Maryland General Assembly
Department of Legislative Services

Proposed Regulations
Department of the Environment
(DLS Control No. 15-032)

Overview and Legal and Fiscal Impact

These regulations consolidate and clarify requirements relating to the control of nitrogen oxides (NOx) emissions from internal combustion engines used to compress natural gas located at natural gas pipeline compression stations. The regulations also repeal NOx reduction requirements for non-electric generating units located at Portland cement manufacturing plants, which are being incorporated by concurrent action in new Chapter 30 in COMAR 26.11.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of the Environment:
Air Quality: NOx Reduction Requirements for Non-Electric Generating Units: COMAR 26.11.29.01-.05

Legal Analysis

Background

The federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards for criteria pollutants that are harmful to public health and the environment. States are responsible for developing State Implementation Plans (SIPs) to meet the standards. The Clean Air Act also requires states to adopt reasonably available control technology (RACT) requirements for major stationary sources of NOx in certain nonattainment areas, including most of Maryland. EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Accordingly, Maryland's SIP incorporates the regulations adopted by the Maryland Department of the Environment to establish NOx reduction requirements and RACT requirements for various sources, including stationary internal combustion engines at natural gas pipeline compression stations.

Summary of Regulations

These regulations are part of the department's effort to consolidate the regulations relating to each specific emissions source in a separate COMAR chapter. This action repeals the

existing regulations in Chapter 29 of COMAR 26.11, the NOx emissions reduction requirements for non-electric generating units located at Portland cement manufacturing plants and natural gas pipeline compression stations, and substitutes new regulations containing the requirements that apply only to stationary internal combustion engines used to compress natural gas located at natural gas pipeline compression stations. In addition, existing provisions containing the maximum hourly NOx emission limits that were established to meet RACT requirements are transferred from Chapter 9 to Chapter 29. The provisions that relate to emissions from Portland cement manufacturing plants are incorporated by concurrent action in new Chapter 30 in COMAR 26.11.

In addition to maintaining the existing NOx emission limits and rates, these regulations maintain and clarify the monitoring requirements and codify longstanding practices for demonstrating compliance. According to the department, the regulations do not establish any additional requirements. More specifically, the regulations:

- retitle Chapter 29 in COMAR 26.11 to be "Control of NOx Emissions from Natural Gas Pipeline Compression Stations";

- define the terms "natural gas pipeline compression station" and "parametric optimization";

- maintain the requirement that a person who owns or operates a stationary internal combustion engine perform a parametric optimization or engine re-build to meet specified maximum hourly NOx emission limits;

- maintain specified NOx emission rates for various engine types and sizes;

- maintain the existing monitoring requirements, but change (1) the submission date for the emissions data from November 30 to April 1 of each year; and (2) the collection period from the "control period" to the "previous calendar year";

- require an owner or operator of an internal combustion engine equipped with a continuous emissions monitor (CEM) to demonstrate compliance with the NOx emission limits and rates using CEM data;

- require an owner or operator of an internal combustion engine that is not equipped with a CEM to demonstrate compliance with the NOx emission limits and rates using specified stack tests or an alternative emissions test approved by the department for each affected engine at least once in each 12-month period;

- establish that the sum of all affected engines at a facility must be used to demonstrate compliance with the NOx emission limits; and

- for each internal combustion engine subject to Chapter 29, require the inclusion of the fuel consumption records and the results of a stack test, an emissions test, or CEM data in the annual emissions report submitted to the department.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites §§ 1-101, 1-404, 2-101 through 2-103, and 2-301 through 2-303 of the Environment Article as authority for these regulations. More specifically, § 1-404 provides the Secretary of the Environment with general authority to adopt regulations to carry out the provisions of law that are within the Secretary's jurisdiction and to review and revise these regulations. Section 2-102 states that it is the policy of the State to maintain the degree of air purity necessary to protect the health, general welfare, and property of the people of the State. Section 2-103 establishes the department's (1) jurisdiction over emissions into the air and ambient air quality in the State; and (2) responsibility for monitoring ambient air quality and coordinating State programs on ambient air quality control. Section 2-301 authorizes the department to adopt regulations for the control of air pollution in the State, including testing, monitoring, record keeping, and reporting requirements. Section 2-302 requires the department to adopt regulations that set emissions standards and ambient air quality standards for each of the air quality control areas in the State, consistent with federal requirements. Section 2-302 also details guidelines for the adopti8on of ambient air quality standards and emissions standards.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

Pleases note that the department and the Department of Legislative Services have discussed apparent inconsistencies in the provisions of Regulation .03A. In particular, Regulation .03A(2), which restates an existing requirement verbatim, appears to require the collection of NOx emissions data only through May 1, 2002. The department has agreed to consider adding language to Regulation .03A(2) to clarify that emissions data must be collected each year.

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, and that the regulations only apply to several privately owned facilities. The Department of Legislative Services concurs.

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 or no economic impact on small businesses in the State, as the regulations merely recodify current requirements for several natural gas compressor stations, all of which are already in compliance with these requirements. The Department of Legislative Services concurs.

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