

Title 26
DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 06 General Emission Standards, Prohibitions, and Restrictions

.02 Visible Emissions.

A. General Exceptions.

(1) The visible emission standards set forth in §C of this regulation do not apply to emissions from the installations or sources listed below:

(a) The burning of wood in fireplaces;

(b) Open fires (except salamanders) permitted under provisions of COMAR 26.11.07.03, .04, .05;

(c) Fugitive emissions from iron and steel production installations in compliance with COMAR 26.11.10.03B;

(d) Fugitive emissions from metallurgical, slot-type, byproduct coke ovens in compliance with COMAR 26.11.10.03C;

(e) [Not in SIP]

(f) Fugitive emissions from skull cracker oxygen lancing in compliance with COMAR 26.11.10.04C;

(g) – (i) [Not in SIP]

(j) Emissions at a federal facility or other facility under contract with a federal facility that result from testing, training, or demonstrations of explosives, obscurant materials, propellants, or other incendiary devices; or

(k) Sources in compliance with Regulation .03C and D of this chapter.

(2) The visible emissions standards in §C of this regulation do not apply to emissions during start-up and process modifications or adjustments, or occasional cleaning of control equipment, if:

(a) The visible emissions are not greater than 40 percent opacity; and

(b) The visible emissions do not occur for more than 6 consecutive minutes in any 60 minute period.

B. Case-by-Case Exception to Visible Emissions Standards.

(1) Except as provided in Sec. B(5), below, a person who owns or operates an existing installation subject to a visible emission standard in Sec. C, below, may request an exception. The request shall be submitted to the Department in writing and shall include the following:

(a) A description of the installation and all associated air pollution control devices;

(b) Process information, including operating parameters and the substances that cause or the substances that are suspected of causing the visible emissions;

(c) A demonstration, based on stack tests, a material balance, or other method of equivalent certainty that all other applicable regulations are met when the visible emission occurs;

(d) An analysis of any methods that may be available to reduce the visible emissions, the cost effectiveness of the methods, and the economic burden that would result from the use of these methods; and

(e) Any other information requested by the Department and relating to its determination to grant or deny an exception.

(2) The application for an exception to a visible emission standard will be processed as follows:

(a) Within 10 working days, the Department will acknowledge receipt of an application for an exception to a visible emission standard.

(b) Within 60 days after receipt of a completed application, the Department shall notify the applicant of its intent to proceed with the application or deny the request. The Department will make a determination to proceed if the conditions in Sec. B(2)(c)(i)--(iii) and (d) of this regulation are met.

(c) Conditions.

(i) The applicant has provided an adequate demonstration that the installation for which a visible emission exception is requested meets all other applicable air pollution control requirements within this subtitle when the visible emission occurs.

(ii) The applicant has demonstrated to the satisfaction of the Department that complying with the applicable visible emission standard would cause an unreasonable economic burden.

(iii) The applicant has demonstrated to the satisfaction of the Department that the applicant has sufficient control of the installation to be capable of meeting an alternative visible emission limit established by the Department.

(d) Test Methods. A person shall demonstrate compliance with all other applicable regulations, as required by Sec. B(1)(c) of this regulation, through the use of:

(i) Applicable federally-approved test methods in the Department's TM 91-01 "Test Methods and Equipment Specifications for Stationary Sources", which is incorporated by reference in COMAR 26.11.01.04C; or

(ii) Other compliance methods required under this subtitle that are federally enforceable.

(e) Test Methods for Visible Emissions. Compliance with any visible emissions or opacity standard in this subtitle, including any alternative opacity standard established pursuant to this section, shall be determined using applicable federally-approved test methods in the Department's TM 91-01 "Test Methods and Equipment Specification for Stationary Sources", which is incorporated by reference in COMAR 26.11.01.04C, or any other applicable federally-approved test method.

(3) Opportunity for Public Comment.

(a) Within 10 days after notification by the Department of a determination to proceed, the applicant shall notify the public, by local notice and by prominent advertisement in at least one newspaper of general circulation in the region where the applicant's source is located, of the opportunity to comment on the application.

(b) The advertisement shall be made at the applicant's expense and in a format approved by the Department, and shall include a summary of all the information in the application that was considered by the Department.

(4) Final Action on a Request for an Application.

(a) The Department will make a final determination on the application after considering any public comments.

(b) If an exception is granted, the Department will issue an Order which establishes an alternative opacity standard applicable to the installation receiving the exception. The Order may also include any conditions or requirements determined by the Department to be

necessary to insure continuous compliance with the alternative standard.

(c) Exceptions may not be granted for a period of more than 5 years and may be renewed. In requesting a renewal of a visible emissions exception, the applicant shall submit an application and satisfy all the requirements in this regulation that relate to an initial exception request, including the opportunity for public comment required in Sec. B(3) of this regulation.

(5) The Department or control officer may bypass the procedure above and may grant exceptions to visible emission requirements if the:

(a) Application of a visible emission requirement to a residential building housing two or fewer families creates undue economic hardship on individuals residing in it; or

(b) Equipment's primary way of transferring heat is by the radiant method rather than a piped fluid system such as forced hot air, hot water, or steam. Equipment in this category would include stoves, room heaters, floor or wall mounted circulating heaters, or similar devices.

C. Visible Emission Standards.

(1) In Areas I, II, V, and VI a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is greater than 20 percent opacity.

(2) In Areas III and IV a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is visible to human observers.

[Paragraph .02A(2) is revised; the SIP effective date is August 31, 2007].