

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. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) Actual Emissions.

(a) "Actual emissions" means the average rate, in tons per year, at which a source discharged a pollutant during a 2-year period which precedes the date of a completed application for an NSR source or other specified date, and which is representative of normal source operation. The Department may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the source's operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) For the purpose of submitting emissions statements under Regulation .05-1 of this chapter, "actual emissions" means the emissions, in tons per year, which a source discharged during a calendar year or other specified period of time.

(2) "Air pollution" as defined in Environment Article, §2-101, Annotated Code of Maryland, means the presence in the outdoor atmosphere of substances in quantities, having characteristics, and being of a duration which, from any single source or in combination with other sources, are, or may be predicted with reasonable certainty to be, injurious to human, plant, or animal life or to property, or which unreasonably interfere with the proper enjoyment of the property of others by reason of the emission of odors, solids, vapors, liquids, or gases, throughout the State and in such areas of the State that are affected by them.

(3) "Air pollution control equipment" means equipment whose primary purpose is to reduce the discharge of emissions into the atmosphere in order to comply with air pollution control requirements.

(4) "Allowable emissions" means the maximum emissions a source or installation is capable of discharging after consideration of any physical, operational, or emissions limitations required by this subtitle or by federally enforceable conditions which restrict operations and which are included in an applicable air quality permit to construct, permit to operate, secretarial order, plan for compliance, consent agreement, court order, or applicable federal requirement.

(5) "Capture efficiency" means the weight per unit time of a pollutant entering a capture system and delivered to a control device, divided by the weight per unit time of the total pollutant generated by a source of the pollutant, expressed as a percentage. The capture efficiency reflects how much of the pollutant is captured and routed to the control device.

(6) "Certifying individual" means the person responsible for the completion and certification of the emissions statement required in Regulation .05-1 of this chapter.

(6-1) CO₂ Equivalent Emissions (CO₂e).

(a) "CO₂ equivalent emissions (CO₂e)" means the amount of GHGs emitted.

(b) "CO₂ equivalent emissions (CO₂e)" shall be computed as follows:

(i) Multiply the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to Subpart A of 40 CFR Part 98 —Global Warming Potentials (74 FR 56395); and

(ii) Sum the resultant values from B(6-1)(b)(i) of this regulation for each gas to compute a tpy CO₂e.

(6-2) "Commercial bakery oven" (bakery oven) means an oven with a rated heat input capacity of 2,000,000 Btu per hour or greater, that is used to bake bread, rolls, or other yeast-raised products.

(7) "Confined emissions" means emissions which are discharged into the outdoor atmosphere through a stack, duct, hood, flue, or other conduit.

(8) "Confined source" means an installation that discharges into the atmosphere through a stack, duct, hood, flue, or other conduit.

(9) "Continuous emission monitor (CEM)" means a system of instruments installed, operated, and calibrated in accordance with the procedures in this subtitle to continuously measure and record the emission rate or concentration of a substance in a gas stream.

(9-1) "Continuous opacity monitor (COM)" means a system of instruments installed, operated, and calibrated in accordance with the procedures in this subtitle to continuously measure and record the opacity of emissions as six-minute averages of not greater than 15 second increments.

(10) "Control efficiency" means the ratio of the emissions released by a control device and the emissions introduced to the control device, expressed as a percentage.

(11) "Control equipment" means any device or contrivance which prevents or reduces emissions.

(12) "Control officer" means:

(a) The health officer of Allegany, Anne Arundel, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, or Wicomico County;

(b) The Commissioner of Health of the City of Baltimore, the Director of the Baltimore County Department of Environmental Protection and Resource Management, the Director of the Montgomery County Department of Environmental Protection, or the Chief of the Environmental Programs Section of Worcester County Department of Planning, Permits, and Inspections; or

(c) Any employee of the Department designated by the Secretary.

(13) Reserved.

(14) "Department" means the Department of the Environment.

(15) "Distillate fuel oil" means all American Society for Testing and Materials numbered fuel oils other than residual fuel oil.

(16) "Emissions" means any substance, other than water in an uncombined form, discharged directly or indirectly into the atmosphere including, but not limited to, odors, particulate matter, vapors, gases, or any combination of these substances.

(17) "Fuel-burning equipment" means any:

(a) Boiler that has the primary function of heating air, water, or any other medium through indirect heat transfer from the burning of fuels; or

(b) Stationary internal combustion engine or stationary combustion turbine used to produce mechanical or electrical energy.

(18) "Fugitive emissions" means emissions which escape into the outdoor atmosphere through openings such as windows, doors, vents, roof monitors, poorly fitting closures, or poorly maintained equipment.

(18-1) "Greenhouse gases (GHGs)" means the aggregate group of six greenhouse gases:

(a) carbon dioxide (CO₂);

(b) methane (CH₄);

(c) nitrous oxide (N₂O);

(d) sulfur hexafluoride (SF₆);

(e) hydrofluorocarbons (HFCs); and

(f) perfluorocarbons (PFCs).

(19) "Installation" means any article, machine, equipment, or other contrivance, including, but not limited to, emission control equipment, processing equipment, manufacturing equipment, fuel-burning equipment, incinerators, or any equipment or construction, capable of generating, causing, or reducing emissions.

(20) Modification.

(a) "Modification" means any physical change in, or change in the operation of, a source or installation which causes a change in the quantity, nature or characteristics of emissions from the source or installation. However, this term excludes routine maintenance and routine repair, and increases in the hours of operation or in the production rate, unless these increases would be prohibited under any permit or approval conditions adopted by the Department.

(b) In the context of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants adopted or enforced by the Department, the federal definition of the term "modification" is controlling.

(c) "Modify" means to make a modification.

(d) In the context of Prevention of Significant Deterioration regulations adopted or enforced by the Department, the federal definitions of the terms "modification" and "major modification" are controlling.

(20-1) "Motor vehicle" means a vehicle registered with the Maryland Motor Vehicle Administration or the equivalent agency of another state.

(21) "National Emission Standards for Hazardous Air Pollutants source (NESHAP source)" means any:

(a) Source of asbestos, beryllium, mercury, vinyl chloride, benzene, or inorganic arsenic which is subject to the provisions of 40 CFR Part 61 (excluding Subparts B, H, I, K, Q, R, T, and W), as amended; or

(b) One of the sources listed in §D of this regulation which is subject to the provisions of 40 CFR Part 63, as amended.

(22) Reserved.

(23) "New Source Performance Standard source (NSPS source)" (see §C of this regulation).

(24) "New Source Review source (NSR source)" means any major stationary source or major modification subject to the requirements of COMAR 26.11.17.

(24-1) "NO_x Ozone Season Allowance" means a CAIR NO_x ozone season allowance as defined in 40 CFR 96.302 and does not constitute a security or other form of property.

(25) "Odor" means that property of an emission which stimulates the sense of smell.

(26) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(27) "Operating day" means a 24-hour period beginning midnight of one day and ending the following midnight, or an alternative 24-hour period approved by the Department, during which time an installation being monitored is operating, consuming fuel, processing or producing a material, or causing emissions.

(28) "Oxides of nitrogen (NO_x)" means compounds of nitrogen comprised of nitric oxide (NO) and nitrogen dioxide (NO₂), expressed as equivalent molecular weight of NO₂.

(29) "Particulate matter" means any material, except water in uncombined form, that is or has been airborne, and exists as a liquid or a solid at standard conditions.

(30) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, discharged into the ambient air.

(31) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

(32) "PM₁₀ emissions" means finely divided solid or liquid materials with an aerodynamic diameter less than or equal to a nominal 10 micrometers, discharged into the ambient air.

(33) "Percent seasonal throughput" means percent of annual throughput conducted during each of the 4 seasonal periods (December—February, March—May, June—August, September—November).

(34) "Person" means any individual, group of individuals, firm, partnership, voluntary association, or private, public or municipal corporation, or agency, bureau, department or an instrumentality of federal, State, or local government responsible for the use of property.

(35) "Potential to emit" means the maximum capacity of a stationary source to discharge a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable through a permit condition, compliance plan, or administrative or court order.

(36) "Premises" means all the installations or other sources that are located on contiguous or adjacent properties and that are under the control of one person or under common control of a group of persons.

(37) "Prevention of Significant Deterioration (PSD) source" means any new or modified source subject to the provisions of 40 CFR 52.21, as published in the 2009 edition, as amended by the "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (75 FR 31514), including:

(a) Any of the following sources which emit, or have the potential to emit, 100 tons per year of any air pollutant, except for greenhouse gases, regulated under the federal Clean Air Act Amendments of 1977 (42 U.S.C. §7401 et seq.):

(i) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input;

(ii) Coal cleaning plants (with thermal dryers);

(iii) Kraft pulp mills;

(iv) Portland cement plants;

(v) Primary zinc smelters;

(vi) Iron and steel mill plants;

(vii) Primary aluminum ore reduction plants;

(viii) Primary copper smelters;

(ix) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(x) Hydrofluoric, sulfuric, and nitric acid plants;

(xi) Petroleum refineries;

(xii) Lime plants;

- (xiii) Phosphate rock processing plants;
 - (xiv) Coke oven batteries;
 - (xv) Sulfur recovery plants;
 - (xvi) Carbon black plants (furnace process);
 - (xvii) Primary lead smelters;
 - (xviii) Fuel conversion plants;
 - (xix) Sintering plants;
 - (xx) Secondary metal production plants;
 - (xxi) Chemical process plants;
 - (xxii) Fossil fuel boilers (or combination of them) totaling more than 250 million Btu per hour heat input;
 - (xxiii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (xxiv) Taconite ore processing plants;
 - (xxv) Glass fiber processing plants;
 - (xxvi) Charcoal production plants;
- (b) Any other source which emits or has the potential to emit 250 tons per year or more of any air pollutant, except for greenhouse gases, regulated under the Federal Clean Air Act (42 U.S.C. 7401 et seq.);
- (c) Beginning January 2, 2011, sources of GHGs to which 40 CFR 52.21(b)(49)(iv) applies; and
- (d) Beginning July 1, 2011, sources of GHGs to which 40 CFR 52.21(b)(49)(v) applies.

(38) "Process weight" means the total weight of all materials introduced into any specific process which may cause emissions. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

(39) "Process weight per hour" means the rate established as follows:

(a) For continuous or long-run steady-state operations, the total process weight for the entire period of continuous operation or for a typical portion of operation, divided by the number of hours of the period or portions of operation;

(b) For cyclical or batch operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during the period; and

(c) When the nature of any process or operation or the design of any equipment permits more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

(40) "Reasonably Available Control Technology (RACT)" means the lowest emissions limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(41) "Residual fuel oil" means that fuel oil that meets the specifications of the American Society for Testing and Materials for Numbers 4, 5, or 6 (bunker C) oils or crude oils when used as a fuel.

(42) "Secretary" means the Secretary of the Environment.

(43) "Source" as defined in Environment Article, §2-101(i), Annotated Code of Maryland, means any property, real or personal, or person contributing to air pollution.

(44) "Stack or chimney" means any flue, conduit, or duct arranged to conduct emissions.

(45) "Stack height" means the height of a stack measured from the ground elevation to the top of the stack, not including caps, nozzles, or other encumbrances.

(46) "Standard conditions" means at a temperature of 77°F (25°C) and a pressure of 29.92 inches (760 mm) of mercury.

(47) "Standard industrial classification (SIC) code" means a series of codes devised by the federal Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

(48) "True vapor pressure (TVP)" means the vapor pressure of a material at storage temperature, where storage temperature is the maximum monthly average temperature of the material or 77°F (25°C), whichever is the higher.

(49) "Typical ozone season day (TOSD)" means a day typical of that period of the year during which conditions for photochemical ozone formation are most favorable, which is generally during sustained periods of direct sunlight (that is, long days, little cloud cover) and warm temperatures.

(50) "Unconfined source" means an installation that causes emissions which are not enclosed in a stack, duct, hood, flue, or other conduit but which escape into the atmosphere through openings such as windows, vents or doors, ill fitting closures, or poorly maintained equipment.

(51) "Vapor balance line" means any connection closed to the atmosphere between the vapor space of two storage containers that will allow the vapors to be displaced as the liquid is transferred from one tank to the other.

(52) "Vapor pressure" means the total equilibrium partial pressure or pressures for any given chemical or mixture at a given temperature.

(53) "Volatile organic compound (VOC)" means any organic compound which participates in atmospheric photochemical reactions, excluding those compounds which have been determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and which are listed in 40 CFR §51.100(s), as amended.

C. "New Source Performance Standard source (NSPS source)" means any one of the following sources:

(1) Steam generator of more than 250 million Btu (264 gigajoules) per hour heat input for which construction is commenced after August 17, 1971;

- (2) Electric utility steam generating unit for which construction is commenced after September 18, 1978;
- (3) Incinerator capable of charging more than 50 tons (45,000 kilograms) of refuse per 24-hour day;
- (4) Portland cement plant;
- (5) Sulfuric acid plant;
- (6) Nitric acid plant;
- (7) Asphalt concrete plant;
- (8) Petroleum refinery;
- (9) Petroleum storage having a capacity of 40,000 gallons (151 cubic meters) or more constructed after June 11, 1973, and before May 19, 1978;
- (10) Petroleum storage having a capacity of 40,000 gallons (151 cubic meters) or more constructed after May 18, 1978, and before July 23, 1984;
- (11) Secondary lead smelter;
- (12) Secondary brass and bronze production plant;
- (13) Iron and steel plant—basic oxygen process furnace for which construction is begun after June 11, 1973;
- (14) Sewage sludge incinerator;
- (15) Coal preparation plant;
- (16) Primary copper smelter;
- (17) Primary zinc smelter;
- (18) Primary lead smelter;
- (19) Primary aluminum reduction plant;
- (20) Wet process phosphoric acid plant;
- (21) Superphosphoric acid plant;
- (22) Diammonium phosphate plant;
- (23) Triple superphosphate plant;
- (24) Granular triple superphosphate storage facility;
- (25) Ferroalloy production facility;

- (26) Steel plants: Electric arc furnaces constructed after October 21, 1974, and on or before August 17, 1983;
- (27) Kraft pulp mill;
- (28) Grain elevator;
- (29) Glass manufacturing plant;
- (30) Stationary gas turbine;
- (31) Automobile and light-duty truck surface coating operation;
- (32) Ammonium sulfate manufacturing plant;
- (33) Asphalt processing and asphalt roofing manufacturing;
- (34) Lead acid battery manufacturing;
- (35) Phosphate rock plant;
- (36) Industrial surface coating—large appliances;
- (37) Surface coating of metal furniture;
- (38) Metal coil surface coating operation;
- (39) Graphic arts industry—publication rotogravure printing;
- (40) Bulk gasoline terminal;
- (41) Beverage can surface coating plant;
- (42) Pressure sensitive tape and label surface coating plant;
- (43) Synthetic organic chemicals manufacturing—equipment leaks of VOC;
- (44) Lime manufacturing plant;
- (45) Metallic minerals processing plants;
- (46) Synthetic fibers manufacturing;
- (47) Fugitive VOC emissions from refineries;
- (48) Industrial surface coating—vinyl and urethane coating and printing operations;
- (49) Petroleum dry cleaners;
- (50) Steel plants—argon-oxygen decarburization vessels constructed after August 17, 1983;

- (51) Wool fiberglass insulation manufacturing plants;
- (52) Onshore natural gas production plant VOC leaks;
- (53) Nonmetallic mineral processing plants;
- (54) Onshore natural gas sweetening and sulfur recovery facilities;
- (55) Industrial-commercial-institutional steam generating units with a heat input capacity greater than 100 million Btu/hour for which construction commenced after June 19, 1984;
- (56) Basic oxygen process steel-making facilities for which construction is begun after January 20, 1983;
- (57) Volatile organic liquid storage vessels (including petroleum liquid storage vessels) having a capacity of 10,570 gallons (40 cubic meters) or more constructed after July 23, 1984;
- (58) Rubber tire manufacturing facilities for which construction is begun after January 20, 1983;
- (59) Sewage treatment plants;
- (60) New residential wood heaters;
- (61) VOC emissions from petroleum refinery wastewater systems;
- (62) Equipment leaks of VOC in petroleum refineries;
- (63) Magnetic tape coating facilities;
- (64) Industrial surface coating—surface coating of plastic parts for business machines;
- (65) VOC emissions from synthetic organic chemicals manufacturing industries (SOCMI) distillation operations;
- (66) Polymeric coating of supporting substrates facilities;
- (67) VOC emissions from synthetic organic chemicals manufacturing industries (SOCMI) air oxidation unit processes;
- (68) Municipal waste combustors;
- (69) Polymer manufacturing industry;
- (70) Synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- (71) Calciners and dryers in mineral industries;
- (72) Industrial-commercial-institutional steam generating units with a heat input capacity less than 100 million Btu/hour but greater than or equal to 10 million Btu/hour for which construction began after June 9, 1989;
- (73) Municipal solid waste landfills;

- (74) Hospital, medical, and infectious waste incinerators;
- (75) Small municipal waste combustion units;
- (76) Commercial and industrial solid waste incineration units; and
- (77) Other solid waste incineration units.

D. "National Emission Standards for Hazardous Air Pollutants source (NESHAP source)" means any of the following sources:

- (1) Aerospace manufacturing and rework facilities;
- (2) Hard and decorative chromium electroplating and chromium anodizing tanks;
- (3) Coke oven batteries (Subpart L);
- (4) Perchloroethylene dry cleaning facilities;
- (5) Ethylene oxide sterilization facilities;
- (6) Gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations);
- (7) Halogenated solvent cleaning;
- (8) Industrial process cooling towers;
- (9) Magnetic tape manufacturing operations;
- (10) Marine tank vessel loading operations;
- (11) Off-site waste and recovery operations;
- (12) Petroleum refineries (Subpart CC);
- (13) Group I polymers and resins;
- (14) Epoxy resins production and non-nylon polyamides production;
- (15) Group IV polymers and resins;
- (16) Printing and publishing industry;
- (17) Secondary lead smelting;
- (18) Shipbuilding and ship repair (surface coating);
- (19) Synthetic organic chemical manufacturing industry;
- (20) Certain processes subject to the negotiated regulation for equipment leaks (Subpart I);

- (21) Wood furniture manufacturing operations;
- (22) Flexible polyurethane foam production;
- (23) Pharmaceuticals production;
- (24) Primary aluminum production;
- (25) Pulp and paper production (Subpart S);
- (26) Tanks-level 1 (Subpart OO);
- (27) Containers (Subpart PP);
- (28) Surface impoundments (Subpart QQ);
- (29) Individual drain systems (Subpart RR);
- (30) Oil-water separators and organic-water separators (Subpart VV);
- (31) Hazardous waste combustors (Subpart EEE);
- (32) Closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process (Subpart SS);
- (33) Equipment leaks—control level 1 standards (Subpart TT);
- (34) Equipment leaks—control level 2 standards (Subpart UU);
- (35) Storage vessels (tanks)—control level 2 (Subpart WW);
- (36) Generic maximum achievable control technology standards (Subpart YY);
- (37) Polyether polyols production (Subpart PPP);
- (38) Wool fiberglass manufacturing (Subpart NNN);
- (39) Mineral wool production (Subpart DDD);
- (40) Oil and natural gas production (Subpart HH);
- (41) Natural gas transmission and storage (Subpart HHH);
- (42) Steel pickling—HCl process facilities and hydrochloric acid and regeneration plants (Subpart CCC);
- (43) Pesticide active ingredient production (Subpart MMM);
- (44) Portland cement manufacturing industry (Subpart LLL);
- (45) Phosphoric acid manufacturing (Subpart AA);

- (46) Phosphate fertilizer production (Subpart BB);
- (47) Ferralloys production (Subpart XXX);
- (48) Primary lead smelting (Subpart TTT);
- (49) Publicly Owned Treatment Works (Subpart VVV);
- (50) Manufacture of amino/phenolic resins (Subpart OOO);
- (51) Secondary aluminum production (Subpart RRR);
- (52) Chemical recovery combustion sources at kraft, soda, sulfite and stand-alone semichemical pulp mills (Subpart MM);
- (53) Primary copper smelting (Subpart QQQ);
- (54) Petroleum refineries: catalytic cracking units, catalytic reforming units, and sulfur recovery units (Subpart UUU);
- (55) Manufacturing of nutritional yeast (Subpart CCCC);
- (56) Solvent extraction for vegetable oil production (Subpart GGGG);
- (57) Wet formed fiberglass mat production (Subpart HHHH);
- (58) Surface coating of metal coil (Subpart SSSS);
- (59) Leather finishing operations (Subpart TTTT);
- (60) Cellulose products manufacturing (Subpart UUUU);
- (61) Boat manufacturing (Subpart VVVV);
- (62) Reinforced plastic production (Subpart WWWW);
- (63) Rubber tire manufacturing (Subpart XXXX);
- (64) Semiconductor manufacturing (Subpart BBBB);
- (65) Coke ovens: pushing, quenching, and battery stacks (Subpart CCCCC);
- (66) Integrated iron and steel manufacturing facilities (Subpart FFFFF);
- (67) Brick and structural clay products (Subpart JJJJ);
- (68) Clay ceramics manufacturing (Subpart KKKK);
- (69) Asphalt processing and asphalt roofing manufacturing (Subpart LLLL);
- (70) Flexible polyurethane foam fabrication operations (Subpart MMMM);

- (71) Hydrochloric acid production (Subpart NNNNN);
- (72) Engine test cells/stands (Subpart PPPPP);
- (73) Friction materials manufacturing facilities (Subpart QQQQQ);
- (74) Refractory products manufacturing (Subpart SSSSS);
- (75) Auto and light duty truck (surface coating) (Subpart IIII);
- (76) Benzene waste operations (Subpart FF);
- (77) Fabric printing, coating, and dyeing operations (Subpart OOOO);
- (78) Industrial, commercial, and institutional boilers and process heaters (Subpart DDDDD);
- (79) Iron and steel foundries (Subpart EEEEE);
- (80) Large appliances (surface coating) (Subpart NNNN);
- (81) Lime manufacturing (Subpart AAAAA);
- (82) Mercury cell chlor-alkali plants (Subpart IIII);
- (83) Metal can (surface coating) (Subpart KKKK);
- (84) Metal furniture (Subpart RRRR);
- (85) Miscellaneous coating manufacturing (Subpart HHHHH);
- (86) Miscellaneous metal parts and products (Subpart MMMM);
- (87) Miscellaneous organic chemical production and processes (Subpart FFFF);
- (88) Municipal solid waste landfills (Subpart AAAA);
- (89) Organic liquids distribution (Subpart EEEE);
- (90) Paper and other web (Subpart JJJJ);
- (91) Plastic parts (Subpart PPPP);
- (92) Plywood and composite wood products (Subpart DDDD);
- (93) Polyvinyl chloride and copolymers production (Subpart J);
- (94) Primary magnesium refining (Subpart TTTTT);
- (95) Reciprocating internal combustion engines (Subpart ZZZZ);

(96) Stationary combustion turbines (Subpart YYYY);

(97) Taconite iron ore processing (Subpart RRRRR);

(98) Wood building products (Subpart QQQQ);

(99) Site remediation (Subpart GGGGG); or

(100) Major sources for which control technology determinations are required in accordance with Clean Air Act 112 (g) and (j).

26.11.02.00

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 02 Permits, Approvals, and Registration

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-401, 2-403, and 2-404, Annotated Code of Maryland

26.11.02.01

.01 Definitions.

A. In this chapter and in COMAR 26.11.03, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Acid rain source" means a new or modified source subject to the provisions of 40 CFR 72, as amended.

(1-1) "Administrative permit amendment" means a revision to a Part 70 permit that satisfies the requirements of COMAR 26.11.03.15.

(2) "Affected source" means a source that includes one or more affected units.

(3) "Affected states" means all states including the District of Columbia:

(a) Whose air quality may be affected and that are contiguous to Maryland; or

(b) That are within 50 miles of the permitted source.

(4) "Affected unit" means a fossil fuel-fired combustion device that is subject to any acid rain emissions reduction requirement or acid rain emissions limitation as provided in 40 CFR Parts 72, 73, 75, and 76 as applicable to 40 CFR Part 70.

(5) Alternate Operating Scenarios.

(a) "Alternate operating scenarios" means those provisions in a Part 70 permit that allow the permittee to make choices about how the source is operated, as provided in the permit, but without any requirement to revise the permit.

(b) "Alternate operating scenarios" may be included in a Part 70 permit as provided for in COMAR 26.11.03.06A(9).

(6) "Applicable requirement of the Clean Air Act" means all of the following as they apply to emissions units in a Part 70 source, including requirements that have been promulgated or approved by EPA through rule making, at the time of issuance of the permit but have future effective compliance dates:

(a) A standard or other requirement provided for in the Maryland State Implementation Plan (SIP);

(b) A federally enforceable term or condition of a preconstruction permit and permit to construct issued pursuant to regulations approved or promulgated through rule making under Title I, including those concerning Prevention of Significant Deterioration under Part C or those concerning Nonattainment under Part D of the federal Clean Air Act, as amended, 42 U.S.C. §7401 et seq.;

(c) A standard or other requirement concerning New Source Performance Standards under §111 of the Clean Air Act, including standards of performance for existing sources under §111(d);

(d) A standard or other requirement concerning hazardous air pollutants under §112 of the Clean Air Act, including any requirement concerning accidental release prevention under §112(r)(7) of the Clean Air Act;

(e) A standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated under it, including 40 CFR Parts 72, 73, 75, and 76 as applicable to 40 CFR Part 70;

(f) A requirement concerning monitoring and analysis established pursuant to §504(b) of the Clean Air Act or concerning enhanced monitoring and compliance certification under §114(a)(3) of the Clean Air Act;

(g) A standard or other requirement governing solid waste combustion under §129 of the Clean Air Act;

(h) A standard or other requirement for the control of emissions from consumer and commercial products under §183(e) of the Clean Air Act;

(i) A standard or other requirement for the control of emissions from tank vessels under §183(f) of the Clean Air Act;

(j) A standard or other requirement of the program to control air pollution from outer continental shelf sources under §328 of the Clean Air Act;

(k) A standard or other requirement of the regulations promulgated to protect stratospheric ozone, under Title VI of the Clean Air Act, unless EPA has determined that this requirement need not be contained in a Part 70 permit; and

(l) A national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to §504(e) of the Clean Air Act.

(7) "Applicable requirement of State air pollution control law" means all of the following as they apply to a source:

(a) Environment Article, Title 2, Annotated Code of Maryland; and

(b) All regulations that the Department has adopted under the authority of Environment Article, Title 2, including COMAR 26.11.

(8) "Applicant" means a person who submits an application for a permit.

(9) "Application" means a written request for a permit required by this chapter or by COMAR 26.11.03.

(10) Application Shield.

(a) "Application shield" means that a source for which a timely and complete application for a Part 70 permit has been submitted may continue to be operated until the permit is issued or denied, if the requirements of COMAR 26.11.03.01D are satisfied.

(b) "Application shield" applies to a Part 70 permit only.

(11) "Approval" means a special category of permit from the Department for a PSD source or an NSR source.

(12) "Clean Air Act" means the federal Clean Air Act, as amended, 42 U.S.C. §7401 et seq.

(13) "Complete application" means an application that:

(a) Contains all the information required by the Department under Regulation .11, .12, or .14 of this chapter or COMAR 26.11.03.02 and .03 in sufficient detail that allows the Department to begin review of the application; and

(b) Includes additional information that the Department, in its final review of the application, may require to assure that emissions estimates are reasonably accurate and that all applicable requirements will be met.

(14) "Contested case hearing" means a hearing that meets the requirements of State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(15) "Designated representative" has the meaning stated in the provisions concerning acid rain emissions under §402(26) of the Clean Air Act and the regulations promulgated under it including 40 CFR Parts 72, 73, 75, and 76 as applicable to 40 CFR Part 70.

(16) Draft Permit.

(a) "Draft permit" means the version of a Part 70 permit for which the Department offers public notice and an opportunity for public comment and nonadjudicatory hearing in accordance with 40 CFR §70.7(h) or affected state review under 40 CFR §70.8.

(b) "Draft permit" also means a draft approval, permit to construct, or State permit to operate.

(17) "EPA" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

(18) Emissions Unit.

(a) "Emissions unit" means a part or activity of a stationary source, including an installation, that emits or has the potential to emit a regulated air pollutant or hazardous air pollutant listed under §112(b) of the Clean Air Act.

(b) "Emissions unit" does not alter or affect the definition of the term "unit" for purposes of Title IV of the Clean Air Act.

(19) "Federally enforceable requirements of a permit to construct or State permit to operate" means the provisions of a permit to construct or State permit to operate that meet the requirements of Regulation .03 of this chapter.

(20) "Final permit" means the version of a permit issued after the Department has completed all review procedures required, with respect to the permit, by this chapter and by COMAR 26.11.03.

(21) "Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(22) "General Part 70 permit" means a Part 70 permit that meets the requirements of COMAR 26.11.03.21.

(23) "General permit" means a general Part 70 permit, a general permit to construct, or a general State permit to operate.

(24) "General permit to construct" means a permit that meets the requirements of Regulation .09D of this chapter.

(25) "General State permit to operate" means a permit that meets the requirements of Regulation .13H of this chapter.

(26) "Informational meeting" means a meeting that meets the requirements of Environment Article, §1-101(g), Annotated Code of Maryland.

(27) "Major source" has the meaning stated in §C of this regulation.

(28) "Maryland State Implementation Plan (SIP)" means the Maryland plan required by §110 of the Clean Air Act, as approved by EPA.

(29) "Minor permit modification" means a revision to a Part 70 permit that satisfies the requirements of COMAR 26.11.03.16.

(30) "Off-permit change" means a change to a source covered by a Part 70 permit that meets the requirements of COMAR 26.11.03.19.

(31) "On-permit change" means a change to a source covered by a Part 70 permit that meets the requirements of COMAR 26.11.03.18.

(32) "Part 70 permit" means an individual Part 70 permit or group of Part 70 permits covering a Part 70 source, that is issued, renewed, or revised pursuant to COMAR 26.11.03.

(33) Part 70 Source.

(a) "Part 70 source" means a stationary source required to have a Part 70 permit pursuant to COMAR 26.11.03.01.

(b) A "Part 70 source" may contain one or more emission units.

(34) "Permit" means a written authorization from the Department issued pursuant to this chapter or COMAR 26.11.03, including a Part 70 permit, a State permit to operate, a permit to construct, a general permit, or an approval of a PSD or NSR source.

(35) Permit to Construct.

(a) "Permit to construct" means a permit to construct issued, renewed, or revised pursuant to this chapter.

(b) "Permit to construct" does not mean a Part 70 permit.

(36) "Permittee" means a person who has obtained a permit from the Department.

(37) "Permit modification" means a revision to a Part 70 permit that is a minor permit modification under COMAR 26.11.03.16 or a significant permit modification under COMAR 26.11.03.17.

(38) "Permit revision" means a revision to the terms and conditions of a permit or approval.

(39) Permit Shield.

(a) "Permit shield" means a provision in a Part 70 permit that satisfies the requirements of COMAR 26.11.03.23.

(b) "Permit shield" does not apply to a State permit.

(40) Portable Emission Unit.

(a) "Portable emission unit" means an emission unit that is designed to be moved from site to site, including portable asphalt plants, portable stone crushers and screens, and portable stills.

(b) "Portable emission unit" includes other emission units that are designed to be moved from site to site and that are not major sources as defined in the Clean Air Act.

(c) "Portable emission unit" may be a temporary source subject to COMAR 26.11.03.22.

(41) "Potential to emit" means the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. A physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This term does not alter or affect the use of this term for any other purposes under the Clean Air Act or the term "capacity factor" as used concerning acid rain emissions in Title IV of the Clean Air Act or the regulations promulgated under it.

(42) "Proposed permit" means the version of a permit that the Department proposes to issue and, if a Part 70 permit, forwards to the EPA for review, as prescribed in COMAR 26.11.03.09A.

(43) "Public hearing" means a hearing that meets the requirements of Environment Article, §1-101(j), Annotated Code of Maryland, and that is held in the county where a proposed source would be located.

(44) "Regulated air pollutant" means the following:

(a) Nitrogen oxides (NO_x) or any volatile organic compound (VOC);

(b) A pollutant for which a national ambient air quality standard has been promulgated;

(c) A pollutant that is subject to any new source performance standard promulgated under §111 of the Clean Air Act;

(d) A Class I or II substance subject to a standard concerning stratospheric ozone protection promulgated under or established by Title VI of the Clean Air Act;

(e) A hazardous air pollutant subject to a standard promulgated under §112 or other requirements established under §112 of the Clean Air Act, including provisions for modifications under §112(g), provisions for equivalent emissions limitations by permit under §112(j), and provisions for prevention of accidental releases under §112(r) of the Clean Air Act, including the following:

(i) A pollutant subject to requirements under §112(j) of the Clean Air Act; if the EPA fails to promulgate a standard by the date established pursuant to §112(e) of the Clean Air Act, a pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to §112(e) of the Clean Air Act, and

(ii) A pollutant for which the requirements of §112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to the §112(g)(2) requirement; or

(f) A greenhouse gas (GHG) as defined in COMAR 26.11.01.01B(18-1) and subject to regulation under the "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (75 FR 31514).

(45) "Renewal" means the process by which a permit is reissued at the end of its term.

(46) "Reopen" means a decision by the Department, pursuant to COMAR 26.11.03.20, to reopen a Part 70 permit issued under COMAR 26.11.03 so that it may be revised or revoked.

(47) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25,000,000 in second quarter 1980 dollars, or

(ii) The delegation of authority to the representative is approved in advance by the Department;

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipal, State, federal, or other public agency: either a principal executive officer or ranking elected official; for the purposes of this chapter and COMAR 26.11.03, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency, for example a regional administrator of EPA; or

(d) For affected sources:

(i) The designated representative insofar as actions, standards, requirements, or prohibitions concerning acid rain emissions under Title IV of the Clean Air Act or the regulations promulgated under it; and

(ii) The designated representative for any other purpose under this chapter or COMAR 26.11.03.

(48) "Revocation" or "revoke" means a decision by the Department or the EPA to take away a permit before the end of its term or to suspend a permit for a specified period of time.

(49) "Significant permit modification" means a revision to a Part 70 permit that satisfies the requirements of COMAR 26.11.03.17.

(50) "State-only enforceable" means terms and conditions of a Part 70 permit that the Department has designated to be governed by State law and enforceable only by the State.

(51) "State permit" means an approval, permit to construct, or State permit to operate.

(52) "State permit to operate" means a permit to operate issued, renewed, or revised pursuant to this chapter and which is not a Part 70 permit.

(53) "Stationary source" means a building, structure, facility, or installation that emits or may emit a regulated air pollutant or a pollutant listed under §112(b) of the Clean Air Act.

(54) "Temporary source" means a source subject to COMAR 26.11.03.22.

(55) "Title I modification" means a physical change or change in operation to a source that qualifies as a:

(a) Modification under §111 of Title I of the Clean Air Act concerning new source performance standards or §112 NESHAP including §112(g) of Title I of the Clean Air Act concerning hazardous air pollutants; or

(b) Major modification concerning the provisions related to prevention of significant deterioration under Part C or the provisions concerning nonattainment review under Part D of Title I of the Clean Air Act.

C. Major Source.

(1) "Major source" means a stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person, or persons under common control, belonging to a single major industrial grouping and that is described as follows:

(a) A major source under §112 of the Clean Air Act concerning hazardous air pollutants, defined as:

(i) For pollutants other than radionuclides, a stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year or more of a hazardous air pollutant which has been listed pursuant to §112(b) of the Clean Air Act, 25 tons per year or more of any combination of hazardous air pollutants, or a lesser quantity that the EPA may establish by rule;

(ii) Notwithstanding §C(1)(a)(i) of this regulation, emissions from an oil or gas exploration or production well, with its associated equipment, and emissions from a pipeline compressor or pump station may not be aggregated with emissions from similar devices, whether or not the devices are in a contiguous area or under common control, to determine whether the devices or stations are major sources; or

(iii) For radionuclides, a major source has the meaning specified by EPA by rule;

(b) Except as provided in §C(1)(d) of this regulation, a major stationary source of air pollutants, as defined in §302 of the Clean Air Act, that directly emits, or has the potential to emit, 100 tons per year or more of any air pollutant including a major source of fugitive emissions of the pollutant, as determined by rule by the EPA; or

(c) A major stationary source as defined in Part D of Title I of the Clean Air Act, concerning nonattainment areas, including any stationary source which emits or has the potential to emit:

(i) 25 tons per year or more of VOC or NO_x for sources located in Baltimore City or Anne Arundel, Baltimore, Carroll, Cecil, Harford, Howard, Calvert, Charles, Frederick, Montgomery, or Prince George's counties;

(ii) 50 tons per year or more of VOC for sources located in Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, or Worcester counties;

(iii) 100 tons per year or more of NO_x for sources located in Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, or Worcester counties; or

(iv) 100 tons per year or more of carbon monoxide for sources located in the areas designated as nonattainment for carbon monoxide in 40 CFR §81.321 (1992 edition);

(d) A GHG source shall not be considered a major stationary source of any GHG under §C(1)(b) of this regulation unless it is subject to regulation under paragraphs (1) and (2) of the definition of "Subject to regulation" in 40 CFR 70.2, as amended by "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (75 FR 31514).

(2) Under §C(1)(b) of this regulation, the fugitive emissions of a stationary source may not be considered in determining whether it is a major stationary source for the purposes of §302(j) of the Clean Air Act unless the source belongs to one of the following categories of stationary source:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil fuel boilers, or combination of them, totaling more than 250 million British thermal units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
or
- (aa) All other stationary source categories regulated by a standard promulgated under §111, concerning New Source Performance Standards, or §112, concerning hazardous air pollutants, of the Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.

(3) For the purpose of defining the term "major source", a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at the source or group of sources on contiguous or adjacent properties belong to the same major group; that is, all have the same two-digit code, as described in the Standard Industrial Classification Manual, 1987.

.12 Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permit to Construct MACT Determinations On a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources.

A. Applicability. Except as provided in §B of this regulation, the owner or operator of a source shall comply with the procedures in this regulation when applying for the following:

(1) Approval for a source that is a Prevention of Significant Deterioration (PSD) source or a New Source Review (NSR) source;

(2) Except as required in Regulation .11 of this chapter:

(a) A permit to construct a source that, after the source is in compliance with all other applicable requirements of the State air pollution control law, has the potential to discharge to the atmosphere 100 tons per year (91,000 kilograms) or more of any pollutant except for greenhouse gases;

(b) A permit to construct a source that, after the source is in compliance with all other applicable requirements of the State air pollution control law, is a GHG source to which 40 CFR 52.21(b)(49)(iv) or (v) applies;

(3) A permit to construct a lead source that will discharge 5 tons per year or more of lead or lead compounds measured as elemental lead; or

(4) A permit to construct a MACT determination on a case-by-case basis in accordance with 40 CFR Part 63, Subpart B.

B. Alternative Procedures. The owner or operator of a PSD source or an NSR source may elect to use the procedures of Regulation .11 of this chapter to obtain the approval of the source. In this event, an application for an approval and for a permit to construct shall be submitted concurrently and will be processed simultaneously. The time limits in Regulation .11 of this chapter may be extended by the Department for sources electing to have applications processed simultaneously under that regulation. An approval issued under Regulation .11 of this chapter is not subject to a request for a contested case hearing under Regulation .11M of this chapter.

C. Application. The owner or operator of a source subject to this regulation shall submit a complete application on forms provided by the Department. The information that the Department requires may vary depending on the type of the source and whether PSD or NSR approval or a permit to construct is sought. The applicant shall provide sufficient information to enable the Department to determine whether the source can comply with the requirements of COMAR 26.11.06.14 for a PSD source, or COMAR 26.11.17 for an NSR source.

D. Within 10 working days, the Department shall acknowledge receipt of an application for an approval or permit to construct.

E. After receipt of a complete application, the Department shall:

(1) Make a determination to proceed with the application or deny the approval or permit to construct;

(2) Upon a determination to proceed with the application, make available for public inspection in at least one location in the region in which the proposed source is to be constructed, a copy of the information submitted by the applicant and a copy or summary of other information considered by the Department.

F. Notice of Opportunity to Submit Written Comments and to Request a Public Hearing. The applicant shall publish a notice in at least one newspaper of general circulation in the area concerned. The applicant shall file a copy of the public notice and a certification of publication with the Department. The notice shall be made at the applicant's expense, in a format approved by the Department, and include:

- (1) A summary of the nature and location of the proposed source;
- (2) The place where the information required by §E(2) of this regulation is available for public inspection;
- (3) A statement that a person has 10 days after the publication date of the notice to submit a written request for a public, nonadjudicatory hearing on the application;
- (4) A statement that a person has 30 days after the publication date of the notice to submit written comments on the application; and
- (5) The address to which the request for a public hearing and written comments shall be sent.

G. Notice of Public Hearing. If the Department schedules a public hearing on an application, the applicant shall publish a notice in at least one newspaper of general circulation in the area concerned. The applicant shall file a copy of the public notice and a certification of publication with the Department. The notice shall:

- (1) Be made at the applicant's expense in a format approved by the Department;
- (2) Include the date, time, location, and subject of the hearing; and
- (3) Be published at least 30 days before the scheduled hearing.

H. The Department may decide to proceed directly to a public hearing, in which event the requirements of §§F and G of this regulation will be combined as appropriate to ensure that the public has 30 days notice of the public hearing and 30 days opportunity to provide written comments.

I. The Department shall consider all public comments that raise issues of law or material fact regarding an application for an approval or permit to construct, but only if the issues are pertinent to requirements applicable to PSD and NSR approvals or permits to construct. Comments raising issues that relate to the location or nature of a proposed source for which approval or permit to construct is sought may not be considered unless the commenter first demonstrates to the satisfaction of the Department that the Department is required by law to consider the comments.

J. Not later than 60 days after the conclusion of a public comment period or the public hearing, whichever is later, the Department shall issue or deny the approval or permit to construct.

K. A source for which an approval is obtained under this regulation may not be constructed until a permit to construct is obtained for the source.

L. In place of all or any portion of the procedures set forth in this regulation, the Department may use all or any portion of the procedures set forth in 40 CFR §52.21 to process an application for approval of a PSD source.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 06 General Emission Standards, Prohibitions, and Restrictions

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

.14 Control of PSD Sources.

A. Definition.

(1) In the following provisions, "Administrator" has the meaning set forth in §A(2) of this regulation:

(a) 40 CFR §52.21(b)(3)(iii)(a), (17), (37)(i) and (iii), (43), (48)(ii), (50)(i), (51);

(b) 40 CFR §52.21(g)(1),(2),(4),(5),and (6);

(c) 40 CFR §52.21(i)(1)(x);

(d) 40 CFR §52.21(l)(2);

(e) 40 CFR §52.21(o)(3);

(f) 40 CFR §52.21(p)(1) and (2);

(g) 40 CFR §52.21(s);

(h) 40 CFR §52.21(t); and

(i) 40 CFR §52.21(u)(1)(3) and (4).

(2) Term Defined. "Administrator" means the Administrator of the United States Environmental Protection Agency.

B. General Requirements.

(1) A person may not construct, modify, or operate, or cause to be constructed, modified, or operated, a Prevention of Significant Deterioration (PSD) source, as defined in COMAR 26.11.01.01B(37), which will result in violation of any provision of 40 CFR §52.21, as published in the 2009 edition, as amended by the "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (75 FR 31514).

(2) The reviewing authority is the Department instead of the Administrator unless otherwise specified in 40 CFR §52.1116, and the applicable procedures are those set forth in COMAR 26.11.02.