

Exhibit 2



Maryland
Department of
the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

Oct 18, 2021

CERTIFIED MAIL

Cheri Peifer, Hydro Senior Environmental Specialist
Conowingo Hydroelectric Station
2569 Shures Landing Road
Darlington, Maryland 21034

Re: State Discharge Permit No. 19DP0491 MD, NPDES Permit No. MD0002518

Dear Ms. Peifer:

Enclosed is the issued discharge permit referenced above with the effective date indicated on the cover page. The permittee is responsible for complying with all permit conditions. You are therefore advised to read the permit carefully and become thoroughly familiar with the requirements.

The U.S. Environmental Protection Agency (EPA) recently promulgated a final rule to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting it to an electronic data reporting system (see 40 CFR 127.16). Under the final rule, any Discharge Monitoring Reports (DMRs) to be submitted must now be electronically reported to the Department.

Thus Maryland Department of the Environment now requires the use of NetDMR for filing your required NPDES DMRs. NetDMR is a freely available Web-based tool that allows NPDES permittees to electronically sign and submit their DMRs to EPA via a secure internet connection. NetDMR is designed to improve data quality, reduce reporting liabilities, save paper, and provide cost savings. It allows participants to discontinue mailing in hard copy forms under 40 CFR 122.41 and 403.12. For more information go to the EPA website (www.epa.gov/netdmr) or call the MDE Water and Science Administration, Compliance Program, at [410-537-3520](tel:410-537-3520) and ask to speak to a NetDMR coordinator.

As indicated in Condition II.A.2 of your permit, before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set up and submit test monitoring results electronically. If you do not attend the required training in a timely manner, you will be at risk of violating the new U.S. EPA NPDES electronic reporting rule.

Enclosed is also a copy of the Federal Register, Part 136 - "Guidelines Establishing Test Procedures for Analysis of Pollutants". Unless otherwise specified, these guidelines are to be used for the analyses required by this permit. The most current version of 40 C.F.R. Part 136 can be found online at EPA's website (www.epa.gov/epahome/cfr40.htm). Finally, you'll find enclosed a

brochure for NetDMRs.

Please direct all future correspondence regarding permit compliance to the following address:

Attention: Discharge Monitoring Reports
Water and Science Administration – Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, Suite 425
Baltimore, Maryland 21230-1708

If you have any other questions, please do not hesitate to contact Jonathan Rice, Industrial and General Permits Division, at 410-537-3323 or at jonathan.rice@maryland.gov.

Sincerely,


Heath R. Barthelemy (Oct 18, 2021 14:49 EDT)

D. Lee Currey, Director
Water and Science Administration

Enclosures (3)

Cc: WSA Compliance Program, Central Division (Harford County)



Maryland

Department of
the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

STATE DISCHARGE PERMIT NUMBER	19-DP-0491
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NPDES PERMIT NUMBER	MD0002518
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EFFECTIVE DATE	December 1, 2021
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APPROVAL DATE	Oct 18, 2021
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EXPIRATION DATE	November 30, 2026
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REAPPLICATION DATE	November 30, 2025
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MODIFICATION DATE:	N/A
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Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Department of the Environment hereinafter referred to as the "Department," hereby authorizes

Exelon Generating Company, LLC
2569 Shures Landing Road
Darlington, Maryland 21034

TO DISCHARGE FROM

a hydroelectric power generation facility

LOCATED AT

2569 Shures Landing Road, Darlington, Harford County, Maryland 21034

VIA OUTFALLS

001 and 003 as identified and described below

TO

Susquehanna River, a designated Use II-P water body under COMAR 26.08.02.02 protected for water contact recreation, fishing, aquatic life, wildlife, shellfish harvesting, and the public water supply in accordance with the following special and general conditions, and map(s) made a part hereof.

I. SPECIAL CONDITIONS

A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit the permittee is authorized to discharge sanitary wastewater via Outfall 001 (Maryland Coordinates 1545.0 E and 725.4 N).

Discharges authorized from this outfall shall be limited and monitored by the permittee at the UV light discharge weir located in the ultraviolet room of the small building adjacent to the sewage treatment plant as specified in the table below:

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	Report	Report	MGD					Continuous	Measured	
Biochemical Oxygen Demand (BOD ₅)					30	45	mg/L	1/Week	8-hr Composite	
Total Suspended Solids (TSS)					30	45	mg/L	1/Week	8-hr Composite	
Dissolved Oxygen				5.0			mg/L	1/Week	Grab	
<i>E. Coli</i>					126		MPN/100 mL	1/Week	Grab	(1)
pH				6.5		8.5		1/Week	Grab	
Total Nitrogen					Report	Report	mg/L	1/Quarter	Calculated	(2) (3) (4)
Ammonia					Report	Report	mg/L	1/Quarter	Grab	(2) (3) (4)
Nitrate-Nitrite					Report	Report	mg/L	1/Quarter	Grab	(2) (3) (4)
Organic Nitrogen					Report	Report	mg/L	1/Quarter	Grab	(2) (3) (4)
Total Phosphorus					Report	Report	mg/L	1/Quarter	Grab	(3) (4)

I. SPECIAL CONDITIONS

A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 14,350 gallons per day (gpd). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

- (1) The permittee shall use any approved method under 40 CFR §136. The value reported shall be a geometric mean.
- (2) Total nitrogen means the sum of organic nitrogen, ammonia nitrogen, nitrate, and nitrite, where all values are reported as nitrogen (as N). Testing for all forms of nitrogen must be performed on the same sample.
- (3) After 1 year (4 values collected), the Department may reduce or eliminate the monitoring requirement upon written request by the permittee. The permittee must continue monitoring until they receive written notice from the Department approving a request to reduce or eliminate monitoring.
- (4) Report quarterly average instead of monthly average.

I. SPECIAL CONDITIONS

A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit the permittee is authorized to discharge combined river water from plant service units, main generating units, regulation gates, and the fish and eel lifts from points of discharge collectively designated for in-stream monitoring as Outfall 003 (Maryland Coordinates 1546.5 E and 723.7 N).

Discharges authorized from this outfall shall be limited and monitored by the permittee at locations described in footnote #2 as specified in the table below:

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES	
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM				UNITS
Dissolved Oxygen				5.0			mg/L	4/Hour	Continuous	(1) (2)

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour from the point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 80.4 million gallons per day (MGD). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1, notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

- (1) Continuous sampling is required during the months of May through October of each year. The hourly minimum value shall be the arithmetic average of four instantaneous measurements taken fifteen (15) minutes apart. During periods with the continuous DO measurement system is not in use, the hourly minimum DO value shall be based on one measurement per hour collected by grab sample.
- (2) The following sampling procedures are to be followed:

DO shall be monitored at Station 643, located approximately 0.6 miles downstream of the power station. Samples shall be measured inside the shed, which receives river water pumped from the intake structure located approximately midway between Rowland Island and the shoreline. An assist pump can be used to supply flow to Station 643 during periods of low river flow.

DO shall be monitored in the Francis/Kaplan discharge boils and/or spill area(s) during periods when, in order to maintain permit compliance with the DO limitation, a Francis/Kaplan turbine is in operation at reduced gate or spillage is being provided via a regulation gate or the East Fish Lift in combination with

I. SPECIAL CONDITIONS

A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Continued from previous page

vented Francis/Kaplan turbines. During these periods, the arithmetic average of the DO measurements, weighted for flow, in discharge boils of all operating turbines and/or spill areas, shall be used to determine compliance.

During periods when the river water collection system at Station 643 is out of service due to routine or emergency maintenance, loss of power, or high river flows, and/or hydrological or weather conditions prevent safe access to the sample intake structure, the permittee shall obtain samples for DO measurement twice per day at the shoreline adjacent to the sample shed.

I. SPECIAL CONDITIONS

A.3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective dates of this permit the permittee is authorized to discharge sump wastewater and water from facility drains collected in the seepage pit to Outfall 003 via the oil-water separator, subject to monitoring at Monitoring Point 103 (Maryland Coordinates 1544.5 E and 725.7 N). (Outfall 003 discharges to the Susquehanna River)

Discharges authorized from this outfall shall be limited and monitored by the permittee at a 1-inch sample tap installed on the 14-inch discharge pipe of the oil-water separator, as specified in the table below:

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM			
Flow	Report	Report	MGD				1/Quarter	Measured	(1)
Oil and Grease						15	1/Quarter	Grab	

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge.

The permittee shall alert the Department when its annual average flow exceeds 1,500,000 gallons per day (gpd). The permittee shall evaluate any change in annual average flow each year and, in accordance with General Condition B.1., notify the Department by May 1 if the annual average flow is expected to exceed this level. This requirement is not a flow limit.

- (1) Report a quarterly average instead of a monthly average.

I. SPECIAL CONDITIONSB. DEFINITIONS

1. "Biochemical Oxygen Demand (BOD₅)" means the amount of dissolved oxygen required to biologically break down organic material and oxidize inorganic material in an unfiltered environmental sample during a standard BOD₅ test without the use of a nitrification inhibitor.
2. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
3. "Clean Water Act" means the "Federal Water Pollution Control Act Amendments of 1972," 33 U.S.C. 1251, 86 Stat. 866, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, and all other amendments to that act.
4. "CFR" means the Code of Federal Regulations.
5. "COMAR" means the Code of Maryland Regulations.
6. "Composite sample" means a combination of individual samples obtained at a minimum of hourly intervals over a specified time period, where the volume of each individual sample (or the sampling interval when using constant volume samples) is proportional to discharge flow rates recorded during the sampling period.
7. "Daily determination of concentration" means an analysis performed on a wastewater sample representative of flow for that calendar day, with concentration expressed in mg/l or other appropriate unit of measurement.
8. "Daily maximum effluent concentration" means the highest reading of any daily determination of concentration.
9. "Department" means the Maryland Department of the Environment (MDE).
10. "Estimated flow" means a calculated volume or discharge rate based on a technical evaluation of sources contributing to the discharge, including but not limited to pump capabilities, water meters, and batch discharge volumes.
11. "Grab sample" means an individual sample collected over a period of time not exceeding 15 minutes. Grab samples collected for pH and total residual chlorine must be analyzed within 15 minutes from the time of collection.
12. "Geometric Mean (G.M.) concentration" is the concentration of a parameter calculated as: $G.M. = [(X_1)(X_2)(X_3) \dots (X_n)]^{1/n}$, where "X" is the concentration of the parameter measured in each sample, and n is the number of samples taken each month.
13. "Measured flow" means any method of liquid volume measurement for which accuracy has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
14. "Minimum value" means the lowest value measured during a 24-hour period.

15. “Monthly, quarterly, semi-annual, or annual average effluent concentration” means the value calculated by computing the arithmetic mean of all daily determinations of concentration made during any respective calendar-month, 3-month, 6-month, or 12-month period.
16. “Monthly log mean (monthly geometric mean) limit” is the highest allowable value calculated as the logarithmic or geometric mean of all samples taken in a calendar month. The geometric mean is the antilogarithm of the mean of the logarithms.
17. “National Pollutant Discharge Elimination System (NPDES)” means the national system for issuing permits established under §402 of the Clean Water Act (1972).
18. “NetDMR” means a nationally-available electronic reporting tool, initially designed by states and later adapted for national use by EPA, which can be used by NPDES-regulated facilities to submit discharge monitoring reports (DMRs) electronically to EPA through a secure Internet application over the National Environmental Information Exchange Network (NEIEN). EPA can then share this information with authorized states, tribes, and territories.
19. “Nitrogen, Total” means the sum of organic nitrogen, ammonia nitrogen, nitrate, and nitrite, where all values are reported as nitrogen (as N).
20. “Oil and Grease” refers to test results obtained by using EPA Method 1664 (or any EPA approved revisions to this method) for Clean Water Act monitoring programs.
21. “Outfall” means the location where effluent is discharged into receiving waters.
22. “Permittee” means an individual or organization holding a discharge permit issued by the Department.
23. “POTW” means publicly owned treatment works.
24. “Recorded” (i.e. recorded flow, pH, or temperature, etc.), means a method of providing a permanent, continuous record, including but not limited to circular and strip charts.
25. “Sampling Point” means the effluent sampling location in the outfall line(s) downstream from the last addition point, or as otherwise specified.
26. Total Maximum Daily Load (TMDL)” means the maximum amount of a pollutant a waterbody can receive and still meet water quality standards, calculated using the formula $(TMDL = \Sigma WLA + \Sigma LA + MOS)$ where WLA is the sum of wasteload allocations (point sources), LA is the sum of load allocations (nonpoint sources and background), and MOS is the margin of safety.
27. “Total Suspended Solids (TSS)” means the residue from an effluent sample retained on a filter measured in accordance with [ASTM D5907-09](#), Standard Test Methods for Filterable and Nonfilterable Matter in Water (2009), or other approved methods.
28. “Upset” means an exceptional incident where unintentional and temporary noncompliance with technology-based effluent limitations occurs due to factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. TOXIC POLLUTANT REPORTING

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants not specifically limited by this permit have been discharged in excess of notification levels specified in 40 CFR Part 122.42(a).

D. REMOVED SUBSTANCES

1. Within 30 days after notification the permittee shall provide the Department with information on the disposal of any removed substances defined under General Condition B.7 in section II of this permit. Requested information may include but may not be limited to:
 - a. A map clearly showing all areas used for disposal of removed substances.
 - b. A description of physical, chemical, and biological characteristics of any removed substances, as well as their quantities and methods of disposal.
 - c. The identity of any contractor or subcontractor, their mailing address and information specified in a and b above if disposal is handled by persons other than the permittee.
2. The Department's notification may also require the permittee to provide the above information prior to use of new or additional disposal areas, contractors, or subcontractors.

E. ANALYTICAL LABORATORY

Within 30 days after the effective date of this permit the permittee shall submit to the Department the name and address of the analytical laboratory (including the permittee's own laboratory) used to perform the monitoring required by this permit.

If the laboratory changes during the effective period of the permit the permittee shall notify the Department of the new laboratory within 30 days after the change.

F. WASTEWATER OPERATOR CERTIFICATION

As of the effective date of this permit, the permittee's facility shall be operated by an industrial wastewater operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. The certification shall be for the operation of a Class 3 wastewater treatment plant.

G. FLOW MONITORING

In lieu of providing measured flow (defined under Special Conditions in section B above) at Outfall 001 and Monitoring Point 103, the permittee may estimate flows and submit the following information when submitting the initial discharge monitoring report and/or upon any change in methodology:

1. A description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present.

2. Documentation appropriate to the methodology utilized which provides information to support the validity of the reported flow estimate. If actual measurements or observations are made a description of typical sampling times, locations, and persons performing the measurements/observations must also be provided.
3. A description of factors (e.g., batch discharges, intermittent operation, etc.) which caused flow at the outfall to fluctuate significantly from the previously provided estimate.

H. FLOW BASIS FOR ANNUAL DISCHARGE PERMIT FEE

The Department will calculate permit fees annually and invoice the permittee based on annual average discharge flow. Permit fees are payable to the Department in advance by July 1 of each fiscal year (July 1 through June 30).

The permittee shall provide notification of any flow revision to the Department's Industrial and General Permits Division by May 1 of each year to update the annual average discharge flow value used for the next billing period, if the flow volume used to calculate the permit fee (or application fee if the permit was renewed within the past year) differs significantly from either of the following flow determinations:

1. Average flow data reported on the permittee's discharge monitoring reports for the current fiscal year, or
2. Estimated flow volume for the next billing period based on recent changes at the facility.

The flow revision notification shall include a summary of flow data reported on DMRs for the previous year and any other supporting documentation to be used as the basis for the flow determination.

I. REAPPLICATION FOR A PERMIT

The Department is implementing a revised schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the new watershed-based schedule the Department may revoke and reissue this permit concurrently with other permits in the watershed. Unless the Department grants permission for a later date the permittee shall submit a permit renewal application no later than 12 months prior to the expiration date of the current permit, or notify the Department of their intent to cease discharging by the permit's expiration date. In the event that a timely and sufficient reapplication has been submitted and through no fault of the permittee the Department is unable to issue a new permit before the expiration date, the terms and conditions of this permit are automatically continued and remain in full force and effect.

J. PERMIT REOPENER FOR TOTAL MAXIMUM DAILY LOAD (TMDL)

This permit may be reopened as a major modification to implement any applicable requirements associated with a Total Maximum Daily Load (TMDL) issued or approved for the Lower Susquehanna River watershed (basin code 02.12.02.01), including but not limited to: polychlorinated biphenyls.

This permit is consistent with the terms and conditions of the Chesapeake Bay Total Maximum Daily Load (TMDL) for Sediments, Nitrogen and Phosphorus, issued December 29, 2010 (76 Fed. Reg.549,

January 5, 2011). Based on facility operations and/or discharge characteristics this permit limits discharges of total suspended solids to prevent water quality degradation of receiving waters and ultimately the Chesapeake Bay, but does not impose limits for total nitrogen and total phosphorus.

To ensure the Chesapeake Bay and its tributaries are protected from discharges of sediments, nitrogen and phosphorus this permit may be reopened as a major modification to implement any future requirements associated with the Chesapeake Bay TMDL. At that time the permittee may become subject to a Department-issued General Permit for the discharge of such pollutants.

K. BIOMONITORING PROGRAM – [Reserved]

L. TOXICITY REDUCTION EVALUATION

A Toxicity Reduction Evaluation (TRE) is an investigation conducted to identify the causative agents of effluent toxicity, isolate the source(s), determine the effectiveness of control options, implement necessary control measures and confirm the reduction in toxicity. The permittee shall conduct a TRE when a review of toxicity test data by the Department indicates unacceptable, acute, or chronic effluent toxicity.

1. Within 90 days following notification by the Department that a TRE is required the permittee shall submit a study plan and schedule for conducting the TRE. The permittee shall conduct the TRE in a manner consistent with the plan and schedule submitted to the Department.
2. The plan should follow the framework set forth in *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, April 1989).
3. Beginning 60 days following the date of the Department's acceptance of a TRE study plan and every 60 days thereafter the permittee shall submit progress reports including all relevant test data to the Department. The permittee shall continue to submit progress reports every 60 days until the toxicity reduction confirmation is completed.

All TRE-related materials shall be submitted electronically to the Department if the permittee has already been approved for the NetDMR tool. The material shall be attached as a separate single file and labeled as "TRE" in the NetDMR tool. Otherwise, the permittee shall submit all pertinent physical documents to:

Attention: Whole Effluent Toxicity Coordinator
Compliance Program
Water and Science Administration
Maryland Department of the Environment
Montgomery Park Business Center
1800 Washington Boulevard, Suite 420
Baltimore, MD 21230-1708

The permittee shall notify the Department at the above address or via email at mde.biomonitoring@maryland.gov immediately upon electronic submission of TRE material through NetDMR tool.

4. Within 60 days following completion of the toxicity identification (source isolation) phase of the TRE the permittee shall submit a plan and schedule to the Department for implementing

measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. Implementation of the measures identified shall begin immediately upon submission of this plan.

5. Within 60 days after completing the implementation of control measures to eliminate or reduce toxicity the permittee shall submit a study plan to the Department for approval, to confirm the elimination or reduction of toxicity using biomonitoring.
6. If for any reason the implemented measures do not result in compliance with the Department's toxicity limitations the permittee shall continue the TRE.

M. MIXING ZONES AND POLLUTION PREVENTION - [Reserved]

N. PROTECTION OF WATER QUALITY

It is a violation of this permit to discharge any substance not otherwise listed under this permit's "Effluent Limitations and Monitoring Requirements" at levels which would cause or contribute to any exceedance of numerical water quality standards set forth in COMAR 26.08.02.03, unless the level and substance were disclosed in writing in the permit application prior to issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of water quality standards in COMAR 26.08.02.03, including but not limited to general water quality standards, or if the discharge includes a pollutant not disclosed or addressed in the public record for the permit determination; the Department is authorized to modify, suspend or revoke this permit or take enforcement action to address unlawful discharges.

O. USE OF SUFFICIENTLY SENSITIVE TEST METHODS

In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O, for the analysis of pollutants or pollutant parameters limited in this permit. A method is considered "sufficiently sensitive" when either: (1) the method minimum level (ML) is at or below the level of the effluent limit established in this permit for the measured pollutant or pollutant parameter; or (2) the method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. Chapter I, Subchapter N or O for the measured pollutant or pollutant parameter. The ML is not the minimum level of detection, but rather the lowest level at which the test equipment produces a recognizable signal and acceptable calibration point for a pollutant or pollutant parameter, representative of the lowest concentration at which a pollutant or pollutant parameter can be measured with a known level of confidence. For the purposes of this permit, the detection limit is the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions (i.e., the level above which an actual value is reported for an analyte, and the level below which an analyte is reported as non-detect).

P. FISH TANK DISCHARGE

The permittee is authorized to discharge variable amounts of river water containing fish from the fish tanks with the sole purpose to return the live fish to the river via the existing fish/eel lift(s).

Q. POLYCHLORINATED BIPHENYLS

The permittee shall not discharge polychlorinated biphenyls (PCBs) to waters of the State including but not limited to any PCB-containing compounds from transformer sumps.

R. REQUIREMENTS FOR COOLING WATER INTAKE STRUCTURE

Pursuant to 40 CFR §125.90(b), the Department has completed a best professional judgment evaluation the cooling water intake structure at Conowingo Hydroelectric Station and concluded that the existing control measures represent best technology available with respect to impingement mortality and entrainment.

The permittee must notify the Department as soon as possible if any changes occur which appreciably impact the ratio of water use to power generated or result in an increase of the maximum design intake flow of cooling water withdrawn.

The permittee shall submit an annual report to the Department which outlines any changes to the cooling water intake structure and certifies that the cooling water intake structure was properly operated over the previous year and that the facility properly operated all equipment associated with the cooling water intake structure as well as fish passage devices (i.e. fish lifts) to ensure the maximum protection of aquatic life. The annual report shall also certify there have been no changes to the cooling water intake structure other than those for which notification was provided. The annual report and certification shall be attached to the first discharge monitoring report submitted in NetDMR for each calendar year.

Along with the next renewal application, the permittee must submit updated information regarding the ratio of cooling water used to power generated and a summary of any changes which have occurred regarding the cooling water intake during the permit term.

Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

S. STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY - [Reserved]

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

2. REPORTING-MONITORING RESULTS SUBMITTED MONTHLY

Monitoring results obtained during each calendar month shall be summarized and submitted electronically using NetDMR. Results shall be submitted to the Department via NetDMR no

later than the 28th of the month following the end of the reporting month. Specific requirements regarding submittal of data and reports using NetDMR are described below:

- a. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. The permittee must apply for access to NetDMR at www.epa.gov/netdmr and register for a NetDMR Webinar. Before the permittee can submit official DMRs using NetDMR the permittee must attend a training Webinar and successfully set-up and submit test monitoring results electronically.
- b. The permittee may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as under-served for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date the permittee would be required under this permit to begin using NetDMR. This demonstration shall be valid for one (1) year from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed waiver request and such request is approved by the Department.

3. SAMPLING AND ANALYSIS METHODS

The analytical and sampling methods used shall conform to procedures for the analysis of pollutants as identified in Title 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

4. DATA RECORDING REQUIREMENTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates and times the analyses were performed;
- d. the person(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant, using approved analytical methods as specified above, at the locations designated herein more frequently than required by this permit, the results of

such monitoring, including the increased frequency, shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1).

7. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. The permittee shall report any anticipated facility expansions, production increases, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new application at least 180 days prior to the commencement of the changed discharge except that if the change only affects a listed pollutant and will not violate the effluent limitations specified in this permit, by providing written notice to the Department. Following such notice, the permit may be modified by the Department to include new effluent limitations on those pollutants.

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum or daily minimum effluent limitation specified in this permit, the permittee shall notify the Inspection and Compliance Program by telephone at (410) 537-3510 within 24 hours of becoming aware of the noncompliance. Within five calendar days, the permittee shall provide the Department with the following information in writing:

- a. a description of the non-complying discharge including its impact upon the receiving waters;
- b. cause of noncompliance;
- c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;
- d. steps taken by the permittee to reduce and eliminate the non-complying discharge;
- e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and
- f. a description of accelerated or additional monitoring conducted by the permittee to determine the nature and impact of noncompliant discharge.

3. FACILITIES OPERATION

All treatment, control and monitoring facilities, or systems installed or used by the permittee are to be maintained in good working order and operated efficiently.

4. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitation specified in this permit, including any accelerated or additional monitoring necessary to determine the nature and impact of the noncompliant discharge.

5. BYPASSING

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

- a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
- b. there are no feasible alternatives;
- c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
- d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;
- d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

8. POWER FAILURE

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,
- b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

The permittee shall permit the Secretary of the Department, the Regional Administrator for the Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials to:

- a. enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
- b. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
- d. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and
- e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. the permittee notifies the Department in writing, of the proposed transfer;
- b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for

compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and

- c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT –[Reserved]

4. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

5. PERMIT MODIFICATION

A permit may be modified by the Department upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR § 122.62 and 122.63.

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked and reissued in whole or in part during its term for causes including, but not limited to, the following:

- a. violation of any terms or conditions of this permit;
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. a determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.
- e. upon a final, unreviewable determination that the permittee lacks, or is in violation, of any federal, state, or local approval necessary to conduct the activities by this permit.

7. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such toxic effluent standard or prohibition) is established by the U.S. Environmental Protection Agency, or pursuant to Section 9-314 of the Environment Article, Annotated Code of Maryland, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitation upon such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified. Any effluent standard established in this

case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33 U.S.C. § 1321), or under the Annotated Code of Maryland.

9. CIVIL AND CRIMINAL LIABILITY

Except as provided in permit conditions on "bypassing," "upset," and "power failure," nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from civil or criminal responsibilities and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local, or other State law or regulation.

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

11. SEVERABILITY

The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

12. WATER CONSTRUCTION AND OBSTRUCTION

This permit does not authorize the construction or placing of physical structures, facilities, or debris, or the undertaking of related activities in any waters of the State.

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

The permittee shall comply at all times with the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitle 3 of the Annotated Code of Maryland and the Clean Water Act, 33 U.S.C. § 1251 et seq.

14. ACTION ON VIOLATIONS

The issue or reissue of this permit does not constitute a decision by the State not to proceed in administrative, civil, or criminal action for any violations of State law or regulations occurring before the issue or reissue of this permit, nor a waiver of the State's right to do so.

15. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Permittee shall be subject to civil penalty set forth in 33 U.S.C. § 1319 (d) of the Clean Water Act as adjusted for inflation according to 40 CFR, §19.4.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Permittee shall be subjected to criminal penalty set forth in 33 U.S.C. § 1319 (c).

17. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

18. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

19. REOPENER CLAUSE FOR PERMITS

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or
- b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

D. AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Clean Water Act, 33 U.S.C. Section 1342.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and a NPDES permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date. The permittee shall not discharge after that date unless a new application has been submitted to the Department in accordance with the renewal application provisions of this permit.


Health of Barthelemy Oct 18, 2021 14:49 EDT

D. Lee Currey, Director
Water and Science Administration



Facilities and Outfalls



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Projection: Lambert Conformal Conic
GCS: North American 1983

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