

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of the Environment
(DLS Control No. 14-304)**

Overview and Legal and Fiscal Impact

These regulations adopt the requirements of the Environmental Protection Agency's (EPA) control technique guidelines (CTG) for volatile organic compound (VOC) emissions for fiberglass boat manufacturing.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of the Environment:

Air Quality: Volatile Organic Compounds from Specific Processes:
COMAR 26.11.19.26 and .26-1

Legal Analysis

Background

VOC emissions can combine with nitrogen oxides to form ground-level ozone, which can cause a variety of health and ecological problems. The federal Clean Air Act requires all areas of the country to achieve specific air quality standards for ozone and to develop state implementations plans to meet those standards. EPA issues CTGs to assist States in reducing VOC emissions. States may follow the CTG or adopt more restrictive standards. These regulations adopt the requirements of EPA's CTG for VOC emissions for fiberglass boat manufacturing.

Summary of Regulations

New Regulation .26-1 (1) defines terms; (2) establishes VOC emissions requirements and alternative compliance options for fiberglass boat manufacturing; (3) establishes test methods and VOC emissions compliance procedures; and (4) establishes record keeping requirements. In light of this new regulation, Regulation .26 exempts fiberglass boat manufacturing from VOC regulation under a separate section to avoid duplicative or conflicting requirements.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The Maryland Department of the Environment cites §§ 1-101, 1-104, 2-101 through 2-103, 2-301 through 2-303, 10-102 and 10-103 of the Environment Article as legal authority for the regulations. More specifically, §§ 2-301 through 2-303 establish the broad authority of the department to regulate and set standards for emissions, the control of air pollution, and ambient air quality in the State, consistent with federal requirements. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs, as the regulations only affect private businesses engaged in the manufacture of fiberglass boats.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal economic impact on small businesses in the State. While data from the U.S. Census indicates that 34 businesses were engaged in boat and ship building in Maryland in 2012, the department states that only one business is engaged in the manufacture of fiberglass boats. The department further indicates that the additional cost of meeting the regulations' standards is modest, as the alternative materials needed to comply with the regulations are already available and in use by the industry. The Department of Legislative Services generally concurs.

Contact Information

Legal Analysis: Cristen C. Flynn – (410) 946/(301) 970-5350

Fiscal Analysis: Evan M. Isaacson – (410) 946/(301) 970-5510