

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

COMAR Codification: 26.11.01.01 & .10

COMAR Codification: 26.11.08.01, .04, .07, .08

Corresponding Federal Standard:

All existing affected sources are subject to specific federal emission standards set forth under the federal NSPS or Clean Air Act Section 111(d). New incinerators are subject to federal NSPS found at 40 CFR Part 60. For cement plants, new particulate and monitoring procedures are contained in EPA's 2013 National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Portland Cement Manufacturing Industry.

Discussion/Justification:

These amendments clarify and streamline the regulations and are unlikely to produce emission reductions. The action establishes revised compliance procedures relating to sources that are required to operate continuous opacity monitors under COMAR 26.11.01.10 - Continuous Opacity Monitoring Requirements.

TO BE COMPLETED BY DBED

- Agree
-Disagree

Comments:

Commerce does not have the subject matter expertise in this matter. However, DBED believes MDE does have the subject matter expertise and trusts their assertion the regulation is not more stringent/restrictive than corresponding federal standards.

Name: Sandy Popp
 Date: 10/7/2015

-Submit to Governor's Office
Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/07/2015	Date Filed with Division of State Documents Document Number

**Title 26
 DEPARTMENT OF THE ENVIRONMENT**

Subtitle 11 AIR QUALITY

26.11.01 General Administrative Provisions

Subtitle 11 AIR QUALITY

26.11.08 Control of Incinerators

Authority: Environmental Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

Notice of Proposed Action

		Date of Publication in MD Register
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1. Desired date of publication in Maryland Register: 11/13/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
26	11	01	01 & .10
26	11	08	01, .04, .07, .08

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator
Carolyn A Jones

Telephone Number
410-537-4210

Mailing Address

1800 Washington Blvd

City	State	Zip Code
Baltimore	MD	21230

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5. Name of Person to Call About this Document	Telephone No.
Randy Mosier	410-537-4488

Email Address
Randy.Mosier@maryland.gov

The Secretary of the Environment proposes to amend Regulations .01 & .10 under COMAR 26.11.01 General Administrative Provisions and amend Regulations .01, .04, .07 & .08 under COMAR 26.11.08 Control of Incinerators.

Statement of Purpose

The purpose of this action is to make amendments that will:

1. Clarify requirements for incinerators and Portland cement plants that demonstrate compliance with visible emissions (VE) standards through use of continuous opacity monitors (COMs);
2. Delete the applicability of the Department's Technical Memorandum 90-01 (TM) for incinerators equipped with COMs;
3. Exempt incinerators that are 1) owned or operated by a government entity and 2) used solely to destroy illegal or prohibited goods from COMAR 26.11.08 requirements.

The amendments will be submitted to EPA for review and approval to be included in Maryland's Section 111(d) Plan and as part of Maryland's State Implementation Plan.

Background

Compliance Clarification for Sources Required to Operate COMs

In 1991, the Department adopted regulations that required certain major sources to install and operate COMs and to demonstrate compliance with opacity standards using COM data. At that time, the Department also adopted its TM that provided the methods to be used to demonstrate compliance with VE requirements using COM data. For COMs, compliance was based on achieving the applicable VE standard for a certain percentage of the source's operating time.

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 17, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md.
R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating

Through these amendments the Department will eliminate the use of the TM for COMs and develop specific requirements to replace the TM. Part II of the TM contained QA/QC procedures for COMs that has been codified in COMAR 26.11.31.

During the past several years, the EPA has adopted numerous requirements for incinerators under Clean Air Act Section 111(d). Nearly all incinerators in Maryland are subject to regulations that are based on Section 111(d) requirements. Most incinerators subject to these federal requirements are subject to 10 percent opacity. These regulations are more restrictive than the 20 percent opacity requirement contained in COMAR 26.11.08.04A(1) that applies to incinerators in the rural areas of the State. Therefore, those rural incinerators are subject to a 10 percent opacity standard when operating a COM. Under EPA Method 9 observations, the visible emission exceptions of COMAR 26.11.08.04C apply. For incinerators that are required to install and operate a COM, visible emissions may not exceed 10 percent opacity. Sources may request an alternate opacity limit for specific operating conditions based on technological limitations which will be subject to approval by MDE and EPA. Portland cement plants located in urban areas of Maryland are subject to a 10 percent opacity standard, whereas rural cement plants are subject to a 20 percent opacity standard as specified in COMAR 26.11.30.05. Under EPA Method 9 observations, the visible emissions standards in COMAR 26.11.30.05B(1) and (2) do not apply to emissions as specified in COMAR 26.11.06.02A(2). For cement kilns that are required to install and operate a COM, visible emissions may not exceed the applicable standards as specified in COMAR 26.11.30.05B(1) and (2). Sources may request an alternate opacity limit for specific operating conditions based on technological limitations which will be subject to approval by MDE and

authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

__ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mary Raivel, Assistant Attorney General, (telephone #410-537-3748) on 9/21/15. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Benjamin H. Grumbles

Title

Secretary of the Environment

Telephone No.

410-537-3084

Date

10/6/15

EPA. Under COMAR 26.11.30.05, cement kilns or clinker coolers may either operate COMs or PM CPMS (particulate matter continuous parameter monitoring systems).

Incinerator Exemption

A number of law enforcement agencies, military installations and other government entities are using modified 55-gallon drums to destroy illegal drugs and trash from international flights that might cause biocontamination. The drums, commonly called cyclonic burn barrels, are equipped with fans, lids and other accessories that, when taken altogether, make these drums fit the definition of an incinerator. The Department is taking action to exempt these drums from the incinerator requirements as the federal government has also done.

Under federal New Source Performance Standards (NSPS) (40 CFR Part 60, Subpart EEEE), an incinerator unit that is owned or operated by a government agency that combusts contraband or prohibited goods is exempt from the federal requirements. The Department is incorporating this provision into the definition of incinerator so that Maryland regulations do not conflict with the federal exemption.

Sources Affected and Location

The amendments will affect four existing municipal waste combustors (MWCs). One MWC is located in Baltimore City, one in Frederick County, one in Harford County and one in Montgomery County.

The amendments will also affect two existing Portland cement manufacturing plants in Maryland.

Requirements

Amendments to COMAR 26.11.01.10 clarify requirements for incinerators and Portland cement plants that demonstrate compliance with visible emissions (VE) standards through use of continuous opacity monitors (COMs). The

amendments reference appropriate regulations where VE standards are contained, establish compliance criteria for these sources, and specify use of the QA/QC procedures in COMAR 26.11.31.

MWCs located in the Baltimore/Washington areas are subject to the no visible emissions requirement contained in COMAR 26.11.08.04A(2). In these areas, compliance with the no VE requirement is demonstrated with a COM if VE are less than 10 percent opacity. Regulation 26.11.08.04 Visible Emissions now includes requirements for incinerators equipped with COMs.

Regulation 26.11.08.07 is approved as part of Maryland's Section 111(d) Plan and is amended to clarify that the regulation applies to small MWCs.

Regulation 26.11.08.08 is approved as part of Maryland's Section 111(d) Plan for large MWCs. The amendments remove the applicability of TM 90-01 and add the requirement that the QA/QC will be as in new COMAR 26.11.31.

Expected Emissions Reductions
These amendments clarify and streamline the regulations and are unlikely to produce emission reductions. The action establishes revised compliance procedures relating to sources that are required to operate continuous opacity monitors under COMAR 26.11.01.10 - Continuous Opacity Monitoring Requirements.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to , , , or call , or email to , or fax to . Comments will be accepted through . A public hearing will be held, A public hearing will be held, The Department of the Environment will hold a public hearing on the proposed action on Dec 14, 2015 at 1 p.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views.

Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to randy.mosier@maryland.gov.

Comments must be received not later than Dec 14, 2015 or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

Copies of the proposed action and supporting documents are available for review at the following locations:

- The Department of the Environment's website at:
<http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomments.aspx>
- The Air and Radiation Management Administration Office in Baltimore; and
- The regional offices of the Department in Cumberland and Salisbury.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

A combination of Maryland Clean Air Funds (Special) and Air Pollution Control Program Grant Funds (Federal) will be used.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Affected incinerators and cement plants are currently required to install and operate a COM and required to assure that valid COM data is generated. Each of the affected sources currently submit quarterly reports summarizing visible emissions exceedances. Only one existing small source in Maryland also follows the federal requirements.

G. Small Business Worksheet:

Attached Document:

Draft 9-17-15

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 01 General Administrative Provisions

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

(8-1) *Continuous Burning.*

(a) "Continuous burning" means the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production.

(b) "Continuous burning" does not include the period when municipal solid waste is solely used to provide thermal protection of the grate or hearth.

(9) — (27) (text unchanged)

(27-1) *Operating Time.*

(a) "Operating time" means, for the purpose of determining compliance or non-compliance with COM requirements of this chapter for cement kilns, the actual time in hours that an affected unit operates, beginning when the raw feed is being continuously introduced into the kiln for at least 120 minutes or when the raw feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first, and ending when the introduction of raw feed to the kiln is halted.

(b) "Operating time" means, for the purpose of determining compliance or non-compliance with COM requirements of this chapter for municipal waste combustors, the actual time in hours that an affected unit operates, beginning when continuous burning of solid waste starts and ending when continuous burning of solid waste ceases.

(28) — (53) (text unchanged)

.10 Continuous Opacity Monitoring Requirements.

A. (1) — (5) (text unchanged)

(6) Sources can request for approval by the Department and EPA an alternate limit for specific operating conditions in which the technological limitations of the control equipment adversely affects the ability of the source to comply with visible emissions limits by following the recommendations at 80 FR 33980. The alternate limit will be submitted to EPA as a SIP revision and included in 40 CFR Part 52 Subpart V 52.1070(d) for Maryland Source Specific SIP revisions.

B. General Requirements for COMs.

(1) — (2) (text unchanged)

(3) A COM shall comply with the applicable requirements in 40 CFR Part 51, Appendix P, [Sections 3.3—3.9,]as amended, which is incorporated by reference.

(4) (text unchanged)

(5) The owner or operator of a cement kiln or clinker cooler that is operating a COM is subject to the following requirements:

(a) The owner or operator of a cement kiln or clinker cooler may not cause or permit the discharge of emissions which exceed the visibility standards in COMAR 26.11.30.05B.

(b) The visibility standards in COMAR 26.11.30.05B(1) and (2) do not apply to emissions as specified in COMAR 26.11.06.02A(2) during EPA reference Method 9 observations.

(c) For the purpose of demonstrating compliance with COMAR 26.11.30.05B(2) when using a COM, emissions that are visible to a human observer are those that are equal to or greater than 10 percent opacity.

(d) For the owner or operator of a cement kiln or clinker cooler that is operating a COM, compliance with visible emission standards is achieved if visible emissions do not exceed the applicable visible emission limitations in 26.11.30.05B(1) or (2) as applicable.

(e) Notwithstanding the requirements in §B(5)(a)-(d) of this regulation, the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations.

(f) The owner or operator of a cement kiln or clinker cooler that is operating a COM shall meet the quality assurance requirements under COMAR 26.11.31.

(6) *The owner or operator of a municipal waste combustor that is required to install and operate a COM is subject to the following requirements:*

(a) *The owner or operator of a municipal waste combustor may not cause or permit the discharge of emissions which exceed the visibility standards in COMAR 26.11.08.04 as determined by EPA reference Method 9 observations.*

(b) *For the purpose of demonstrating compliance with COMAR 26.11.08.04 when using a COM, emissions that are visible to a human observer are those that are equal to or greater than 10 percent opacity.*

(c) *For the owner or operator of a municipal waste combustor that is required to install and operate a COM, compliance with visible emission standards is achieved if visible emissions do not exceed 10 percent opacity.*

(d) *Notwithstanding the requirements in §B(6)(a)-(c) of this regulation, the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations.*

(e) *The owner or operator of a municipal waste combustor that is operating a COM shall meet the quality assurance requirements under COMAR 26.11.31.*

C. — E. (text unchanged)

[F. Fuel burning equipment subject to the COM requirements in COMAR 26.11.09.05 and cement kilns subject to the COM requirements in COMAR 26.11.30 are subject to the COM requirements contained in COMAR 26.11.31.]

Draft 6-3-15
Download Date 6-2-15

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (19) (text unchanged)

(20) Incinerator.

(a) (text unchanged)

(b) (text unchanged)

(c) *“Incinerator” does not mean any unit owned or operated by a government agency to destroy illegal or prohibited goods. The exclusion does not apply to items either confiscated or incinerated by private, industrial, or commercial entities.*

(21) — (61) (text unchanged)

.02 — .03 (text unchanged)

.04 Visible Emissions.

A. — C. (text unchanged)

D. *The owner or operator of a municipal waste combustor that is required to install and operate a COM is subject to the requirements in COMAR 26.11.01.10.*

.05 — .06 (text unchanged)

.07 Requirements for [Certain] Municipal Waste Combustors with a Capacity of 35 tons or greater per day and less than or equal to 250 Tons Per Day.

(text unchanged)

.08 Requirements for an Existing Large MWC with a Capacity Greater Than 250 Tons Per Day.

A. Emission Standards and General Requirements.

(1) (text unchanged)

(2) Emission Standards and General Requirements.

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Pollutant or Parameter	Emission Standards for a Large MWC	Performance and Compliance Test Requirements
Carbon Monoxide*	(text unchanged)	(text unchanged)
Dioxin/Furans*	(text unchanged)	(text unchanged)
Particulate Matter*	(text unchanged)	(text unchanged)
Opacity	10 percent opacity with [CEMS] COMs. Averaging time is 6 minutes.	EPA Reference Method 9 and [CEMS] COMS. Applicable test procedures and methods as specified in 40 CFR §60.58b(c). Quality assurance and quality control requirements are as in [Technical Memorandum 90-01] COMAR 26.11.31. [In case of inconsistencies in data or conflicting data Method 9 results will determine compliance.] <i>Notwithstanding the requirements in COMAR 26.11.01.10B(6)(a)-(c), the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations based on a 6 minute block average.</i>
Cd (Cadmium)*	(text unchanged)	(text unchanged)
Pb(Lead)*	(text unchanged)	(text unchanged)
Hg (Mercury)*	(text unchanged)	(text unchanged)
SO ₂ (Sulfur Dioxide)*	(text unchanged)	(text unchanged)
HCl (Hydrogen Chloride)*	(text unchanged)	(text unchanged)
NO _x (Oxides of Nitrogen)*	(text unchanged)	(text unchanged)
Load	(text unchanged)	(text unchanged)
Temperature	(text unchanged)	(text unchanged)
Fugitive Ash Emissions	(text unchanged)	(text unchanged)