

**Current Effective COMAR text per MDE as of last action final effective 2/15/16**

**COMAR 26.11.01.01 & .10**

**MDE includes recent SIP submittals as approved changes to reflect the final future text as anticipated. Other documents can be produced to clarify which SIP touched which definition in .01 or section of .10.**

**SIP's 13-05, 13-06, 14-04, 15-01, 15-04, 15-05 & 16-04 included**

**COMAR 26.11.01 General Administrative Provisions**

*26.11.01.01 Downlaod 2/15/16*

**.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). [Not in SIP] Eff. 9/27/1998

(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) CO<sub>2</sub> Equivalent Emissions (CO<sub>2</sub>e).

(a) "CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" means the amount of GHGs emitted.

(b) "CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" shall be computed as follows:

(i) Except as stated in §B(6-1)(b)(iii) of this regulation, 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);

(ii) Sum the resultant values from B(6-1)(b)(i) of this regulation for each gas to compute a tpy CO<sub>2</sub>e; and

(iii) Prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of nonfossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the nonfossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material).

(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.

(8-1) Continuous Burning.

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

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

(9) "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. [Not in SIP]

(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 (CO<sub>2</sub>);

(b) methane (CH<sub>4</sub>);

(c) nitrous oxide (N<sub>2</sub>O);

(d) sulfur hexafluoride (SF<sub>6</sub>);

(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) [Not in SIP]

(22) [Not in SIP]

(23) [Not in SIP]

(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<sub>x</sub> Ozone Season Allowance" means a CAIR NO<sub>x</sub> ozone season allowance as defined in 40 CFR 96.302 and does not constitute a security or other form of property.

(25) [Not in SIP]

(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.

(27-1) Operating Time.

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

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

(28) "Oxides of nitrogen (NO<sub>x</sub>)" means compounds of nitrogen comprised of nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>), expressed as equivalent molecular weight of NO<sub>2</sub>.

(29) "Particulate matter (PM)" 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.

(30-1) "PM<sub>2.5</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(30-2) "PM<sub>2.5</sub> emissions" means finely divided solid or liquid materials with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, discharged into the ambient air.

(31) "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

(32) "PM<sub>10</sub> 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 amended.

(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. Repealed [Not in SIP]

D. Repealed [Not in SIP]

*26.11.01.10 Download 2/15/16*

## **.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) The owner or operator of a cement manufacturing installation may discontinue use of a COM when a PM CPMS is installed and operated in accordance with the requirements of COMAR 26.11.30.

(6) Sources may request for approval by the Department and EPA an alternate limit for specific operating conditions in which the technological limitations of the control equipment adversely affects the ability of the source to comply with visible emissions limits by following the recommendations at 80 FR 33980. The alternate limit shall be

submitted to EPA as a SIP revision and included in 40 CFR Part 52 Subpart V 52.1070(d) for Maryland Source Specific SIP revisions.

#### B. General Requirements for COMs.

(1) 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, as amended, which is incorporated by reference.

(4) [Not in SIP]

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

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

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

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

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

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

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

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

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

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



(c) For the owner or operator of a municipal waste combustor that is required to install and operate a COM, compliance with visible emission standards is achieved if visible emissions do not exceed 10 percent opacity for a 6-minute block average during the unit's operating time.

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

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

#### C. 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. Repealed