

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 27 Emission Limitations for Power Plants

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Affected facility" means any one of the following electric generating stations:

- (a) Brandon Shores;
- (b) C. P. Crane;
- (c) Chalk Point;
- (d) Dickerson;
- (e) H. A. Wagner;
- (f) Morgantown; and
- (g) R. P. Smith.

(2) "Ozone season" means the period beginning May 1 of any given year and ending September 30 of the same year.

(3) "System" means two or more electric generating units subject to this chapter that are owned, operated, or controlled by the same person.

(4) "12-month rolling average emission rate" means an average emission rate determined at the conclusion of each month by calculating:

(a) For each hour that the unit is operating, the arithmetic average of all hourly emission rates for each operating day of a given calendar month to obtain a monthly average; and

(b) The arithmetic monthly average, as determined in §B(4)(a) of this regulation, of the previous 12 calendar months.

.02 Applicability and Exemptions.

A. This chapter applies to the following fossil-fuel fired electric generating units:

- (1) Brandon Shores Units 1 and 2;
- (2) C.P. Crane Units 1 and 2;
- (3) Chalk Point Units 1 and 2;
- (4) Dickerson Units 1, 2, and 3;
- (5) H.A. Wagner Units 2 and 3;
- (6) Morgantown Units 1 and 2; and
- (7) R. Paul Smith Units 3 and 4.

B. Except as provided in Regulation .03B(7) of this chapter, compliance with this chapter may not be achieved by applying sulfur dioxide (SO₂), oxides of nitrogen (NO_x), or mercury allowances acquired under any state or federal emissions trading program.

.03 General Requirements.

A. An electric generating unit subject to this chapter shall comply with the emission limitations for NO_x, SO₂, and mercury as provided in this regulation.

B. NO_x Emission Limitations.

(1) Except as provided in §E of this regulation, annual NO_x emissions from each affected electric generating unit may not exceed the number of tons in §B(2) of this regulation.

(2) Annual Tonnage Limitations.

Affected Unit	Annual NO_x Tonnage Limitations Beginning	
January 1, 2009	January 1, 2012	
Brandon Shores Unit 1	2,927 tons	2,414 tons
Brandon Shores Unit 2	3,055 tons	2,519 tons
C.P. Crane Unit 1	832 tons	686 tons
C.P. Crane Unit 2	894 tons	737 tons

Chalk Point Unit 1	1,415 tons	1,166 tons
Chalk Point Unit 2	1,484 tons	1,223 tons
Dickerson Unit 1	672 tons	554 tons
Dickerson Unit 2	736 tons	607 tons
Dickerson Unit 3	698 tons	575 tons
H.A. Wagner Unit 2	673 tons	555 tons
H.A. Wagner Unit 3	1,352 tons	1,115 tons
Morgantown Unit 1	2,540 tons	2,094 tons
Morgantown Unit 2	2,522 tons	2,079 tons
R. Paul Smith Unit 3	67 tons	55 tons
R. Paul Smith Unit 4	349 tons	288 tons
Total	20,216 tons	16,667 tons

(3) Except as provided in §E of this regulation, ozone season NO_x emissions from each affected electric generating unit may not exceed the number of tons in §B(4) of this regulation.

(4) Ozone Season Tonnage Limitations.

Affected Unit	Ozone Season NO_x Tonnage Limitations Beginning May 1, 2009
Brandon Shores Unit 1	1,363 tons
Brandon Shores Unit 2	1,449 tons
C.P. Crane Unit 1	345 tons
C.P. Crane Unit 2	385 tons
Chalk Point Unit 1	611 tons
Chalk Point Unit 2	657 tons
Dickerson Unit 1	311 tons
Dickerson Unit 2	333 tons
Dickerson Unit 3	314 tons

H.A. Wagner Unit 2	278 tons
H.A. Wagner Unit 3	583 tons
Morgantown Unit 1	1,053 tons
Morgantown Unit 2	1,048 tons
R. Paul Smith Unit 3	27 tons
R. Paul Smith Unit 4	143 tons
Total	8,900 tons

(5) Except as provided in §§B(7) and E of this regulation, if after reviewing 2009 ozone season measured ozone levels at air monitoring stations located in Maryland, the Department determines that ozone levels in Maryland exceed the levels required to meet the National Ambient Air Quality Standard for ozone, commencing on May 1, 2012, ozone season NO_x emissions from each affected electric generating unit may not exceed the number of tons in §B(6) of this regulation.

(6) Ozone Season Tonnage Limitations.

Affected Unit	Ozone Season NO_x Tonnage Limitations Beginning May 1, 2012
Brandon Shores Unit 1	1,124 tons
Brandon Shores Unit 2	1,195 tons
C.P. Crane Unit 1	284 tons
C.P. Crane Unit 2	317 tons
Chalk Point Unit 1	503 tons
Chalk Point Unit 2	542 tons
Dickerson Unit 1	257 tons
Dickerson Unit 2	274 tons
Dickerson Unit 3	259 tons
H.A. Wagner Unit 2	229 tons
H.A. Wagner Unit 3	481 tons
Morgantown Unit 1	868 tons

Morgantown Unit 2	864 tons
R. Paul Smith Unit 3	22 tons
R. Paul Smith Unit 4	118 tons
Total	7,337 tons

(7) Electric System Reliability During Ozone Seasons.

(a) An exceedance of the NO_x limitations in §B(4) or (6) of this regulation which occurs because PJM Interconnection, LLC or a successor independent system operator, acts to invoke "Maximum Emergency Generation", "Load Reduction", "Voltage Reduction", "Curtailement of Non-essential Building Load", or "Manual Load Dump" procedures in accordance with the current PJM Manual, or a PJM alert preceding such action as to a generating unit that has temporarily shut down in order to avoid potential interruption in electric service and maintain electric system reliability is not a violation of this chapter provided that:

(i) Within 36 hours following the action, the owner or operator of the affected electric generating unit or units notifies the Manager of the Air Quality Compliance Program of the action taken by PJM Interconnection and provides the Department with documentation of the action which is satisfactory to the Department;

(ii) Within 48 hours after completion of the action, the owner or operator of the affected unit or units provides the Department with the estimated NO_x emissions in excess of the emission limitation; and

(iii) [Not in SIP]

(b) The owner or operator of an electric generating unit or system, as applicable, shall send written notice to the Manager of the Air Quality Compliance Program not later than 5 business days following the day when the cumulative ozone season NO_x emissions of an electric generating unit or system, as applicable, are:

(i) Equal to approximately 80 percent of the applicable ozone season emission limitation; and

(ii) Equal to the applicable ozone season emission limitation.

C. SO₂ Emission Limitations.

(1) Except as provided in §E of this regulation, annual SO₂ emissions from each affected electric generating unit may not exceed the number of tons in §C(2) of this regulation.

(2) Annual Tonnage Limitations.

Affected Unit	Annual SO₂ Tonnage Limitations Beginning	
January 1, 2010	January 1, 2013	
Brandon Shores Unit 1	7,041 tons	5,392 tons
Brandon Shores Unit 2	7,347 tons	5,627 tons
C.P. Crane Unit 1	2,000 tons	1,532 tons
C.P. Crane Unit 2	2,149 tons	1,646 tons
Chalk Point Unit 1	3,403 tons	2,606 tons
Chalk Point Unit 2	3,568 tons	2,733 tons
Dickerson Unit 1	1,616 tons	1,238 tons
Dickerson Unit 2	1,770 tons	1,355 tons
Dickerson Unit 3	1,678 tons	1,285 tons
H.A. Wagner Unit 2	1,618 tons	1,239 tons
H.A. Wagner Unit 3	3,252 tons	2,490 tons
Morgantown Unit 1	6,108 tons	4,678 tons
Morgantown Unit 2	6,066 tons	4,646 tons
R. Paul Smith Unit 3	161 tons	124 tons
R. Paul Smith Unit 4	841 tons	644 tons
Total	48,618 tons	37,235 tons

D. [Not in SIP]

E. System-Wide Compliance Determinations.

(1) Compliance with the emission limitations in §§B and C of this regulation may be achieved by demonstrating that the total number of tons emitted from all electric generating units in a system does not exceed the sum of the tonnage limitations for all electric generating units in that system.

(2) A system-wide compliance determination shall be based only upon emissions from units in Maryland that are subject to the emission limitations in §§B and C of this regulation.

(3) If a unit that is part of a system is transferred to a different person that does not own, operate, lease, or control an affected unit subject to this chapter, the transferred unit shall meet the limitations in §§B and C of this regulation applicable to that electric generating unit.

.04 [Not in SIP]

.05 Monitoring and Reporting Requirements.

A. Compliance with the emission limitations in this chapter shall be demonstrated with a continuous emission monitoring system that is installed, operated, and certified in accordance with 40 CFR Part 75.

B. Beginning with calendar year 2007 and each year thereafter, the owner or operator of each electric generating unit subject to this chapter shall submit an annual report to the Department, the Department of Natural Resources, and the Public Service Commission. The report for each calendar year shall be submitted not later than March 1 of the following year.

C. Each report shall include:

(1) Emissions performance results related to compliance with the emission requirements under this chapter;

(2) Emissions of NO_x and SO₂, and beginning with calendar year 2010, mercury, emitted during the previous calendar year from each affected unit;

(3) A current compliance plan; and

(4) Any other information requested by the Department.

.06 Judicial Review of Penalty Waivers.

A. Applicability. The provisions of this regulation govern judicial review of determinations by the Department to reduce or waive penalties for failure to achieve timely compliance with this chapter in accordance with Environment Article, §2-1002(i)(3), Annotated Code of Maryland.

B. Public Notice Requirements.

(1) The Department shall provide public notice of a tentative determination to grant a request for reduction or waiver of penalties made in accordance with Environment Article, §2-1002(i)(2), Annotated Code of Maryland.

(2) The public notice shall:

(a) Be posted on the Department's website;

(b) Published in a newspaper of general circulation in the area in which the affected unit is located at least once a week for 2 consecutive weeks; and

(c) Be sent by first class mail, postage prepaid, or electronic mail to all persons who have requested to be notified about any request for reduction or waiver of penalties submitted to the Department.

(3) The public notice required by this regulation shall include the following information:

(a) The Department's address and the name and telephone number of a contact person for more information;

(b) The name and address of the person requesting a waiver or reduction of penalties;

(c) Identification and address of the affected unit for which the reduction or waiver is requested;

(d) The name, address, and phone number of a person representing the applicant from whom an interested person may obtain additional information;

(e) The location where the following information is available for public inspection:

(i) The complete application for the reduction or waiver of penalties, except for information qualifying as confidential;

(ii) The tentative determination; and

(iii) Other supporting information considered relevant by the Department;

(f) Notice of an opportunity for public comment on the Department's tentative determination for a period of at least 30 calendar days; and

(g) Notice of the public participation procedures and right to judicial review provided by this regulation.

C. Public Comment Period.

(1) The Department shall provide at least 30 days for public comment on a tentative determination to grant a reduction or waiver of penalties during which time any person may

submit written comments on the tentative determination.

(2) The Department shall consider all comments that raise issues of law or material fact that are germane to the tentative determination.

D. Final Determination.

(1) The Department shall prepare a final determination if:

(a) The Department has received timely and germane written comments that are adverse to the tentative determination; or

(b) The final determination is substantively different from the tentative determination.

(2) If the Department is not required to prepare a final determination under §D(1) of this regulation, the tentative determination becomes the final determination when the request for reduction or waiver of penalties is granted.

(3) Notice of the final determination shall be mailed to each person that submitted comments on the tentative determination.

E. Petition for Judicial Review.

(1) Final determinations to reduce or waive penalties are subject to judicial review by any person who:

(a) Meets standing requirements under federal law; and

(b) Participated in the public comment process through the timely submission of written comments.

(2) Judicial review shall be on the administrative record before the Department and limited to objections raised in written comments received during the public comment period, unless the petitioner demonstrates:

(a) That the objections were not reasonably ascertainable during the comment period; or

(b) That grounds for the objections arose after the comment period.

F. Record for Judicial Review. The record for judicial review of a final determination to grant a request to reduce or waive penalties shall consist of all written comments submitted to the

Department during the public comment period, all information considered by the Department in making its final determination, and, in the case of a petition based upon new grounds under §E(2) of this regulation, any information that is relevant and material to the new grounds.

[SIP effective date: October 6, 2008].