

26.11.01.02

.02 Relationship of Provisions in this Subtitle.

Unless otherwise expressly provided in this subtitle, the provisions of this subtitle are cumulative and each provision applies to each applicable source or installation and to each person in control of the source or installation.

26.11.01.03

.03 Delineation of Areas.

A. Area I means the western area of the State comprising the counties of Allegany, Garrett, and Washington.

B. Area II means the central area of the State composed of Frederick County.

C. Area III means the Baltimore metropolitan area of the State comprising Baltimore City and the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard.

D. Area IV means the Washington metropolitan area of the State comprising the counties of Montgomery and Prince George's.

E. Area V means the southern area of the State comprising the counties of Calvert, Charles, and St. Mary's.

F. Area VI means the eastern shore area of the State comprising the counties of Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester.

26.11.01.04

.04 Testing and Monitoring.

A. Requirements for Testing.

(1) The Department may require any person to conduct or have conducted testing to determine compliance with this subtitle. The Department, at its option, may witness or conduct these tests. This testing will be done at a reasonable time, and all information gathered during a testing operation will be provided to both parties.

(2) Compliance with this subtitle shall be determined by the test methods designated and described in §C of this regulation and shall be applicable to both new and existing stationary emission sources. These test methods may be modified or adjusted by the Department to meet the requirements at certain types of sources, specific sampling conditions, and the need to incorporate advances and other new information relating to testing technology.

(3) When the Department conducts or has these tests conducted, the person shall provide the sampling facilities, exclusive of instruments and sensing devices, that are necessary to determine the quantity of emissions.

(4) Any registerable installation constructed after January 4, 1971, shall be provided with openings in the exhaust gas ductwork or in the stack or chimney as required by the test methods specified in §A(2) of this regulation to enable the collection of samples of the effluent to the atmosphere from this installation. Upon request of the Department, the owner or operator of this installation shall provide appropriate scaffolding which meets OSHA standards as set forth in 29 CFR Chapter XVII Part 1910.

B. Requirements for Monitoring.

- (1) The Department or the control officer may require a person responsible for any installation to install, use, and maintain monitoring equipment or employ other methods as specified by the Department or the control officer to determine the quantity or quality, or both, of emissions discharged into the atmosphere and to maintain records and make reports on these emissions to the Department or the control officer in a manner and on a schedule approved by the Department or the control officer.
- (2) The Department or the control officer, at reasonable times, shall have access to and be permitted to copy any records, inspect any monitoring equipment or methods required under this section.
- (3) Except when otherwise specified by the Department or the control officer, records required under this regulation shall be available for inspection by the Department and the control officer for a period of not less than 90 days.
- (4) All records and reports submitted to the Department or the control officer required under this regulation shall be available for public inspection.

C. Emission Test Methods. The following test methods are incorporated by reference:

- (1) 40 CFR Part 60, Appendix A, as amended;
- (2) The Department's Technical Memorandum 91-01, "Test Methods and Equipment Specifications for Stationary Sources", January, 1991, as amended through Supplement 3 (October 1, 1997); and
- (3) For PM₁₀ stack tests, the following EPA approved test methods shall be used:
 - (a) Test Methods 201 A and 202 in 40 CFR Part 51, Appendix M, as amended;
 - (b) Test Method 5 (40 CFR Part 60, Appendix A, as amended) and Test Method 202 in 40 CFR Part 51, Appendix M, as amended;
 - (c) Test Method 5 (40 CFR Part 60, Appendix A, as amended) using front half and back half procedure;
 - (d) EPA Conditional Test Method 39 may be substituted for Test Method 202 in 40 CFR Part 51, Appendix M, as amended; or
 - (e) Alternative test methods may be used for PM₁₀ if they are approved by the Department and the EPA.

26.11.01.05

.05 Records and Information.

A. The Department may require a person who owns or operates an installation or source to establish and maintain records sufficient to provide the information necessary to:

- (1) Assist the Department in the development of an implementation plan, air emissions standard, equipment performance standard, or material formulation standard;
- (2) Determine compliance with an air emissions standard, equipment performance standard, material formulation standard, or permit condition;

(3) Verify or update registration information; or

(4) Update Maryland's air emissions inventory.

B. A person who is required pursuant to §A of this regulation to establish and maintain records shall:

(1) Maintain the necessary information in a format approved by the Department; and

(2) Submit written reports, when requested by the Department, summarizing the information in a format approved by the Department and on a schedule specified by the Department.

C. Whenever a provision in this subtitle requires submission or reporting of test results, reports, or other information to the Department, unless otherwise specified, the information shall be submitted to:

Program Manager
Air Quality Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, Suite 715
Baltimore, Maryland 21230
410-537-4225

D. Unless otherwise specified, all records, documentation or other information required by this subtitle, shall be maintained on-site and made available to the Department upon request.

26.11.01.05-1

.05-1 Emissions Statements.

A. Applicability. This regulation applies to a person who owns or operates any installation, source, or premises that is located in:

(1) Baltimore City, or in Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince George's or Queen Anne's counties, and has total actual emissions of either VOC or NO_x from all installations and sources on a premises of 25 tons or more during a calendar year;

(2) Allegany, Caroline, Dorchester, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, or Worcester counties, and has total actual emissions of either VOC or NO_x from all installations and sources on a premises of 50 tons or more of VOC or 100 tons or more of NO_x during a calendar year.

B. General Requirements.

(1) By April 1 of each year, beginning with April 1, 1993, a person subject to this regulation shall submit to the Department an emissions statement for the previous calendar year that meets the requirements of this regulation.

(2) A person submitting an emissions statement shall certify that the information in the emissions statement is accurate to the person's best knowledge. The certifying individual shall be:

(a) Familiar with each installation and source for which the statement is submitted; and

(b) Responsible for the accuracy of the statement.

(3) If actual emissions from a source or premises for any year after calendar year 1992 equal or exceed the applicable emission levels prescribed in §A(1) or (2) of this regulation, an emissions statement is required for that year and each following year unless the source demonstrates, to the satisfaction of the Department, that

emissions have been permanently reduced and the source no longer has the potential to emit emissions that exceed the applicable levels. C. Emissions Statement Content. Emissions statements required by §B of this regulation shall be organized by premises, submitted on a form obtained from the Department, and include the following information:

- (1) Identification of each installation or source at the premises that discharges VOC or NOx, and the actual daily and annual emissions from each installation or source;
- (2) An explanation of the method used to determine emissions from each installation or source and operating schedules and production data that were used to determine emissions;
- (3) Beginning with the emissions statement for calendar year 1993, an explanation for any increases or decreases in emissions for each installation or source if reported emissions differ from the emissions reported in the previous year's emissions statement; and
- (4) Other relevant information as required by the Department.

26.11.01.06

.06 Circumvention.

A person may not install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total weight of emissions, conceals or dilutes an emission which would otherwise constitute a violation of any applicable air pollution control regulation.

26.11.01.07

.07 Malfunctions and Other Temporary Increases of Emissions.

A. Definitions.

- (1) "Excess emissions" means an emission rate which exceeds any applicable emission standard set forth in this subtitle unless the emission rate is in compliance with an approved plan for compliance, departmental order, consent order, or condition of a permit.
- (2) "Malfunction" means sudden and unavoidable failure of an installation to operate in a normal and usual manner. Failures that are caused entirely or in part by inadequate design, poor maintenance, careless operation, preventable upset conditions, or preventable equipment breakdown may not be considered malfunctions.

B. Unless otherwise required by law, the Department will consider any period of excess emissions to be a violation of law, regardless of the cause. Information submitted pursuant to §§C and D of this regulation will be considered, however, in determining whether the excess emissions are the result of a malfunction and whether to commence an administrative or judicial proceeding authorized by State and federal law.

C. Report of Excess Emissions.

- (1) In the case of any occurrence of excess emissions, expected to last or actually lasting for 1 hour or more, from any installation required by COMAR 26.11.02.13 to obtain a State permit to operate, the owner or operator shall report the onset and shall report the termination of the occurrence to the Department by telephone.
- (2) Telephone reports of excess emissions shall include the following information:

- (a) The identity of the installation and the person reporting;
- (b) The nature or characteristics of the emissions (for example, hydrocarbons, fluorides);
- (c) The time of occurrence of the onset of the excess emissions and the actual or expected duration of the occurrence; and
- (d) The actual or probable cause of the excess emissions.

D. Written Report of Excess Emissions.

- (1) When requested by the Department, the owner or operator of any installation from which excess emissions have occurred shall submit a written report to the Department within 10 days of receiving the request.
- (2) The report shall set forth the following information:
 - (a) The identity of the installation;
 - (b) The nature or characteristics of the emissions (for example, hydrocarbon, fluorides);
 - (c) The time of occurrence of the onset of the excess emissions and the duration of the occurrence;
 - (d) The actual or estimated quantity of excess emissions during the occurrence, and operating data and calculations used in determining the quantity;
 - (e) The actual or probable cause of the occurrence and whether the owner or operator contends that the cause is a malfunction;
 - (f) The method of correcting the cause of the excess emissions and minimizing the duration and magnitude of the occurrence, including, if applicable, the use of overtime or contractual assistance to make repairs as expeditiously as possible;
 - (g) A listing of all occurrences of excess emissions from the installation, the duration of each occurrence, and the cause of each occurrence for the last 1-year period or since the effective date of this regulation, whichever is less;
 - (h) A copy of the maintenance plan for the installation and documentation that the plan is appropriate for the installation;
 - (i) Documentation that the maintenance plan was being carried out before the occurrence of excess emissions;
 - (j) The steps taken or planned to prevent the reoccurrence of the excess emissions; and
 - (k) Any other information requested by the Department which is relevant to the occurrence of excess emissions or a claim by the owner or operator that the excess emissions were the result of a malfunction.

E. Notwithstanding any provisions to §§A—D, of this regulation, a decision by the Department not to commence enforcement proceedings for an occurrence of excess emissions is not intended to preclude the Department from considering all past periods of excess emissions in determining whether to revoke or suspend a current operating permit or not to issue an operating permit for a future period of time.

F. The Department may exempt the owner or operator of any installation from the reporting requirements of §C, of this regulation, if it determines that other information submitted to the Department meets the requirements of §C of this regulation, or the information is of insignificant use to the Department.

26.11.01.08

.08 Determination of Ground Level Concentrations — Acceptable Techniques.

A. Definitions.

- (1) "Major modification" means any modification as defined in 40 CFR Parts 51 and 52, 1985 edition.
- (2) "State Implementation Plan" means the plan required by the Federal Clean Air Act, 42 U.S.C §7410, which the State adopts and submits to the United States Environmental Protection Agency showing attainment and maintenance of National Ambient Air Quality Standards.
- (3) "Unacceptable dispersion technique" means any dispersion technique as defined in 40 CFR Part 51, 1985 edition, as amended, 50 FR 27906—27907 (July 8, 1985: Stack Height Regulation).

B. Exemptions.

- (1) This regulation does not apply to any stack height in existence or dispersion technique implemented on or before December 31, 1970, except when a source using a stack or dispersion technique undergoes a major modification after December 31, 1970.
- (2) This regulation does not apply to the calculation of ground level concentrations of toxic air pollutants for the purpose of demonstrating compliance with COMAR 26.11.15.06.

C. Dispersion Technique. A person may not use an unacceptable dispersion technique to determine the ground level concentrations of air pollutants discharged from a source in order to obtain:

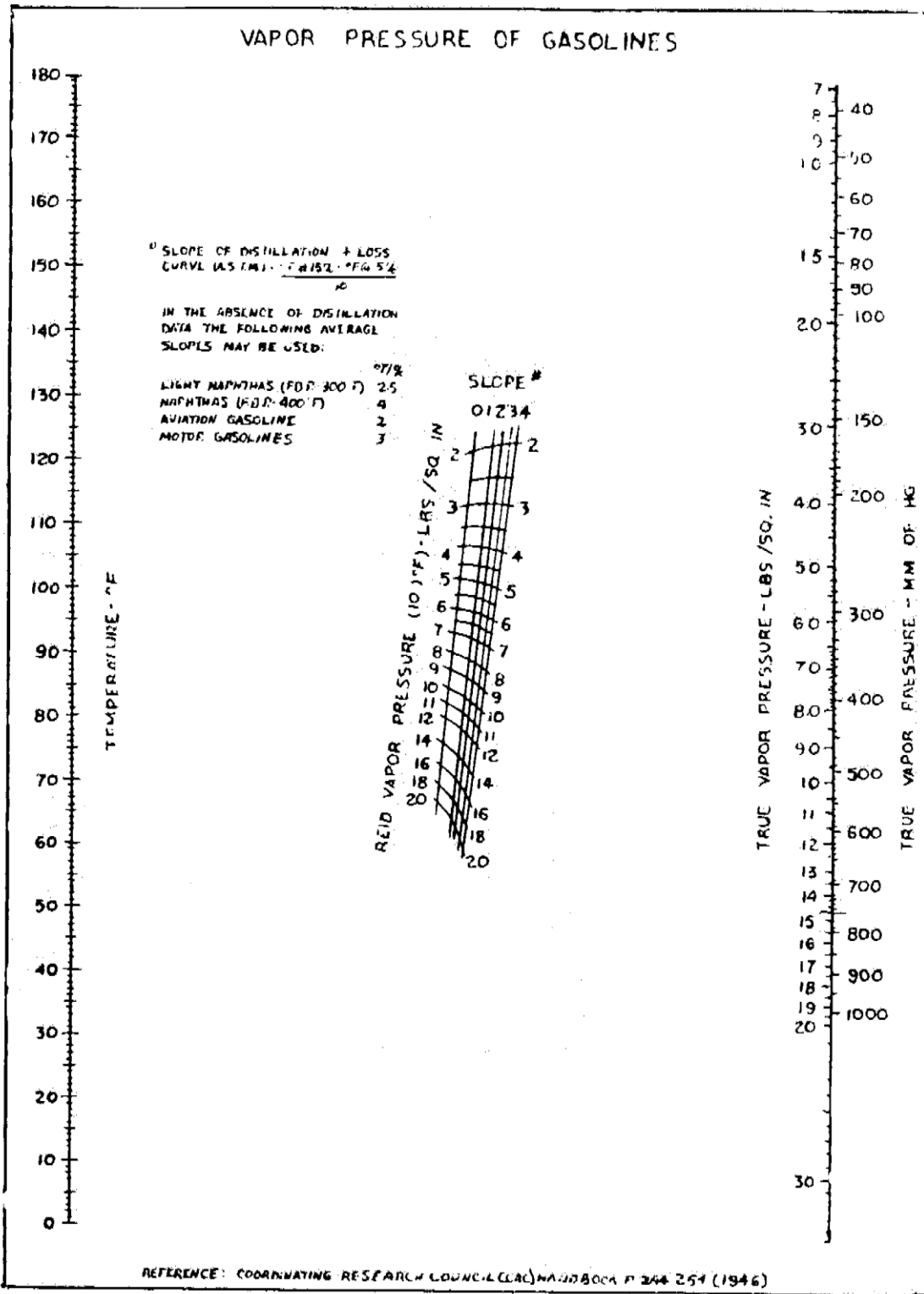
- (1) An approval or permit under this subtitle;
- (2) A revision to the State Implementation Plan; or
- (3) A Certificate of Public Convenience and Necessity under Article 78, §§54A and B, or H, Annotated Code of Maryland.

26.11.01.09

.09 Vapor Pressure of Gasoline.

See Figure 1.

Figure 1



.10 Continuous Opacity Monitoring Requirements.

A. Applicability and Exceptions.

(1) The provisions of this regulation apply to:

(a) Fuel burning equipment burning coal, fuel oil, tars, or waste combustible fluid at any time and that has a rated heat input capacity of 250 million Btu per hour or greater;

(b) Fuel burning equipment burning coal with a rated heat input capacity of 100 million Btu per hour or greater but less than 250 million Btu per hour and was constructed on or before June 19, 1984;

(c) A cement kiln;

(d) A fluidized bed combustor of any size; and

(e) A municipal waste combustor with a burning capacity of 35 tons or greater per day.

(2) The owner or operator of an installation subject to this regulation may also be subject to the requirements of 40 CFR Parts 60 and 75, as amended.

(3) This regulation does not apply to fuel burning equipment that:

(a) Burns only distillate fuel oil or a mixture of gas and distillate fuel oil;

(b) Is able to comply with the applicable particulate matter and opacity emission limitations without using particulate matter control equipment; and

(c) Has never been found in a final order to be in violation of any visible emissions standard.

(4) [NOT IN SIP]

(5) [NOT IN SIP YET] **PART OF future MDE SIP revision #15-04**

(6) [NOT IN SIP YET] **PART OF future MDE SIP revision #16-04**

B. General Requirements for COMs.

(1) The owner or operator of an installation subject to this regulation shall:

(a) Install and continuously operate a COM that complies with a plan approved by the Department and EPA in accordance with §B(1)(b) of this regulation; and

(b) Before installing a COM, submit to the Department for approval, a plan containing the COM design specifications, proposed location, and a description of a proposed alternative measurement method consisting of a schedule for utilizing the EPA Reference Method 9 observational procedures.

(2) The Department shall submit the plan to EPA for review and approval.

(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) [NOT IN SIP]

(5) [NOT IN SIP YET] **PART OF future MDE SIP revision #16-04**

(6) [NOT IN SIP YET] **PART OF future MDE SIP revision #16-04**

C. Certification and Quality Assurance Procedures.

(1) All certification testing, including certification performance tests and audits, shall be performed in accordance with 40 CFR Part 60, Appendix B, as amended, which is incorporated by reference.

(2) For fuel burning equipment subject to the federal Acid Rain Program, all certification testing, including certification performance tests and audits, shall be performed in accordance with 40 CFR Part 75, Appendix A, as amended.

(3) Certification testing shall be repeated when the Department determines that the data are invalid because of component replacement or other conditions that affect the accuracy of generated data.

(4) The owner or operator that is required to perform a certification performance test shall:

(a) At least 60 days before the test, submit a test protocol to the Department for review and approval;

(b) Schedule the test at a reasonable time and notify the Department at least 10 days before the test is to be conducted; and

(c) Submit the test results to the Department not later than 45 days after the completion of the test.

(5) The owner or operator of fuel-burning equipment required to install and operate a COM shall meet the quality assurance procedures contained in COMAR 26.11.31.

D. Record Keeping and Reporting Requirements.

(1) System Downtime Reporting Requirements.

(a) All COM downtime that lasts or is expected to last more than 24 hours shall be reported to the Department by telephone before 10 a.m. of the first regular business day following the first day on which downtime occurs.

(b) The COM downtime report shall include the reason, if known, for the breakdown and the estimated period of time that the COM will be down. The owner or operator shall notify the Department by telephone when the COM has met performance specifications for accuracy, reliability, and durability of acceptable monitoring systems, as provided in 40 CFR Part 51 Appendix P, and is producing data.

(c) Except as otherwise approved by the Department and the EPA, a COM shall operate in compliance with the requirements of §B(2) of this regulation and collect data for at least 95 percent of the source's operating time during any calendar quarter. The alternative measurement plan required in §B(1)(b) of this regulation shall be used at all times when the COM fails to conform to performance standards required by §B(2) of this regulation during data collection.

(2) Data Reporting Requirements.

(a) A COM shall automatically reduce all data to six-minute block averages calculated from 24 or more equally spaced data points.

(b) All COM data shall be reported in a format approved by the Department.

(c) [NOT IN SIP]

E. All information required by this regulation to be maintained or reported to the Department shall be retained and made available for review by the Department for a minimum of 5 years from the time the report is submitted.

F. [NOT IN SIP] **PART OF future MDE SIP revision # 15-04, REPEAL UNDER future MDE SIP revision 16-04**

26.11.01.11

.11 Continuous Emission Monitoring Requirements.

A. Applicability and Exemptions.

(1) The provisions of this regulation apply to:

(a) Fuel-burning equipment burning coal that has a rated heat input capacity of 100 million Btu per hour or greater;

(b) Municipal waste combustors with a burning capacity of 35 tons or greater per day;

(c) Fluidized bed combustors; and

(d) Kraft pulp mills.

(2) An owner or operator that is required to install a CEM under any federal requirement is also subject to all of the provisions of this regulation.

B. General Requirements for CEMs.

(1) An owner or operator subject to this regulation shall:

(a) Before installing a CEM, submit to the Department, for approval by the Department and EPA, a plan containing the CEM design specifications, proposed location, and a description of a proposed alternative measurement method; and

(b) Install and operate a CEM in accordance with the plan approved by the Department and EPA under the provisions of §B(1)(a) of this regulation.

(2) The owner or operator of fuel-burning equipment burning coal, with a heat input capacity of 100 million Btu per hour or greater, shall install CEMs to measure and record sulfur dioxide, nitrogen oxide, either oxygen or carbon dioxide, and flow.

(3) The owner or operator of:

(a) A municipal waste combustor (MWC) shall install CEMs to measure and record SO_x, NO_x, carbon monoxide emissions and either CO₂ or oxygen;

(b) A Kraft pulp mill shall install a CEM to measure and record SO₂ and flow; and

(c) A fluidized bed combustor of any size shall install CEMs to measure and record sulfur dioxide, nitrogen oxide and either oxygen or carbon dioxide.

(4) Except as otherwise approved by the Department, if the owner or operator is unable to obtain emissions data from CEMs because of a malfunction of the CEM for more than 2 hours in duration, the owner or operator shall use the alternative measurement method approved by the Department and EPA.

C. Quality Assurance for CEMs. A CEM used to monitor a gas concentration shall meet the quality assurance criteria of 40 CFR Part 60, Appendix F, as amended, which is incorporated by reference, or, if applicable, the quality assurance criteria of 40 CFR Part 75, Appendix B, as amended.

D. Monitoring and Determining Compliance.

(1) General. A CEM required by this regulation is the primary method used by the Department to determine compliance or non-compliance with the applicable emission standards established in any permit or approval, administrative or court order, Certificate of Public Convenience and Necessity, or regulation in this subtitle.

(2) Data Reduction. A CEM used to monitor a gas concentration shall record not less than four equally spaced data points per hour and automatically reduce data in terms of averaging times consistent with the applicable emission standard.

E. Record Keeping and Reporting Requirements.

(1) CEM System Downtime Reporting Requirements.

(a) All CEM system downtime that lasts or is expected to last more than 24 hours shall be reported to the Department by telephone before 10 a.m. of the first regular business day following the breakdown.

(b) The system breakdown report required by §E(1)(a) of this regulation shall include the reason, if known, for the breakdown and the estimated period of time that the CEM will be down. The owner or operator of the CEM shall notify the Department by telephone when an out-of-service CEM is back in operation and producing data that has met performance specifications for accuracy, reliability, and durability of acceptable monitoring systems, as provided in COMAR 26.11.31, and is producing data.

(2) CEM Data Reporting Requirements.

(a) All test results shall be reported in a format approved by the Department.

(b) Certification testing shall be repeated when the Department determines that the CEM data may not meet performance specifications because of component replacement or other conditions that affect the quality of generated data.

(c) A quarterly summary report shall be submitted to the Department not later than 30 days following each calendar quarter. The report shall be in a format approved by the Department, and shall include the following:

(i) The cause, time periods, and magnitude of all emissions which exceed the applicable emission standards;

(ii) The source downtime including the time and date of the beginning and end of each downtime period and whether the source downtime was planned or unplanned;

(iii) The time periods and cause of all CEM downtime including records of any repairs, adjustments, or maintenance that may affect the ability of the CEM to meet performance specifications of emission data;

(iv) Quarterly totals of excess emissions, installation downtime, and CEM downtime during the calendar quarter;

(v) Quarterly quality assurance activities;

(vi) Daily calibration activities that include reference values, actual values, absolute or percent of span differences, and drift status; and

(vii) Other information required by the Department that is determined to be necessary to evaluate the data, to ensure that compliance is achieved, or to determine the applicability of this regulation.

(d) All information required by this regulation to be reported to the Department shall be retained and made available for review by the Department for a minimum of 2 years from the time the report is submitted.