



# TECHNICAL SUPPORT DOCUMENT

## Amendments to COMAR 26.11.02.01 Definitions, COMAR 26.11.02.10 Sources Exempt from Permits to Construct and Approvals, and COMAR 26.11.02.13 Sources Subject to State Permits To Operate

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### **Purpose of the Amendments**

The purpose of the amendments is to:

- (1) clarify the requirements under COMAR 26.11.02.10X (Sources Exempt from Permits to Construct and Approvals) which must be met in order for an installation not otherwise exempted under sections A-W of the regulation to obtain an exemption from the Permit to Construct requirements.
- (2) clarify what installations must obtain a State Permit to Operate under 26.11.02.13 (Sources Subject to State Permits to Operate) and exclude: (a) sources that emit insignificant amounts of air pollutants, (b) sources that are not subject to extensive air pollution control regulations, and (c) sources that traditionally have elicited very little interest from communities and individual citizens in the public participation process.

This action will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan.

### **Background**

#### COMAR 26.11.02.01 Definitions

The definition of the term *solvent-based materials* was added to COMAR 26.11.02.01B Terms Defined as it applies to the sources listed in COMAR 26.11.02.13A(28), (54), and (59).

#### COMAR 26.11.02.10X Sources Exempt from Permit to Construct and Approvals

COMAR 26.11.02.10 exempts certain installations from the Permit to Construct requirements. The current language in COMAR 26.11.02.10X fails to include volatile organic compounds (VOC) among the air pollutant emissions limits which trigger the Permit to Construct exemption for installations not otherwise described in the regulation. The amendments correct this error of omission by including a limit for VOC emissions.

In addition, the current language limits the emissions analysis to the “expected uncontrolled emissions” from the proposed installation. The amendment replaces “expected uncontrolled emissions” with the term “pre-control potential-to-emit.” The amendment clarifies the

regulation's intent to exempt only those installations which can not exceed the regulatory emissions limits due to physical design constraints before the use of pollution control equipment.

#### COMAR 26.11.02.13 Sources Subject to State Permits to Operate

COMAR 26.11.02.13 includes a list of all air pollution sources that are required to obtain a State Permit to Operate. The types of sources listed in COMAR 26.11.02.13 that are subject to State Permit to Operate requirements are also subject to the public participation process. The public participation process is often lengthy and can be expensive.

The amendments clarify which sources must obtain a State Permit to Operate, and exempt those sources which do not significantly impact ambient air quality and have rarely drawn citizen or community interest during the public participation process. These sources will still be required to comply with the Permits to Construct regulations. Permits to Construct are enforceable documents which include all emission standards and limits, operating conditions, and testing, monitoring, record keeping and reporting requirements applicable to the source. Permits to Construct do not expire unless: (1) the affected equipment or process is never installed, (2) the equipment is removed from the source, or (3) the equipment is modified in a manner such that a new Permit to Construct would be issued.

#### **Affected Sources**

#### COMAR 26.11.02.10X Sources Exempt from Permit to Construct and Approvals

Sources with "pre-control potential to emit" levels of air pollution below the Permit to Construct exemption level would not require a Permit to Construct.

#### COMAR 26.11.02.13 Sources Subject to State Permits to Operate

Sources with equipment or processes that are physically incapable of producing significant air pollution emissions will no longer be required to obtain a State Permit to Operate. In 2007, the Department issued (or renewed) twenty-five (25) State Permits to Operate. Under the amended regulations, two (2) of the twenty-five (25) sources would have potentially been exempt from State Permits to Operate and public participation requirements. In 2008, thirty (30) State Permits to Operate were issued (or renewed). Under the amended regulations one (1) of the sources would have potentially been exempt. In 2009, twenty-seven (27) State Permits to Operate were issued (or renewed). Under the amended regulations three (3) of the sources would have potentially been exempt.

Examples of equipment or processes to be removed from the State Permit to Operate list include: reactors, distillation columns, evaporators and strippers that have pre-control potential to emit of less than 20 lbs of VOC per day for the equipment to be permitted and pre-control potential to emit of less than 100 lbs of VOC per day for the entire premises. Sources that would be affected by these amendments exist statewide.

#### **Requirements**

These amendments will not add any additional requirements for existing or new sources.

### **Expected Emissions Reductions**

No emissions reductions will result from these amendments. All of the existing emissions limits as well as all applicable monitoring, record keeping and reporting requirements will remain the same.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

These amendments will reduce costs for certain low emission sources that are currently required to go through the public participation process to obtain a Permit to Construct and a State Permit to Operate.

The Department will save staff time and expenses by not having to conduct public review for equipment or processes that: (1) are physically incapable of producing significant amounts of air pollution, (2) are not subject to extensive air pollution control regulations, or (3) have traditionally elicited very little interest from communities and individual citizens during the public participation process.

While cost reductions are difficult to estimate, no increased cost to affected sources or the Department will be incurred as a result of these amendments.

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### **Economic Impact on Small Businesses**

The impact on small businesses is expected to be minimal and positive. Such impacts will include a reduction in the time and cost associated with obtaining Permits to Construct and State Permits to Operate.