



Maryland

Department of the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

March 17, 2016

Mr. Patrick F. Mahoney
President
Energy Answers International
79 North Pearl Street, 4th floor
Albany, NY 12207

Dear Mr. Mahoney:

This letter is to notify you of a final decision made by the Maryland Department of the Environment (“Department”) regarding the expiration of the air quality provisions of the Certificate of Public Convenience and Necessity (“CPCN”) issued by the Maryland Public Service Commission. As you know, the Department issued Prevention of Significant Deterioration (“PSD”) and Nonattainment New Source Review (“N-NSR”) approvals as part of the CPCN issued by the Public Service Commission on August 6, 2010, for the construction of Energy Answers’ 120 MW generation station in Curtis Bay, Baltimore. Pursuant to Air Quality Requirement No. A.6 of the CPCN, COMAR 26.11.02.04B, and 40 CFR 52.21(r)(1), if a lapse in construction of 18 months or longer occurs, as determined by the Department, the air quality provisions of the CPCN expire.

After a thorough investigation, the Department has determined that more than 18 months have elapsed since the last construction activity was performed at the Energy Answers’ Fairfield facility. Specifically, no activity that would be considered construction under the Clean Air Act has occurred on the site since Energy Answers completed driving thirty-two piles to support the emissions stack. The pile driving ceased on October 31, 2013. Consequently, by operation of law, the air quality provisions of the Energy Answers CPCN have expired and are no longer valid.

The Department will inform the Public Service Commission of this decision. If you have any questions, please contact Angelo Bianca, Deputy Director of the Air and Radiation Management Administration at (410) 537-3260.

Sincerely,

Ben Grumbles
Secretary

cc: Angelo Bianca, Deputy Director, Air and Radiation Management Administration