable tune-up work practice standard, you must conduct an annual, biennial, or 5-year performance tune-up according to §63.7540(a)(10), (11), or (12), respectively. Each annual tune-up specified in §63.7540(a)(10) must be no more than 13 months after the previous tune-up. Each biennial tune-up specified in §63.7540(a)(11) must be conducted no more than 25 months after the previous tune-up. Each 5-year tune-up specified in §63.7540(a)(12) must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed affected source (as defined in §63.7490), the first annual, biennial, or 5-year tune-up must be no later than 13 months, 25 months, or 61 months, respectively, after the initial startup of the new or reconstructed affected source.”

**§63.7530 - How do I demonstrate initial compliance with the emission limitations, fuel specifications and work practice standards?**

“(f) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.7545(e).”

**Continuous Compliance Requirements**

**§63.7540 - How do I demonstrate continuous compliance with the emission limitations, fuel specifications and work practice standards?**

“(a) You must demonstrate continuous compliance with each emission limit in Tables 1 and 2 or 11 through 13 to this subpart, the work practice standards in Table 3 to this subpart, and the operating limits in Table 4 to this subpart that applies to you according to the methods specified in Table 8 to this subpart and paragraphs (a)(1) through (19) of this section.”

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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

“(10) If your boiler or process heater has a heat input capacity of 10 million Btu per hour or greater, you must conduct an annual tune-up of the boiler or process heater to demonstrate continuous compliance as specified in paragraphs (a)(10)(i) through (vi) of this section. **This frequency does not apply to limited-use boilers** and process heaters, as defined in §63.7575, or units with continuous oxygen trim systems that maintain an optimum air to fuel ratio.

(i) As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection. At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;

(ii) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

(iii) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection;

(iv) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO<sub>x</sub> requirement to which the unit is subject;

(v) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and

(vi) Maintain on-site and submit, if requested by the Administrator, an annual report containing the information in paragraphs (a)(10)(vi)(A) through (C) of this section,

(A) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater;

(B) A description of any corrective actions taken as a part of the tune-up; and

(C) The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit.”

**VIENNA POWER, LLC  
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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**Notification, Reports, and Records**

**§63.7555 - What records must I keep?**

“(a) You must keep records according to paragraphs (a)(1) and (2) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in §63.10(b)(2)(xiv).

(2) Records of performance tests, fuel analyses, or other compliance demonstrations and performance evaluations as required in §63.10(b)(2)(viii).”

**§63.7560 - In what form and how long must I keep my records?**

“(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.”

**§63.7545 - What notifications must I submit and when?**

“(a) You must submit to the Administrator all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (6), and 63.9(b) through (h) that apply to you by the dates specified.

“(e) If you are required to conduct an initial compliance demonstration as specified in §63.7530, you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). For the initial compliance demonstration for each boiler or process heater, you must submit the Notification of Compliance Status, including all performance test results and fuel analyses, before the close of business on the 60th day following the completion of all performance test and/or other initial compliance demonstrations for all boiler or process heaters at the facility according to §63.10(d)(2). The Notification of Compliance Status report must contain all the information specified in paragraphs (e)(1) through (8), as applicable. If you are not required to conduct an initial compliance demonstration as specified in §63.7530(a), the Notification of Compliance Status must only contain the information specified in paragraphs (e)(1) and (8).”

“(8) In addition to the information required in §63.9(h)(2), your notification of compliance status must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

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4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

(i) "This facility complies with the required initial tune-up according to the procedures in §63.7540(a)(10)(i) through (vi)."

**§63.7550 - What reports must I submit and when?**

"(a) You must submit each report in Table 9 to this subpart that applies to you.

You must submit a(n)	The report must contain	You must submit the report
<b>1. Compliance report</b>	<b>a. Information required in §63.7550(c)(1) through (5); and</b>	Semiannually, annually, biennially, or <b>every 5 years according to the requirements in §63.7550(b).</b>

(b) Unless the EPA Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report, according to paragraph (h) of this section, by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (4) of this section. **For units that are subject only to a requirement to conduct an annual, biennial, or 5-year tune-up according to §63.7540(a)(10), (11), or (12), respectively, and not subject to emission limits or operating limits, you may submit only an annual, biennial, or 5-year compliance report, as applicable, as specified in paragraphs (b)(1) through (4) of this section, instead of a semi-annual compliance report.**

(1) The first compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in §63.7495 and ending on July 31 or January 31, whichever date is the first date that occurs at least 180 days (or 1, 2, or 5 years, as applicable, if submitting an annual, biennial, or 5-year compliance report) after the compliance date that is specified for your source in §63.7495.

(2) The first compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for each boiler or process heater in §63.7495. The first annual, biennial, or 5-year compliance report must be postmarked or submitted no later than January 31.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. **Annual, biennial, and 5-year compliance reports must cover the applicable 1-, 2-, or 5-year periods from January 1 to December 31.**

(4) Each subsequent compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period. **Annual, biennial, and 5-year compliance reports must be postmarked or submitted no later than January 31.**

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

(c) A compliance report must contain the following information depending on how the facility chooses to comply with the limits set in this rule.

(1) If the facility is subject to the requirements of a tune up, they must submit a compliance report with the information in paragraphs (c)(5)(i) through (iv) and (xiv) of this section.

“(5)(i) Company and Facility name and address.

(ii) Process unit information, emissions limitations, and operating parameter limitations.

(iii) Date of report and beginning and ending dates of the reporting period.

(iv) The total operating time during the reporting period.”

“(xiv) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or **5-year tune-up** according to §63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.”

“(h) You must submit the reports according to the procedures specified in paragraphs (h)(1) through (3) of this section.”

“(3) You must submit all reports required by Table 9 of this subpart electronically using CEDRI that is accessed through the EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due the report you must submit the report to the Administrator at the appropriate address listed in § 63.13. At the discretion of the Administrator, you must also submit these reports, to the Administrator in the format specified by the Administrator.”

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**Emissions Unit Number(s): V8 & V10**

**Cross State Air Pollution Rule (CSAPR)**

**V8:** One (1) Combustion Engineering tangential fired boiler rated at 2317 million Btu per hour heat input fired on No. 2 fuel oil, No. 6 fuel oil or waste oil. (4-0065)

**V10:** One (1) Pratt & Whitney Canada (model FT4A-9) turbo-shaft gas combustion turbine rated at 276 million Btu per hour internal combustion engine firing No.2 fuel oil. (4-0020)

**Applicable Standards and limits**

**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.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**B. Trading Program Requirements.**

(1) This chapter incorporates by reference provisions of the CSAPR NO<sub>x</sub> 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<sub>x</sub> 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 SO<sub>2</sub> 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<sub>x</sub> Annual Trading Program CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions requirements.** For CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under §97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Annual 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<sub>x</sub> Annual allowance transfer must be submitted for recordation in a CSAPR NO<sub>x</sub> Annual source's compliance account in order to be available for use in complying with the source's CSAPR NO<sub>x</sub>

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

Annual emissions limitation for such control period in accordance with §§97.406 and 97.424.

**B. 40 CFR Part 97 Subpart CCCCC-CSAPR SO<sub>2</sub> Group 1 Trading Program  
CSAPR SO<sub>2</sub> 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) SO<sub>2</sub> emissions requirements.** For CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under §97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> 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 SO<sub>2</sub> Group 1 allowance transfer must be submitted for recordation in a CSAPR SO<sub>2</sub> Group 1 source's compliance account in order to be available for use in complying with the source's CSAPR SO<sub>2</sub> Group 1 emissions limitation for such control period in accordance with §§97.606 and 97.624.

**C. 40 CFR Part 97 Subpart GGGGG-CSAPR NO<sub>x</sub> Ozone Season Group 3  
Trading Program**

**CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions requirements.** For CSAPR NO<sub>x</sub> 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<sub>x</sub> Ozone Season Group 3 source and each CSAPR NO<sub>x</sub> Ozone Season Group 3 unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> 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<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Ozone Season Group 3 units at the source.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

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<sub>x</sub> Ozone Season Group 3 allowance transfer must be submitted for recordation in a CSAPR NO<sub>x</sub> Ozone Season Group 3 source's compliance account in order to be available for use in complying with the source's CSAPR NO<sub>x</sub> 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<sub>x</sub> Annual Trading Program; §97.1006, §97.1030, §97.1031, §97.1032, §97.1033 and §97.1034 for the CSAPR NO<sub>x</sub> Ozone Season Group 3 Trading Program; and §97.606, §97.630, §97.631, §97.632, and §97.633 and §97.634 for CSAPR SO<sub>2</sub> Group 1 Trading Program.

The Permittee operates an EPA-approved alternative monitoring system requirement pursuant to 40 CFR Part 75, Subpart E for SO<sub>2</sub> and NO<sub>x</sub>. This is the same monitoring to satisfy the requirements of the Acid Rain Program.

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**COMPLIANCE SCHEDULE**

Vienna Generating Station is currently in compliance with all applicable air quality regulations.

**TITLE IV – ACID RAIN**

Vienna Generating Station is subject to the Acid Rain Program requirements. The Phase II Acid Rain Permit renewal will be issued in conjunction with this Part 70 permit.

**TITLE VI – OZONE DEPLETING SUBSTANCES**

Vienna Generating Station is not subject to Title VI requirements.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**SECTION 112(r) – ACCIDENTAL RELEASE**

Vienna Generating Station is subject to the requirements of Section 112(r). The Permittee shall comply with the standards for recycling and emission reductions pursuant to 40 CFR Part 82, Subpart F.

**PERMIT SHIELD**

The Vienna Generating Station 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)   ✓   Space heaters utilizing direct heat transfer and used solely for comfort heat.
  
- (2)   ✓   Water cooling towers and water-cooling ponds unless used for evaporative cooling of water from barometric jets or barometric condensers or used in conjunction with an installation requiring a permit to operate.
  
- (3) No.   1   Unheated VOC dispensing containers or unheated VOC rinsing containers of 60 gallons (227 liters) capacity or less.

The affected unit is subject to COMAR 26.11.19.09D, which requires that the Permittee control emissions of volatile organic compounds (VOC) from cold degreasing operations by meeting the following requirements:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

- (a) COMAR 26.11.19.09D(2)(b), which establishes that the Permittee shall not use any VOC degreasing material that exceeds a vapor pressure of 1 mm Hg at 20 ° C.
- (b) COMAR 26.11.19.09D(3)(a—d), which requires that the Permittee implement good operating practices designed to minimize spills and evaporation of VOC degreasing material. These practices, which shall be established in writing and displayed such that they are clearly visible to operators, shall include covers (including water covers), lids, or other methods of minimizing evaporative losses, and reducing the time and frequency during which parts are cleaned;
- (c) COMAR 26.11.19.09D(4), which prohibits the use of any halogenated VOC for cold degreasing.

The Permittee shall maintain on site for at least five (5) years, and shall make available to the Department upon request, the following records of operating data:

- (a) Monthly records of the total VOC degreasing materials used; and
  - (b) Written descriptions of good operating practices designed to minimize spills and evaporation of VOC degreasing materials.
- (4) ✓ Equipment for drilling, carving, cutting, routing, turning, sawing, planing, spindle sanding, or disc sanding of wood or wood products.
- (5) ✓ Brazing, soldering, or welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals and not directly related to plant maintenance, upkeep and repair or maintenance shop activities.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

- (6) Containers, reservoirs, or tanks used exclusively for:
- (a)  Storage of butane, propane, or liquefied petroleum, or natural gas.
  - (b) No.   2   Storage of lubricating oils.
  - (c) No.   7   Storage of Numbers 1, 2, 4, 5, and 6 fuel oil and aviation jet engine fuel.
  - (d) No.  30  The storage of VOC normally used as solvents, diluents, thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins, or other surface coatings and having individual capacities of 2,000 gallons (7.6 cubic meters) or less.
- (7)  Charbroilers and pit barbecues as defined in COMAR 26.11.18.01 with a total cooking area of 5 square feet (0.46 square meter) or less.
- (8)  First aid and emergency medical care provided at the facility, including related activities such as sterilization and medicine preparation used in support of a manufacturing or production process.
- (9)  Certain recreational equipment and activities, such as fireplaces, barbecue pits and cookers, fireworks display, and kerosene fuel use.
- (10)  Potable water treatment equipment, not including air stripping equipment.
- (11)  Comfort air conditioning subject to requirements of Title VI of the Clean Air Act.
- (12)  Laboratory fume hoods and vents.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

**STATE ONLY ENFORCEABLE REQUIREMENTS**

This section of the permit contains state-only enforceable requirements. The requirements in this section will not be enforced by the U.S. Environmental Protection Agency. The requirements in this section are not subject to COMAR 26.11.03 10 - Public Petitions for Review to EPA Regarding Part 70 Permits.

1. Applicable Regulations:

**COMAR 26.11.06.08 – Nuisance.**

“An installation or premises may not be operated or maintained in such a manner that 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.”

**Emissions Unit Number(s): V8 (Cont'd)**

**V8:** One (1) Combustion Engineering model natural circulation, tangential fired boiler rated at 2317 million Btu per hour firing on distillate oil, residual oil and/or waste oil. [4-0065]:

**Applicable Standards/Limits:**

**COMAR 26.11.09.05A(4) - Fuel Burning Equipment Required to Operate a COM.** “The owner or operator of fuel burning equipment that is subject to the requirement to install and operate a COM shall demonstrate compliance with the applicable visible emissions limitation specified in §A(1) and (2) of this regulation as follows:

(a) For units with a capacity factor greater than 25 percent, until December 31, 2009, compliance is achieved if visible emissions do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4 percent of the unit's operating time in any calendar quarter, during which time visible emissions:

(i) Do not exceed 40.0 percent opacity, except for 5.0 hours or 0.5 percent of the unit's operating time, whichever is greater.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

- (ii) Do not exceed 70.0 percent opacity for more than four (4) 6-minute periods, except that coal-fired units equipped with electrostatic precipitators may exceed 70.0 percent opacity for no more than 2.2 hours; and
- (iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two (2) six-minute periods;
- (b) For units with a capacity factor greater than 25 percent, beginning January 1, 2010, compliance is achieved if visible emissions do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 2 percent of the unit's operating time in any calendar quarter, during which time visible emissions:
- (i) Do not exceed 40.0 percent opacity, except for 5.0 hours or 0.5 percent of the unit's operating time, whichever is greater.
- (ii) Do not exceed 70.0 percent opacity for more than four (4) six-minute periods, except that coal-fired units equipped with electrostatic precipitators may exceed 70.0 percent opacity for no more than 2.2 hours; and
- (iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two 6-minute periods;
- (c) For units with a capacity factor equal to or less than 25 percent that operate more than 300 hours per quarter, beginning July 1, 2009, compliance with the applicable visible emissions limitation in §A(1) and (2) of this regulation is achieved if, during a calendar quarter, visible emissions do not exceed the applicable standard for more than 20.0 hours, during which time visible emissions:
- (i) Do not exceed 40.0 percent opacity for more than 2.2 hours.
- (ii) Do not exceed 70 percent for more than four 6-minute periods; and
- (iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two 6-minute periods; and
- (d) For units with a capacity factor equal to or less than 25 percent that operate less than 300 hours per quarter, beginning July 1, 2009, compliance with the applicable visible emissions limitation in §A(1) and (2) of this regulation is achieved if, during a calendar quarter, visible emissions do not exceed the applicable standard for more than 12.0 hours, during which time visible emissions:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

- (i) Do not exceed 40.0 percent opacity for more than 2.2 hours.
- (ii) Do not exceed 70.0 percent opacity for more than four 6-minute periods; and
- (iii) On any calendar day, do not exceed the applicable visible emissions limitation in §A(1) and (2) of this regulation for more than 4.1 hours, during which time visible emissions do not exceed 40.0 percent opacity for more than 1.4 hours and do not exceed 70.0 percent opacity for more than two 6-minute periods.”

**COMAR 26.11.09.05B. Determining Violations.**

“(1) For each unit required to operate a COM pursuant to COMAR 26.11.01.10A(1)(a) and (b), each day during a calendar quarter when the opacity of emissions from that unit during the calendar quarter or calendar day, as applicable, exceeds the emission limitations in §A(4)(a), (b), (c) and (d) of this regulation shall constitute a separate day of violation.

(2) A violation of §A(4)(a)(i), (ii), or (iii), §A(4)(b)(i), (ii) or (iii), §A(4)(c)(i), (ii) or (iii), or §A(4)(d)(i), (ii) or (iii), of this regulation, as applicable, that occur on the same day shall constitute separate violations.

(3) A daily violation that occurs during the same calendar quarter as a quarterly violation is a separate violation.”

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**COMAR 26.11.09.10 - Requirements to Burn Used Oil and Waste Combustible Fluid as Fuel.**

**“A. General Requirements.**

(1) A person who proposes to burn used oil or waste combustible fluid in an installation shall submit the following information to the Department:

(a) A description of, and the location of, each fuel-burning equipment or other installation in which the used oil or WCF is to be burned and the rated heat input capacity of each.

(b) The type and amount of fuel currently being used in each installation and the gallons of used oil or WCF expected to be burned annually.

(c) The maximum percentage of used oil or WCF to be burned as fuel in each installation; and

(d) An analysis by an independent laboratory of a representative sample of the used oil or WCF, which shall include the concentration of each of the materials listed in §B of this regulation, the PCB concentration, and the flash point.

(2) A person may burn on-specification used oil in any installation upon submitting the information required in §A(1) of this regulation.

(3) A person who is burning used oil or WCF under a current approval issued by the Department may continue to burn the approved material if:

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

- (a) The person registers the equipment that is burning the used oil or WCF by submitting the information required in §A(1) of this regulation; and  
(b) The used oil or WCF is being burned in an authorized installation.  
(4) A person who proposes to burn off-specification used oil or WCF in an installation other than a space heater, as provided in 40 CFR §279.23, is subject to the permit or registration requirements in COMAR 26.11.02.

(5) A person who receives a permit or registration to burn used oil or WCF shall burn only the materials authorized in the permit or registration.

(6) A person may burn off-specification used oil and waste combustible fluid only in those installations listed at 40 CFR §279.12(c).

**B. Specifications for Used Oil.**

(1) Except as provided in §B(2) of this regulation, used oil specifications are as follows:

Material	Allowable Level
(a) Lead	100 ppm
(b) Total halogens	4,000 ppm
(c) Arsenic	5 ppm
(d) Cadmium	2 ppm
(e) Chromium	10 ppm
(f) Flash point	100° F minimum

(2) For used oil that does not satisfy the rebuttable presumption for halogens at 40 CFR 279.10(b)(1)(ii) and 279.63, the maximum allowable level for halogens may not exceed 1,000 ppm.

**C. Requirements for Burning Used Oil or WCF Containing PCB.**

(1) Used oil or WCF containing quantifiable levels of PCB (2ppm) or greater but less than 50 ppm may be burned only in those installations listed at 40 CFR §279.12(c) or 40 CFR 761.

(2) Used oil or WCF containing PCB with a concentration of 50 ppm or greater is hazardous waste.”

The Permittee shall submit with the annual emissions certification report a record of the total quantity of used oil and WCF burned during the calendar year and a copy of an analysis by an independent laboratory of a representative sample of the used oil and WCF.

**VIENNA POWER, LLC  
VIENNA GENERATING STATION  
4621 CHAPEL OF EASE ROAD  
VIENNA, MD 21869  
PERMIT NO. 24-019-0013  
PART 70 OPERATING PERMIT FACT SHEET**

2. Record Keeping and Reporting:

The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. The analysis shall include either:

- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
- (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.