

# Exhibit C



Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

JAN 10 2013

Mr. Shawn M. Garvin  
Regional Administrator (3RA00)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia PA 19103-2029

Dear Mr. <sup>Shawn,</sup> Garvin:

The purpose of this letter is to submit Maryland's 111(d)/129 regulation and Plan (MD Submittal # 12-11) concerning Maryland's adoption of EPA's Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). This action includes:

- (1) amendments to Regulations .01, .02, and .08-1 and adoption of new Regulation .08-2 under COMAR 26.11.08 Control of Incinerators;
- (2) amendments to new Regulation .08-2 under COMAR 26.11.08 Control of Incinerators; and
- (3) Maryland's 111(d)/129 Plan for Hospital, Medical and Infectious Waste Incinerators.

Part 1 of this submittal includes amendments to Regulations .01, .02, and .08-1 and adoption of new Regulation .08-2 under COMAR 26.11.08 Control of Incinerators. The Notice of Proposed Action was published in the Maryland Register on December 2, 2011. A public hearing was held on January 11, 2012. The action was adopted on March 7, 2012. The Notice of Final Action was published on March 23, 2012 and the new regulation and amendments became effective on April 2, 2012.

Part 2 of this submittal includes Maryland's HMIWI 111(d)/129 Plan and amendments to Regulation .08-2 under COMAR 26.11.08 Control of Incinerators. An Emergency Action for the amendments became effective on July 4, 2012. The Notice of Proposed Action was published in the Maryland Register on August 10, 2012. A public hearing was held on these amendments and on the 111(d) plan on September 12, 2012. The amendments were adopted on October 23, 2012. The Notice of Final Action for the amendments was published on November 16, 2012 and the amendments became effective on November 26, 2012.

All administrative procedures were properly followed throughout the adoption process for the regulations and amendments.

I certify that the electronic copy of this 111(d)/129 submittal (enclosed) is an exact duplicate of the official hard copy. If you have any questions concerning this submittal, please feel free to call me at (410) 537-3084 or Mr. George (Tad) S. Aburn, Jr., Director of the Air and Radiation Management Administration, at (410) 537-3255.

Sincerely,

Robert M. Summers, Ph.D.  
Secretary

Enclosure





*Martin O'Malley*  
Governor  
*Anthony G. Brown*  
Lt. Governor

*Richard Eberhart Hall*  
Secretary  
*Matthew J. Power*  
Deputy Secretary

December 28, 2011

Ms. Deborah Rabin  
Coordinator, Air & Radiation Management Administration  
Maryland Department of the Environment  
Suite 730  
1800 Washington Boulevard  
Baltimore, MD 21230

**STATE CLEARINGHOUSE REVIEW PROCESS**

**State Application Identifier:** MD20111228-0908

**Project Description:** Proposed amendments to air-quality regulations: ctg on work-practice standards; HMIWI; NESHAP/NSPS; vehicle refinishing; EPA Biogenic CO2 Deferral rule: Public Hearing on 1/11/2012

**Project Location:** Statewide

**Clearinghouse Contact:** Bob Rosenbush

Dear Ms. Rabin:

Thank you for submitting your project for intergovernmental review. Participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps ensure project consistency with plans, programs, and objectives of State agencies and local governments.

Notice of your application is being provided to State and local public officials through the *Intergovernmental Monitor*, which is a database of projects received by the State Clearinghouse for Intergovernmental Assistance. This information may be viewed at <http://planning.maryland.gov/emircpublic/>. The project has been assigned a unique State Application Identifier that should be used on all documents and correspondence.

One form is enclosed with this letter. The "Project Status Form" should be completed and returned after you receive notice that your project was approved or disapproved.

All MIRC requirements have been met in accordance with Code of Maryland Regulations (COMAR 34.02.01.04-.06) and this concludes the review process for the above referenced project. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at [brosenbush@mdp.state.md.us](mailto:brosenbush@mdp.state.md.us). Thank you for your cooperation with the MIRC process.

Sincerely,

A handwritten signature in blue ink that reads 'Linda C. Janey'.

Linda C. Janey, J.D., Assistant Secretary

LCJ:BR  
Enclosure  
cc: Kathleen Blinbury - U.S. Environmental Protection Agency

11-0908\_OLRR.OTH.doc

**From:** Debbie Rabin  
**To:** All County Environmental Health Directors; All County Health Officers; ...  
**CC:** Angelo Bianca; Tad Aburn  
**Date:** 12/8/2011 4:12 PM  
**Subject:** NOTICE OF PUBLIC HEARINGS - Please Confirm Receipt

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR & RADIATION MANAGEMENT ADMINISTRATION  
NOTICE OF PUBLIC HEARINGS**

The Maryland Department of the Environment gives notice of public hearings concerning proposed amendments to air quality regulations. The proposed actions are briefly described below:

1. Proposal to amend Regulation .04 under COMAR 26.11.01 General Administrative Provisions, and Regulation .02 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.  
The purpose of this action is to adopt the requirements of the Environmental Protection Agency's (EPA's) Control Techniques Guidelines (CTG) standards regarding work practice standards and apply them to a variety of CTG regulations under COMAR 26.11.19. This action will be submitted to the EPA for approval as part of Maryland's State Implementation Plan (SIP).
2. Proposal to amend Regulation .01 under COMAR 26.11.01 General Administrative Provisions, Regulation .01 under COMAR 26.11.02 Permits, Approvals, and Registration, and Regulation .14 under COMAR 26.11.06 General Emissions Standards, Prohibitions, and Restrictions.  
The purpose of this action is to implement EPA's action to defer, for a period of three years, the Prevention of Significant Deterioration (PSD) and Title V permitting requirements related to carbon dioxide (CO<sub>2</sub>) emissions from bioenergy and other biogenic stationary sources (biogenic CO<sub>2</sub>). This will allow EPA to resolve technical issues so that biogenic CO<sub>2</sub> can be accounted for properly. The appropriate parts of this action will be submitted to EPA for approval as part of Maryland's State Implementation Plan and Title V Program. The Department will request approval of the regulations in their entirety.
3. Proposal to repeal existing Regulation .23 and adopt new Regulation .23 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.  
The purpose of this action is to establish operating standards for vehicle refinishing facilities in Maryland. The regulation establishes VOC content limits for coatings and solvents used during the preparation, application, and drying phases of vehicle refinishing, coating application standards, work practices standards, and monitoring and recordkeeping standards. This action will be submitted to the EPA for approval as part of Maryland's SIP.
4. Proposal to amend Regulation .01 under COMAR 26.11.01 General Administrative Provisions, and Regulation .12 under COMAR 26.11.06 General Emission Standards, Prohibitions, and Restrictions.  
The purpose of this action is to (1) update the definition of National Emission Standards for Hazardous Air Pollutants source (NESHAP source) under COMAR 26.11.01B(21)(b), (2) update the definition of New Source Performance Standard source (NSPS source) under COMAR 26.11.01B(23), and (3) update a cross reference to the NSPS definition in COMAR 26.11.06.12. Maryland will be requesting delegation to implement and enforce the NESHAP and NSPS requirements specified in this action.
5. Proposal to amend Regulations .01, .02, .08-1, and adopt new Regulation .08-2 under COMAR 26.11.08 Control of Incinerators.  
The purpose of this action is to adopt the requirements of the EPA's Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). This action will be submitted to the EPA for approval as a revision to Maryland's 111(d) Plan.

The full text of these proposed actions appeared in the **Maryland Register** on **December 2, 2011**.

The technical support documents (TSDs) are available for public review on the Maryland Department of the Environment's website at the following address: <http://www.mde.state.md.us/aboutmde/pages/reqcomments.aspx>

The proposed action and supporting documents are also available for review at the following locations: the Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Please make these materials available in your office for public review.

A public hearing on the proposed actions will be held on **January 11, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

Interested persons are invited to attend and express their views. Comments may be mailed to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us), or faxed to (410) 537-4223. Comments must be received not later than

**January 11, 2012**, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

**From:** Debbie Rabin  
**To:** Ali Mirzakhallii; Cecily Beall; Diana Esher; John Benedict; Joyce Ep...  
**CC:** Angelo Bianca; Chris Cripps; Hal Frankford; Kathleen Cox; Marcia Spi...  
**Date:** 12/8/2011 4:08 PM  
**Subject:** NOTICE OF PUBLIC HEARINGS - Please Confirm Receipt

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR & RADIATION MANAGEMENT ADMINISTRATION  
NOTICE OF PUBLIC HEARINGS**

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The purpose of this action is to implement EPA's action to defer, for a period of three years, the Prevention of Significant Deterioration (PSD) and Title V permitting requirements related to carbon dioxide (CO<sub>2</sub>) emissions from bioenergy and other biogenic stationary sources (biogenic CO<sub>2</sub>). This will allow EPA to resolve technical issues so that biogenic CO<sub>2</sub> can be accounted for properly. The appropriate parts of this action will be submitted to EPA for approval as part of Maryland's State Implementation Plan and Title V Program. The Department will request approval of the regulations in their entirety.

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4. Proposal to amend Regulation .01 under COMAR 26.11.01 General Administrative Provisions, and Regulation .12 under COMAR 26.11.06 General Emission Standards, Prohibitions, and Restrictions.

The purpose of this action is to (1) update the definition of National Emission Standards for Hazardous Air Pollutants source (NESHAP source) under COMAR 26.11.01B(21)(b), (2) update the definition of New Source Performance Standard source (NSPS source) under COMAR 26.11.01B(23), and (3) update a cross reference to the NSPS definition in COMAR 26.11.06.12. Maryland will be requesting delegation to implement and enforce the NESHAP and NSPS requirements specified in this action.

5. Proposal to amend Regulations .01, .02, .08-1, and adopt new Regulation .08-2 under COMAR 26.11.08 Control of Incinerators. The purpose of this action is to adopt the requirements of the EPA's Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). This action will be submitted to the EPA for approval as a revision to Maryland's 111(d) Plan.

The full text of these proposed actions appeared in the Maryland Register on **December 2, 2011**.

The technical support documents (TSDs) are available for public review on the Maryland Department of the Environment's website at the following address: <http://www.mde.state.md.us/aboutmde/pages/reqcomments.aspx>

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A public hearing on the proposed actions will be held on **January 11, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

Interested persons are invited to attend and express their views. Comments may be mailed to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us), or faxed to (410) 537-4223. Comments must be received not later than

**January 11, 2012**, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

**Statement of the Air and Radiation Management Administration  
Department of the Environment  
for the Public Hearing Relating to Proposed  
Amendments to COMAR 26.11.08 Control of Incinerators  
held on January 11, 2012 Baltimore, MD**

My name is Husain Waheed. I am a Senior Regulatory and Compliance Engineer with the Regulation Development Division of the Air and Radiation Management Administration, Department of the Environment.

This public hearing is being held pursuant to the requirements of 40 CFR Section 51.102 and Sections 2-301 et.seq. of the Environment Article, Annotated Code of Maryland. It is also being held in conformance with the State Administrative Procedures Act under the State Government Article, beginning at Section 10-101.

Notice of this hearing appeared in the:

Maryland Register on December 2, 2011; and  
MDE's website from December 8, 2011 through January 11, 2012.

Copies of these notices were submitted for the record.

Copies of the proposed action and supporting documents were submitted for review to the State Clearinghouse and are also submitted at this time into the hearing record. Copies were also made available for public inspection at the Air and Radiation Management Administration offices in Baltimore, Cumberland, and Salisbury, and at all local health departments or local air quality control offices.

The purpose of today's hearing is to give the public an opportunity to comment on the proposed amendments to COMAR 26.11.08 Control of Incinerators.

**Summary**

The proposed amendments adopt the requirements of the EPA's Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). EPA is required to develop and adopt new source performance standards (NSPS) and EG for solid waste incineration units pursuant to CAA Sections 111 and 129. Maximum achievable control technology standards for existing HMIWI are set in EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NOX); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>). The standards are applicable based on the year of construction or modification of the incinerator. Affected sources have to comply with the standards by October 6, 2014 at the latest.

**Maryland's 111(d)/129 State Implementation Plan (SIP)**

These amendments and new regulation will be submitted to the EPA for approval as part of the 111(d)/129 SIP.

**Consideration of Comments**

The Department will consider all comments before making a decision to adopt these amendments.

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT  
2 AIR AND RADIATION MANAGEMENT ADMINISTRATION  
3  
4

5 PUBLIC HEARING  
6 CONCERNING PROPOSED AMENDMENTS TO COMAR 26.11.08  
7 CONCERNING HMIWI REQUIREMENTS  
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12 The hearing in the above matter commenced on  
13 Wednesday, January 11, 2012, at the MDE Headquarters,  
14 Montgomery Park, 1800 Washington Boulevard, Baltimore,  
15 Maryland.

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17 BEFORE: DEBORAH RABIN, Hearing Officer  
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19 Reported by: Linda Metcalf  
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A P P E A R A N C E S

ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT:

**DEBORAH RABIN**

Regulations Coordinator  
Air and Radiation Management Administration  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 730  
Baltimore, Maryland 21230

**HUSAIN WAHEED**

Senior Regulatory and Compliance Engineer  
Air and Radiation Management Administration  
Regulation Development Division  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 730  
Baltimore, Maryland 21230

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I N D E X

<u>Speaker:</u>	<u>Page:</u>
Deborah Rabin	4
Husain Waheed	5

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**P R O C E E D I N G S**

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MS. RABIN: Good morning. On behalf of the Department of the Environment and the Air and Radiation Management Administration, I would like to welcome you to this public hearing.

My name is Deborah Rabin and I am the Regulations Coordinator for the Air and Radiation Management Administration. I will serve as hearing officer for today's hearing.

I would like to ask all of you in attendance today to please sign in, if you haven't already done so. This will help us to keep an accurate record of the people who participate in the hearing. Also, copies of our regulation proposal, support documents, and the Department's statement are available on the table for your information.

This hearing concerns Air Quality Regulations found in the Code of Maryland Regulations, Title 26, Subtitle 11, Air Quality. The Secretary of the Department proposes to amend Regulations .01, .02, and .08-1, and adopt new Regulation .08-2 under COMAR

1 26.11.08, Control of Incinerators.

2 The purpose of this hearing is to give you an  
3 opportunity to comment on this action.

4 The Opportunity for Public Comment for this  
5 proposed action appeared in the Maryland Register, Volume  
6 38, Issue 25, Page 1652 on December 2, 2011.

7 The hearing will proceed in the following  
8 order. First, Mr. Husain Waheed will make a statement on  
9 behalf of the Air and Radiation Management  
10 Administration. After Mr. Waheed is finished, I will  
11 call on any elected official or government official who  
12 wants to make a statement. Then, I will call upon anyone  
13 else who indicated on the sign-in sheet that he or she  
14 would like to make a statement.

15 When giving your statement, please  
16 identify yourself and your affiliation, and give  
17 your statement loudly and clearly. Are there any  
18 questions?

19 I will now call on Mr. Waheed.

20 MR. WAHEED: My name is Husain Waheed. I am  
21 submitting the Department's statement for the public  
22 hearing to the record.

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**Statement of the Air and Radiation  
Management Administration  
Department of the Environment  
for the Public Hearing Relating to Proposed  
Amendments to COMAR 26.11.08 Control of Incinerators  
held on January 11, 2012 Baltimore, MD**

My name is Husain Waheed. I am a Senior Regulatory and Compliance Engineer with the Regulation Development Division of the Air and Radiation Management Administration, Department of the Environment.

This public hearing is being held pursuant to the requirements of 40 CFR Section 51.102 and Sections 2-301 et.seq. of the Environment Article, Annotated Code of Maryland. It is also being held in conformance with the State Administrative Procedures Act under the State Government Article, beginning at Section 10-101.

Notice of this hearing appeared in the: Maryland Register on December 2, 2011; and MDE's website from December 8, 2011 through January 11, 2012.

Copies of these notices were submitted for the record.

1           Copies of the proposed action and supporting  
2 documents were submitted for review to the State  
3 Clearinghouse and are also submitted at this time into  
4 the hearing record. Copies were also made available for  
5 public inspection at the Air and Radiation Management  
6 Administration offices in Baltimore, Cumberland, and  
7 Salisbury, and at all local health departments or local  
8 air quality control offices.

9           The purpose of today's hearing is to give the  
10 public an opportunity to comment on the proposed  
11 amendments to COMAR 26.11.08 Control of Incinerators.

12       **Summary**

13           The proposed amendments adopt the requirements  
14 of the EPA's Emission Guidelines (EG) for hospital,  
15 medical, infectious and medical waste incinerators  
16 (HMIWI). EPA is required to develop and adopt new source  
17 performance standards (NSPS) and EG for solid waste  
18 incineration units pursuant to CAA Sections 111 and 129.  
19 Maximum achievable control technology standards for  
20 existing HMIWI are set in EG for particulate matter (PM);  
21 heavy metals, including lead (Pb), cadmium (Cd), and  
22 mercury (Hg); toxic organics, including chlorinated

1 dibenzo-p-dioxins/dibenzofurans (CDD/CDF); carbon  
2 monoxide (CO); nitrogen oxides (NOX); and acid gases,  
3 including hydrogen chloride (HCl) and sulfur dioxide  
4 (SO<sub>2</sub>). The standards are applicable based on the year of  
5 construction or modification of the incinerator.

6 Affected sources have to comply with the standards by  
7 October 6, 2014 at the latest.

8 **Maryland's 111(d)/129 State Implementation Plan (SIP)**

9 These amendments and new regulation will be  
10 submitted to the EPA for approval as part of the  
11 111(d)/129 SIP.

12 **Consideration of Comments**

13 The Department will consider all comments  
14 before making a decision to adopt these amendments.

15 \_\_\_\_\_  
16 MS. RABIN: Thank you, Mr. Waheed. Please let  
17 the record show that no one has come to attend this  
18 public hearing.

19 This will conclude the public hearing regarding  
20 proposed amendments to Regulations .01, .02, .08-1, and  
21 new Regulation .08-2 under COMAR 26.11.08, Control of  
22 Incinerators.

1                   Please let the record reflect that it is now  
2                   10:43 and this hearing is officially concluded.

3                   **(Whereupon, the hearing was concluded.)**

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## Subtitle 11 AIR QUALITY

### 26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

#### Notice of Final Action

[11-349-F]

On March 7, 2012, the Secretary of the Environment adopted amendments to Regulations .01, .02, and .08-1 and new Regulation .08-2 under COMAR 26.11.08 Control of Incinerators. This action, which was proposed for adoption in 38:25 Md. R. 1651—1659 (December 2, 2011), has been adopted with the nonsubstantive changes shown below.

**Effective Date: April 2, 2012.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 26.11.08.08-2G(1): This change removes an incorrect reference.

COMAR 26.11.08-2G(2) and H(1): The date has been changed to April 30, 2012 to reflect the effective date of this regulation, and the time needed for compliance.

#### **.08-2 Emission Standards and Requirements for HMIWIs Under 40 CFR 60 Subpart Ce as Revised October 6, 2009.**

A. — F. (proposed text unchanged)

G. HMIWI Shutdown.

(1) A person who owns or operates a HMIWI and plans to shutdown rather than comply with the requirements of this regulation and amended 40 CFR Part 60 Subpart Ce shall cease operations by June 15, 2012, but not later than October 6, 2014, as provided in §§G(2) and (3) of this regulation.

(2) A request for an extension of the June 15, 2012 cease operation deadline shall be submitted to the Department by December 15, 2011 April 30, 2012 and contain the following information:

(a) — (c) (proposed text unchanged)

H. Shut-Down Extension Requests for the Installation of Alternative Treatment Technologies. A person who owns or operates an HMIWI and requests an extension to install alternative treatment technologies shall:

(1) Submit by December 15, 2011 April 30, 2012 a request to the Department to install alternative treatment technology;

(2) — (5) (proposed text unchanged)

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

## Title 30

# MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

## Subtitle 01 GENERAL

### 30.01.02 Documents Incorporated by Reference

Authority: Education Article, §13-516, Annotated Code of Maryland

#### Notice of Final Action

[12-022-F-I]

On March 13, 2012, the Maryland Emergency Medical Services Board adopted amendments to Regulation .01 under COMAR 30.01.02 Documents Incorporated by Reference. This action was taken at a public meeting, notice of which was given by publication in 39:4 Md. R. 356 (February 24, 2012) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. This action, which was proposed for adoption in 39:1 Md. R. 71 (January 13, 2012), has been adopted with the nonsubstantive changes shown below.

**Effective Date: April 2, 2012.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .01: Correction of typographical error in edition date for Maryland Medical Protocols for Emergency Medical Services Providers.

#### **.01 Incorporation by Reference.**

A. (proposed text unchanged)

B. Documents Incorporated.

(1) "Maryland Medical Protocols for Emergency Medical Services Providers (MIEMSS July [12] L, 2011 Edition)". This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).

(2) — (3) (proposed text unchanged)

ROBERT R. BASS, M.D.  
Executive Director  
Maryland Institute for Emergency Medical Services Systems

NO ONE ATTENDED THE PUBLIC HEARING

AND

NO COMMENTS WERE RECEIVED  
DURING THE 30-DAY COMMENT PERIOD

**Subtitle 11 AIR QUALITY**

**26.11.08 Control of Incinerators**

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

**Notice of Proposed Action**

[11-349-P]

The Secretary of the Environment proposes to amend Regulations **.01**, **.02**, and **.08-1** and adopt new Regulation **.08-2** under **COMAR 26.11.08 Control of Incinerators**.

**Statement of Purpose**

The purpose of this action is to adopt the requirements of the EPA’s Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). EPA develops EGs as guidance on control requirements. States can follow the EGs or adopt more restrictive standards. MDE proposes to adopt standards for HMIWI consistent with the EGs for incinerators. The proposed standards will reduce emissions from the combustion of hospital, medical, infectious and medical waste. These amendments affect hospital, medical, infectious and medical waste incinerators and require full compliance with the proposed standards no later than October 6, 2014.

The regulation will be submitted to the U.S. EPA for approval as a revision to Maryland’s 111(d) Plan.

**Background**

EPA is required to develop and adopt new source performance standards (NSPS) and EG for solid waste incineration units pursuant to the Clean Air Act (CAA) Sections 111 and 129. New sources (NSPS program) are regulated under Sections 111(b) and 129(a) of the CAA. Existing sources are regulated under Sections 111(d) and 129(b) of the CAA. The NSPS are directly enforceable Federal regulations, and under CAA Section 129(f)(1) become effective 6 months after promulgation. Under CAA Section 129(f)(2), the EG become effective and enforceable as expeditiously as practicable after EPA approves a State plan implementing the EG but no later than 3 years after such approval or 5 years after the date the EG are promulgated, whichever is earlier.

Hospital waste consists of discards generated at a hospital, and medical/infectious waste is generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals. Household or hazardous waste, or human and animal remains not generated as medical waste are not included.

Maximum achievable control technology standards for existing HMIWI are established by the EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NO<sub>x</sub>); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>).

**Affected Sources and Location**

The proposed amendments affect HMIWIs in Maryland.

**Requirements**

The standards must be met no later than October 6, 2014 and are applicable to HMIWIs in the following categories:

1. Small, medium, and large HMIWIs for which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010.

2. Small, medium, and large HMIWIs for which construction was commenced on or before June 20, 1996 or for which modification commenced on or before March 16, 1998.

3. Small rural area HMIWI for which construction commenced on or before June 20, 1996 or for which modification was commenced on or before March 16, 1998.

4. Small rural area HMIWI for which construction commenced after June 20, 1996 but no later than December 1, 2008 or for which modification was commenced after March 16, 1998 but no later than April 6, 2010.

**Expected Emissions Reductions**

Minimal emissions reductions from existing sources in Maryland are expected as a result of adopting the proposed standards. Maryland sources have already applied control technologies to the incineration process and to post incineration emissions. Integration and optimization of the performance of these technologies has also taken place. Controls such as tertiary combustion chamber, dry injection acid gas scrubber, powder activated carbon system, and fabric filter with passive dioxins/furans control are utilized. Maryland sources have already been controlled under COMAR 26.11.08.08-1, in conformance with the initial 1997 MACT standards.

In the MACT review process for the 2009 standards, performance and test results of all sources nationwide were taken into account. Since Maryland sources have already added control technologies, they perform well on a national level and stack test results show that their performance is currently very close to the 2009 MACT standards. Based on the emission levels during stack tests, Maryland HMIWIs would be able to meet most of the standards with the current technologies. For NO<sub>x</sub> and HCL further improvements and enhancements would have to be investigated and tested. Emission reductions are expected as a result of adopting these two standards in particular. Emissions are expected to be minimally reduced for the remaining pollutants as a result of implementing the proposed standards. The benefit will be provided throughout the year by reducing criteria pollutants and toxic emissions.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The economic impact of these amendments has been estimated by EPA on a national level. Cost impact on sources that are owned by hospitals is expected to range between 0.1 to 0.9 percent of sales (an average cost for incinerator would be approximately \$250,000 — \$280,000 per year in the first three years). Commercial incinerators have cost impacts that are no more than 2 percent of sales. The economic impact on the Department is going to be minimal in modifying the standards and ensuring compliance. There will be minimal to no impact on other state agencies and local jurisdictions as some permitting work may be necessary.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Minimal
B. On other State agencies:	(E+)	Minimal
C. On local governments:	(E+)	Minimal

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	Benefit (+) Cost (-)	Magnitude
<b>D. On regulated industries or trade groups:</b>		
(1) Sources owned by hospitals	(-)	0.1 to 0.9 percent of sales
(2) Commercial incinerators	(-)	No more than 2 percent of sales
<b>E. On other industries or trade groups:</b>		
	NONE	
<b>F. Direct and indirect effects on public:</b>		
	(+)	Unable to estimate
<b>III. Assumptions.</b> (Identified by Impact Letter and Number from Section II.)		
A. The Department will modify standards and ensure compliance.		
B. Some permitting work may be necessary, but there will be minimal to no impact on other State agencies.		
C. Some permitting work may be necessary, but there will be minimal to no impact on local governments.		
D(1). Avg. cost incinerator approx. \$250,000 — \$280,000/yr 1st 3 yrs.		
D(2). EPA cost estimate upon affected industry.		
F. This action will reduce emissions of criteria pollutants and toxic emissions, having a positive impact on public health.		

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

This action will have a positive impact on individuals with disabilities involving respiratory problems by reducing air pollutants that contribute to disease.

**Opportunity for Public Comment**

The Department of the Environment will hold a public hearing on the proposed action on January 11, 2012 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to drabin@mde.state.md.us. Comments must be received not later than January 11, 2012, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations: The Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) *Bag Leak Detection System.*

(a) "Bag leak detection system" means an instrument that is capable of monitoring PM loadings in the exhaust of a fabric filter in order to detect bag failures.

(b) "Bag leak detection system" includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light-transmittance, or other effects to monitor relative PM loadings.

[(1)] (1-1) (text unchanged)

(2) — (7) (text unchanged)

(7-1) "Commercial HMIWI" means a HMIWI which offers incineration services for hospital/medical/infectious waste generated off site by firms unrelated to the firm that owns the HMIWI.

(8) — (39) (text unchanged)

(40) "Minimum reagent flow rate" means 90 percent of the highest 3-hour average reagent flow rate at the inlet to the selective noncatalytic reduction technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO<sub>x</sub> emissions limit.

[(40)] (40-1) (text unchanged)

(41) (text unchanged)

(42) "Minimum secondary chamber temperature" means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, CO, [or] and dioxin/furan emission limits.

(43) — (61) (text unchanged)

**.02 Applicability.**

A.—H. (text unchanged)

I. All provisions of Regulation .08-1 of this chapter and the related HMIWI 111(d)/129 plan approval, 40 CFR Part 62, Subpart V, are applicable, except as amended or revised under Regulation .08-2 of this chapter and approved by EPA as part of the Maryland HMIWI 111(d)/129 plan.

**.08-1 Emission Standards and Requirements for HMIWIs.**

A. Emission Standards.

(1) The emission standards and requirements in §A(2)—[(6)] (7) of this regulation apply to a person who owns or operates an HMIWI other than a small rural area HMIWI.

(2) The emission limits of this regulation and 40 CFR §§62.5160 and 62.5161, apply to a person who owns and operates a small, medium, or large HMIWI for which construction was commenced on or before June 20, 1996 or for which modification commenced on or before March 16, 1998, and remain applicable until such HMIWI comes into full and final compliance in accordance with Regulation .08-2 of this chapter and its related 111(d)/129 plan revision.

[(2)] (3) — [(6)] (7) (text unchanged)

B. Emission Limits and Requirements for Small Rural Area HMIWIs.

(1) The emission limits and requirements in §B(2)—(6) of this regulation apply to a person who owns or operates a small rural area HMIWI, and remain applicable until such HMIWI comes into full and final compliance in accordance with Regulation .08-2 of this chapter and its related 111(d)/129 plan revision.

(2) — (3) (text unchanged)

C. — D. (text unchanged)

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**.08-2 Emission Standards and Requirements for HMIWIs Under 40 CFR 60 Subpart Ce as Revised October 6, 2009.**

A. *Applicability and Emission Standards.* Notwithstanding the requirements of Regulation .08-1 of this chapter, the emission standards and requirements of §B(1) — (7) and §C(1) — (6) of this regulation apply to a person who owns or operates an HMIWI subject to 40 CFR Part 60, Subpart Ce, as revised, October 6, 2009.

B. *Emission Limits and Requirements for Small, Medium, and Large HMIWIs.*

(1) A person who owns or operates a small, medium, or large HMIWI for which construction was commenced on or before June 20, 1996 or for which modification commenced on or before March 16, 1998 shall comply with the following emission limits.

Pollutant	Units (7 percent oxygen, dry basis)	Emission limits			Test Method	Averaging Time <sup>1</sup>
		Small	Medium	Large		
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	66 (0.029)	46 (0.020)	25 (0.011)	EPA Reference Method 5 of Appendix A-3 of 40 CFR Part 60, or EPA reference Method 26A or 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1hr minimum sample time per run)
Opacity	6 minute block average percent	10	10	10	EPA Method 9 and PM CEMS. Alternative use of PM CEMS as stipulated under 40 CFR §60.56c(b)(9) in lieu of EPA Method 9, Appendix A-4 or Bag leak detection system	6 minute block average
Carbon monoxide	Parts per million by volume	20	5.5	11	EPA Reference Method 10 of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	16 (7.0) or 0.013 (0.0057)	0.85 (0.37) or 0.020 (0.0087)	9.3 (4.1) or 0.054 (0.024)	EPA Reference Method 23 of Appendix A-7 of 40 CFR Part 60	3 run average (4 hr minimum sample time per run)
Hydrogen chloride	Parts per million by volume	44	7.7	6.6	EPA Reference Method 26 or 26A of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)

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<i>Sulfur dioxide</i>	<i>Parts per million by volume</i>	4.2	4.2	9.0	<i>EPA Reference Method 6 or 6C of Appendix A-4 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Nitrogen oxides</i>	<i>Parts per million by volume</i>	190	190	140	<i>EPA Reference Method 7 or 7E of Appendix A-4 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Lead</i>	<i>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</i>	0.31 (0.14)	0.018 (0.0079)	0.036 (0.016)	<i>EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Cadmium</i>	<i>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</i>	0.017(0.0074)	0.013(0.0057)	0.0092(0.0040)	<i>EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Mercury</i>	<i>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</i>	0.014(0.0061)	0.025(0.011)	0.018(0.0079)	<i>EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>

<sup>1</sup>Except as allowed under 40 CFR §60.56c(c) for HMIWI equipped with CEMS.

(2) A person who owns or operates a small, medium, or large HMIWI for which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010, shall comply with the following emission limits.

<i>Pollutant</i>	<i>Units (7 percent oxygen, dry basis)</i>	<i>Emission limits HMIWI size</i>			<i>Test Method</i>	<i>Averaging Time<sup>1</sup></i>
		<i>Small</i>	<i>Medium</i>	<i>Large</i>		
<i>Particulate matter</i>	<i>Milligrams per dry standard cubic meter (grains per dry standard cubic foot)</i>	66 (0.029)	34 (0.015)	25 (0.011)	<i>EPA Reference Method 5 of Appendix A-3 of 40 CFR Part 60, or EPA reference Method 26A or 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Opacity</i>	<i>6 minute block average percent</i>	6	6	6	<i>EPA Method 9 and PM CEMS. Alternative use of PM CEMS as stipulated under 40 CFR §60.56c(b)(9) in lieu of EPA Method 9, Appendix A-4 or Bag leak detection system</i>	<i>6 minute block average</i>
<i>Carbon monoxide</i>	<i>Parts per million by volume</i>	20	5.5	11	<i>EPA Reference Method 10 of Appendix A-4 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>

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<i>Dioxins/furans</i>	<i>Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)</i>	<i>16 (7.0) or 0.013 (0.0057)</i>	<i>0.85 (0.37) or 0.020 (0.0087)</i>	<i>9.3 (4.1) or 0.054 (0.024)</i>	<i>EPA Reference Method 23 of Appendix A-7 of 40 CFR Part 60</i>	<i>3 run average (4 hr minimum sample time per run)</i>
<i>Hydrogen chloride</i>	<i>Parts per million by volume or percent reduction</i>	<i>15 or 99%</i>	<i>7.7</i>	<i>6.6</i>	<i>EPA Reference Method 26 or 26A of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Sulfur dioxide</i>	<i>Parts per million by volume</i>	<i>4.2</i>	<i>4.2</i>	<i>9.0</i>	<i>EPA Reference Method 6 or 6C of Appendix A-4 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Nitrogen oxides</i>	<i>Parts per million by volume</i>	<i>190</i>	<i>190</i>	<i>140</i>	<i>EPA Reference Method 7 or 7E of Appendix A-4 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Lead</i>	<i>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</i>	<i>0.31 (0.14)</i>	<i>0.018 (0.0079)</i>	<i>0.036 (0.016)</i>	<i>EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Cadmium</i>	<i>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</i>	<i>0.017 (0.0074)</i>	<i>0.013 (0.0057)</i>	<i>0.0092 (0.0040)</i>	<i>EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>
<i>Mercury</i>	<i>Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)</i>	<i>0.014 (0.0061)</i>	<i>0.025 (0.011)</i>	<i>0.018 (0.0079)</i>	<i>EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60</i>	<i>3 run average (1 hr minimum sample time per run)</i>

<sup>1</sup>Except as allowed under 40 CFR §60.56c(c) for HMIWI equipped with CEMS.

## (3) Waste Management Plan.

(a) A person who owns or operates an HMIWI subject to §B of this regulation shall prepare a Waste Management Plan that identifies the feasibility and the approach to solid waste segregation or material substitution to reduce the amount of toxics emissions.

(b) The Waste Management Plan shall meet the requirements of 40 CFR §60.55c.

(c) A revised Waste Management Plan shall be submitted to the Department within 60 days of completion of the required initial compliance tests under this regulation.

## (4) Compliance and Performance Testing.

(a) A person who owns or operates an HMIWI subject to §B of this regulation shall complete the initial and subsequent tests which meet the conditions and requirements using test methods and procedures listed under 40 CFR §§60.56c(b)(1) to (b)(6) and (b)(9) to (b)(14), except for annual fugitive and CO emissions testing requirements, which shall comply with 40 CFR §§60.56c(3) and (4).

(b) In addition to the specified test method, compliance with the emissions limits in §B may be demonstrated by use of CEMS or any approved alternative non-EPA test methods allowed under 40 CFR §60.56c(b).

(5) Monitoring Requirements. A person who owns or operates an HMIWI subject to §B of this regulation shall comply with the monitoring requirements under 40 CFR §60.57c.

(a) Exemptions. A person may elect to use the exemptions listed under 40 CFR §§60.56c(5)(ii) through (v), (c)(6), (c)(7), (e)(6) through (10), (f)(7) through (10), (g)(6) through (10), and (h) for HMIWI units subject to .08-2B(1).

(b) Alternative Compliance Option. A person may elect to use CO CEMS as specified under 40 CFR §60.56c(4) or bag leak detection systems as specified under 40 CFR §60.57c(h).

(6) Reporting and Record-Keeping Requirements. A person who owns or operates an HMIWI subject to §B of this regulation shall report to the Department and EPA and maintain records in accordance with the requirements listed in 40 CFR Part 60.58c(b) through (g), excluding 40 CFR §§60.58c(b)(2)(viii) and (b)(2)(xvii), (b)(2)(xviii) and (b)(2)(xix).

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## C. Emission Limits and Requirements for Small Rural Area HMIWIs.

(1) A person who owns or operates a small rural area HMIWI for which construction was commenced on or before June 20, 1996, or for which modification commenced on or before March 16, 1998, shall comply with the following emission limits.

Pollutant	Units (7 percent oxygen, dry basis)	HMIWI Emission limits	Test Method	Averaging Time <sup>1</sup>
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	197 (0.086)	EPA Reference Method 5 of Appendix A-3 of 40 CFR Part 60, or EPA reference Method 26A or 29 of Appendix A-3 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Opacity	6 minute block average percent	10	EPA Method 9 and PM CEMS. Alternative use of PM CEMS as stipulated under 40 CFR §60.56c(b)(9) in lieu of EPA Method 9, Appendix A-4 or Bag leak detection system	6 minute block average
Carbon monoxide	Parts per million by volume	40	EPA Reference Method 10 of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or Nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	800 (350) or 15 (6.6)	EPA Reference Method 23 of Appendix A-7 of 40 CFR Part 60	3 run average (4 hr minimum sample time per run)
Hydrogen chloride	Parts per million by volume	3,100	EPA Reference Method 26 or 26A of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Sulfur dioxide	Parts per million by volume	55	EPA Reference Method 6 or 6C of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Nitrogen oxides	Parts per million by volume	250	EPA Reference Method 7 or 7E of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	10 (4.4)	EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	4 (1.7)	EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	7.5 (3.3)	EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)

<sup>1</sup>Except as allowed under 40 CFR §60.56c(c) for HMIWI equipped with CEMS.

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(2) A person who owns or operates a small rural area HMIWI for which construction commenced after June 20, 1996 but no later than December 1, 2008, or for which modification was commenced after March 16, 1998 but no later than April 6, 2010, shall comply with the following emission limits.

Pollutant	Units (7 percent oxygen, dry basis)	HMIWI Emission limits	Test Method	Averaging Time <sup>1</sup>
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	87 (0.038)	EPA Reference Method 5 of Appendix A-3 of 40 CFR Part 60, or EPA reference Method 26A or 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Opacity	6 minute block average percent	6	EPA Method 9 and PM CEMS. Alternative, use of PM CEMS as stipulated under 40 CFR §60.56c(b)(9) in lieu of EPA Method 9, Appendix A-4 or Bag leak detection system	6 minute block average
Carbon monoxide	Parts per million by volume	20	EPA Reference Method 10 of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or Nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	240 (100) or 5.1 (2.2)	EPA Reference Method 23 of Appendix A-7 of 40 CFR Part 60	3 run average (4 hr minimum sample time per run)
Hydrogen chloride	Parts per million by volume	810	EPA Reference Method 26 or 26A of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Sulfur dioxide	Parts per million by volume	55	EPA Reference Method 6 or 6C of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Nitrogen oxides	Parts per million by volume	130	EPA Reference Method 7 or 7E of Appendix A-4 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	0.5 (0.22)	EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	0.11 (0.048)	EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	0.0051 (0.0022)	EPA Reference Method 29 of Appendix A-8 of 40 CFR Part 60	3 run average (1 hr minimum sample time per run)

<sup>1</sup>Except as allowed under 40 CFR §60.56c(c) for HMIWI equipped with CEMS.

### (3) Waste Management Plan.

(a) A person who owns or operates a small rural area HMIWI subject to §C of this regulation shall prepare a Waste Management Plan that identifies the feasibility and the approach to solid waste segregation or material substitution to reduce the amount of toxics emissions.

(b) The Waste Management Plan shall meet the requirements of 40 CFR Part 60.55c.

(c) A revised Waste Management Plan shall be submitted to the Department within 60 days of completion of the required initial compliance tests under this regulation.

### (4) Compliance and Performance Testing.

(a) A person who owns or operates a small rural area HMIWI shall conduct the performance test in accordance with 40 CFR Part 60.56c, with the following requirement and exemptions:

(i) The compliance test load and frequency shall be conducive to meeting the 2000 lbs/week limitation.

(ii) For an HMIWI subject to §C(1) of this regulation, the test methods listed in 40 CFR §§60.56c(b)(7),(8),(12),(13)(Pb and Cd), and (14) and the annual PM, CO, and HCl emissions testing requirements under 40 CFR §60.56c(c)(2) and the fugitive emissions testing requirements under 40 CFR §60.56c(c)(3) do not apply.

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(iii) For an HMIWI subject to §C(2) of this regulation the annual fugitive emissions testing requirements under 40 CFR §60.56c(c)(3) do not apply.

(b) A person who owns or operates a small rural area HMIWI not equipped with an air pollution control device shall:

(i) Establish the maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits as required in 40 CFR §60.37e(b)(2).

(ii) Following the date on which the initial performance test is completed, an owner operator may not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at any time, except during performance tests.

(iii) Except as provided in §C(5)(b)(iii) of this regulation, operation of a small rural area HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits.

(iv) Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters.

(v) The owner or operator may conduct a repeat performance test within 30 days of violation of any applicable operating parameter to demonstrate that the HMIWI is not in violation of the applicable emission limit.

(vi) Repeat performance tests conducted pursuant to §C(4)(b)(v) of this regulation shall be conducted after notification to the Department.

(c) In addition to the specified test method, compliance with the emissions limits in §C may be demonstrated by use of CEMS or any approved alternative non-EPA test methods allowed under 40 CFR §60.56c(b).

(5) Monitoring Requirements.

(a) A person who owns or operates a small rural area HMIWI shall comply with 40 CFR Part 60.57c.

(b) A person who owns or operates a small rural area HMIWI without an air pollution control device shall comply with the following requirements:

(i) Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation;

(ii) Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI; and

(iii) At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital waste or medical/infectious waste, or both.

(c) Exemptions.

(i) For an HMIWI subject to the requirements of §C(1) of this regulation, the CO CEMS requirements under 40 CFR §60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR §§60.56c(c)(5) through (7) and (d) through (k) do not apply.

(ii) For an HMIWI subject to the requirements of §C(2) of this regulation, CO CEMS requirements under 40 CFR §60.56c(c)(4), and the compliance requirements for monitoring listed

in 40 CFR §§60.56c(c)(5)(ii) through (v), (c)(6) through (10), (e)(6) through (10), (f)(7) through (10), and g(6) through (10) do not apply.

(6) Reporting and Record-Keeping. A person who owns or operates a small rural area HMIWI shall:

(a) Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or the time frame established by the Department; and

(b) Submit a report signed by the facility manager containing the information recorded under §B(6)(a) of this regulation in accordance with the following schedule:

(i) For a source subject to the permitting requirements under Title V of the federal Clean Air Act, the report shall be submitted semiannually.

(ii) For a source other than one subject to Title V of the federal Clean Air Act, the report shall be submitted annually, and not later than 60 days following the year in which the data was collected.

(c) Those records required by 40 CFR §§60.58c(b)(2)(viii) and (b)(2)(xvii), (b)(2)(xviii), and (b)(2)(xix), and (b)(7) are not required under §C(6) of this regulation.

D. Equipment Inspection Requirements.

(1) Each HMIWI shall undergo by June 15, 2012 an initial equipment inspection and subsequent annual inspections that at a minimum include the following:

(a) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation and clean pilot flame sensor, as necessary;

(b) Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;

(c) Inspect hinges and door latches, and lubricate as necessary;

(d) Inspect dampers, fans, and blowers for proper operation;

(e) Inspect HMIWI door and door gaskets for proper sealing;

(f) Inspect motors for proper operation;

(g) Inspect primary chamber refractory lining; clean and repair or replace lining as necessary;

(h) Inspect incinerator shell for corrosion or hot spots, or both;

(i) Inspect secondary/tertiary chamber and stack and clean as necessary;

(j) Inspect mechanical loader, including limit switches, for proper operation, if applicable;

(k) Visually inspect waste bed (grates), and repair or seal, as appropriate;

(l) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;

(m) Inspect air pollution control device or devices for proper operation, if applicable;

(n) Inspect waste heat boiler systems to ensure proper operation, if applicable;

(o) Inspect bypass stack components;

(p) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

(q) Generally observe that the equipment is maintained in good operating condition.

(2) Within 10 operating days following an equipment inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from the Department for a different date to complete all necessary repairs.

(3) Each HMIWI shall undergo an equipment inspection annually (within 12 months following the previous annual equipment

inspection), in accordance with the requirements of §D(1) of this regulation.

(4) The control device of an HMIWI shall undergo by June 15, 2012, an initial inspection that at a minimum includes the following:

(a) Inspect air pollution control device(s) for proper operation, if applicable;

(b) Ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment;

(c) Generally observe that the equipment is maintained in good operating condition; and

(d) Within 10 operating days following an air pollution control device inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from the Department establishing a date whereby all necessary repairs of the designated facility shall be completed.

(5) The control device of HMIWI shall undergo an inspection annually (within 12 months following the previous annual inspection), in accordance with the requirements of §D(4) of this regulation.

E. Compliance Schedules. A person who owns or operates a HMIWI subject to this regulation shall:

(1) Comply with all the requirements of §E of this regulation and related 40 CFR Part 62, Subpart V revision requirements by June 15, 2012 or as expeditiously as practicable; or

(2) Submit to the Department and the EPA for approval, a compliance plan by December 15, 2011 that includes the following increments of progress:

(a) Award contracts for control systems or process modifications or orders for purchase of components no later than June 15, 2012;

(b) Initiate on-site construction or installation of the air pollution control device(s) or process changes no later than December 15, 2012;

(c) Complete on-site construction or installation of control equipment or process changes by no later than December 15, 2013;

(d) Comply with the requirements of this regulation and related 40 CFR Part 62, Subpart V revision as expeditiously as practicable, but no later than October 6, 2014; and

(e) Complete the compliance testing within 180 days after the final compliance date.

F. Compliance Based on Previous Test Results.

A person who owns or operates an HMIWI or a small rural area HMIWI subject to this regulation may use previous emissions tests to demonstrate compliance with the requirements of this regulation provided:

(1) The test was conducted using the applicable procedures and test methods listed in 40 CFR §60.56c(b) or EPA-accepted voluntary consensus standards;

(2) The HMIWI is to be operated in a manner (e.g., with charge rate, secondary chamber temperature, etc.) that would be expected to result in the same or lower emissions than observed during the previous emissions test(s);

(3) The HMIWI has not been modified such that emissions would be expected to exceed (notwithstanding normal test-to-test variability) the results from previous emissions test(s); and

(4) The previous emissions test(s) were conducted in 1996 or later.

G. HMIWI Shutdown.

(1) A person who owns or operates a HMIWI and plans to shutdown rather than comply with the requirements of this regulation and amended 40 CFR Part 60 Subpart Ce shall cease operations by June 15, 2012, but not later than October 6, 2014, as provided in §§G(2) and (3) of this regulation.

(2) A request for an extension of the June 15, 2012 cease operation deadline shall be submitted to the Department by December 15, 2011 and contain the following information:

(a) Documentation of the analysis undertaken to support the need for an extension, including a justification for the length of the period of the extension;

(b) An evaluation of the option to transport the waste off site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

(c) A plan that documents measurable and enforceable incremental steps of progress to be taken towards permanent facility closure no later than October 6, 2014.

H. Shut-Down Extension Requests for the Installation of Alternative Treatment Technologies. A person who owns or operates an HMIWI and requests an extension to install alternative treatment technologies shall:

(1) Submit by December 15, 2011 a request to the Department to install alternative treatment technology;

(2) Initiate onsite construction or installation of alternative technology by December 15, 2012;

(3) Complete onsite construction or installation by December 15, 2013;

(4) Shut down the existing HMIWI as expeditiously as practicable but no later than October 6, 2014; and

(5) Render the existing HMIWI inoperative as expeditiously as practicable.

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

## Subtitle 11 AIR QUALITY

### 26.11.19 Volatile Organic Compounds from Specific Processes

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

#### Notice of Proposed Action

[11-345-P]

The Secretary of the Environment proposes to repeal existing Regulation .23 and adopt new Regulation .23 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.

#### Statement of Purpose

The purpose of this action is to establish operating standards for vehicle refinishing facilities in Maryland. The regulation establishes VOC content limits for coatings and solvents used during the preparation, application, and drying phases of vehicle refinishing, coating application standards, work practices standards, and monitoring and record-keeping standards.

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

#### Background:

Since the late 1980s, the U.S. EPA has issued guidelines and several states have promulgated regulations that have set emissions standards for vehicle refinishing facilities by limiting the VOC content of coatings and solvents manufactured and sold for the purpose of vehicle refinishing and placing standards on the application and storage of coatings and solvents used. In 1995, Maryland adopted rules (COMAR 26.11.19.23 — Control of VOC Emissions from Vehicle Refinishing) for limiting emissions from automobile refinishing industries that includes coating standards and coating application equipment, cleanup and surface preparation, and

# MARYLAND

## Submittal # 12 – 11

### PART 1

## **Adoption of the Requirements of the EPA's Emission Guidelines for Hospital, Medical, Infectious and Medical Waste Incinerators (HMIWIs)**

Prepared by:



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101 • [www.mde.state.md.us](http://www.mde.state.md.us)



# TECHNICAL SUPPORT DOCUMENT

## Amendments to COMAR 26.11.08 Control of Incinerators

### **Purpose of New Regulation and Amendments**

These amendments and new regulation adopt the requirements of the EPA's Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). EPA develops EGs as guidance on control requirements for incinerators. States can follow the EGs or adopt more restrictive standards. MDE proposes to adopt standards for HMIWI consistent with the EGs. The standards reduce emissions from the combustion of hospital, medical, infectious and medical waste. These amendments affect hospital, medical, infectious and medical waste incinerators after October 6, 2014.

### **Background**

EPA is required to develop and adopt new source performance standards (NSPS) and EG for solid waste incineration units pursuant to CAA Sections 111 and 129. New sources (NSPS program) are regulated under Sections 111(b) and 129(a) of the CAA. Existing sources are regulated under Sections 111(d) and 129(b) of the CAA. The NSPS are directly enforceable Federal regulations, and under CAA Section 129(f)(1) become effective 6 months after promulgation. Under CAA Section 129(f)(2), the EG become effective and enforceable as expeditiously as practicable after EPA approves a State plan implementing the EG but no later than 3 years after such approval or 5 years after the date the EG are promulgated, whichever is earlier.

Hospital waste consists of discards generated at a hospital, and medical/infectious waste is generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals. Household or hazardous waste, or human and animal remains not generated as medical waste are not included.

Maximum achievable control technology standards for existing HMIWI are set in EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NOX); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>).

### **Affected Sources and Location**

The proposed amendments affect HMIWIs in Maryland.

### **Requirements**

The standards are applicable to HMIWIs after October 6, 2014 in the following categories:

1. Emission standards for small, medium, and large HMIWIs for which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010.
2. For small, medium, and large HMIWIs for which construction was commenced on or before June 20, 1996 or for which modification commenced on or before March 16, 1998.
3. For a small rural area HMIWI for which construction commenced on or before June 20, 1996 or for which modification was commenced on or before March 16, 1998.
4. For a small rural area HMIWI for which construction commenced after June 20, 1996 but no later than December 1, 2008 or for which modification was commenced after March 16, 1998 but no later than April 6, 2010.

### **Expected Emissions Reductions**

Minimal emissions reductions in Maryland are expected as a result of adopting the proposed standards. Maryland sources have already applied control technologies to the incineration process and to post incineration emissions. Integration and optimization of the performance of these technologies has also taken place. Controls such as tertiary combustion chamber, dry injection acid gas scrubber, powder activated carbon system, and fabric filter with passive dioxins/furans control are utilized. Maryland sources have already been controlled under COMAR 26.11.08.08-1 in conformance with the initial 1997 MACT standards.

In the MACT review process for the 2009 standards, performance and test results of all sources nationwide were taken into account. Since Maryland sources have already added control technologies, they perform well on a national level and stack test results show that their performance is currently very close to the 2009 MACT standards. Based on the emission levels during stack tests, Maryland HMIWIs would be able to meet most of the standards with the current technologies. For NO<sub>x</sub> and HCL further improvements and enhancements would have to be investigated and tested. Emission reductions are expected as a result of adopting these two standards in particular. Emissions are expected to be minimally reduced for the remaining pollutants as a result of implementing the proposed standards. The benefit will be provided throughout the year by reducing criteria pollutants and toxic emissions.

### **Comparison to Federal Standards**

This action is not more restrictive or stringent than the corresponding federal standards.

### **Economic Impact on Affected Sources**

The economic impact of these amendments has been estimated by EPA on a national level. Cost impact on sources that are owned by hospitals is expected to range between 0.1 to 0.9 percent of sales (an average cost for incinerator would be approximately \$250,000 — \$280,000 per year in the first three years). Commercial incinerators have cost impacts that are no more than 2 percent of sales. The economic impact on the Department is going to be minimal in modifying the

standards and ensuring compliance. There will be minimal to no impact on other state agencies and local jurisdictions as some permitting work may be necessary.

**Economic Impact on Small Businesses**

The Department is unaware of any small business in Maryland that is affected by these amendments.

**Submission to EPA as Revision to Maryland's SIP (or 111(d) Plan, or Title V Program)**

This action will be submitted to EPA as a revision to the 111(d)/129 Plan.

Reference 40 CFR Part 60 Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/ Medical/Infectious Waste Incinerators; Final Rule



Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

December 9, 2011

### CERTIFICATE OF PUBLICATION

This is to certify that the "Maryland Department of the Environment (MDE) Notice of Public Hearings Concerning Proposed Amendments to Air Quality Regulations" was published on MDE's web site on December 8, 2011. It will remain posted on the site until at least January 12, 2012. The notice in full with links to supporting documents may be found in the following web address:

<http://www.mde.state.md.us/AboutMDE/pages/reqcomments.aspx>

Web publication of the notice was at the request of Deborah Rabin, Regulations Coordinator of the Air and Radiation Management Administration of MDE.

By:

DIANA ALEGRE  
MDE Webmaster

Attachments:

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**MDE**

**MDE Public Meetings, Hearings and Request for Comments**

► **MDE Calendar**

The complete listing of MDE public meetings and hearings is posted in the [MDE Calendar](#). Please call or email contact person cited in the meeting details for any questions or to send a comment.

► **Public Hearings Concerning Proposed Amendments To Air Quality Regulations**

The Maryland Department of the Environment gives notice of public hearings concerning proposed amendments to air quality regulations. The proposed actions are briefly described below:

1. Proposal to amend Regulation **.04** under **COMAR 26.11.01 General Administrative Provisions**, and Regulation **.02** under **COMAR 26.11.19 Volatile Organic Compounds from Specific Processes**.

The purpose of this action is to adopt the requirements of the Environmental Protection Agency's (EPA's) Control Techniques Guidelines (CTG) standards regarding work practice standards and apply them to a variety of CTG regulations under COMAR 26.11.19. This action will be submitted to the EPA for approval as part of Maryland's State Implementation Plan (SIP). ([Technical Support Document](#))

2. Proposal to amend Regulation **.01** under **COMAR 26.11.01 General Administrative Provisions**, Regulation **.01** under **COMAR 26.11.02 Permits, Approvals, and Registration**, and Regulation **.14** under **COMAR 26.11.06 General Emissions Standards, Prohibitions, and Restrictions**.

The purpose of this action is to implement EPA's action to defer, for a period of three years, the Prevention of Significant Deterioration (PSD) and Title V permitting requirements related to carbon dioxide (CO<sub>2</sub>) emissions from bioenergy and other biogenic stationary sources (biogenic CO<sub>2</sub>). This will allow EPA to resolve technical issues so that biogenic CO<sub>2</sub> can be accounted for properly. The appropriate parts of this action will be submitted to EPA for approval as part of Maryland's State Implementation Plan and Title V Program. The Department will request approval of the regulations in their entirety. ([Technical Support Document](#))

3. Proposal to repeal existing Regulation **.23** and adopt new Regulation **.23** under **COMAR 26.11.19 Volatile Organic Compounds from Specific Processes**. ([Technical Support Document](#))

The purpose of this action is to establish operating standards for vehicle refinishing facilities in Maryland. The regulation establishes VOC content limits for coatings and solvents used during the preparation, application, and drying phases of vehicle refinishing, coating application standards, work practices standards, and monitoring and recordkeeping standards. This action will be submitted to the EPA for approval as part of Maryland's SIP.

4. Proposal to amend Regulation **.01** under **COMAR 26.11.01 General Administrative Provisions**, and Regulation **.12** under **COMAR 26.11.06 General Emission Standards, Prohibitions, and Restrictions**.

The purpose of this action is to (1) update the definition of National Emission Standards for Hazardous Air Pollutants source (NESHAP source) under COMAR 26.11.01B(21)(b), (2) update the definition of New Source Performance Standard source (NSPS source) under COMAR 26.11.01B(23), and (3) update a cross reference to the NSPS definition in COMAR 26.11.06.12. Maryland will be requesting delegation to implement and enforce the NESHAP and NSPS requirements specified in this action. ([Technical Support Document](#))

5. Proposal to amend Regulations **.01**, **.02**, **.08-1**, and adopt new Regulation **.08-2** under **COMAR 26.11.08 Control of Incinerators**. The purpose of this action is to adopt the requirements of the EPA's Emission Guidelines (EG) for hospital, medical, infectious and medical waste incinerators (HMIWI). This action will be submitted to the EPA for approval as a revision to Maryland's 111(d) Plan. ([Technical Support Document](#))

The full text of these proposed actions appeared in the Maryland Register on December 2, 2011.

The technical support documents (TSDs) are available for public review on the Maryland Department of the Environment's website at the following address: <http://www.mde.state.md.us/aboutmde/pages/reqcomments.aspx>

The proposed action and supporting documents are also available for review at the following locations: the Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

**A public hearing on the proposed actions will be held on January 11, 2012 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.**

Interested persons are invited to attend and express their views. Comments may be mailed to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us), or faxed to (410) 537-4223. Comments must be received not later than **January 11, 2012**, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

► **Maryland Department of the Environment Proposed Calendar Year 2012 Standard Permit Application Turnaround Times.**

Please [click here](#) for more information.





Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Acting Secretary

Anthony G. Brown  
Lieutenant Governor

July 26, 2012

### CERTIFICATE OF PUBLICATION

This is to certify that the "Maryland Department of the Environment (MDE) Notice of Public Hearing concerning the following proposed actions: Amend COMAR 26.11.02.09; Amend COMAR 26.11.09.08; amend COMAR 26.11.14.06 - .07, adopt new 26.11.14.08; Repeal existing COMAR 26.11.29 and adopt new COMAR 29.11.29; Amend COMAR 26.11.09.08; adopt new COMAR 26.11.30; COMAR 26.11.08.08-2 amendment and 111(d) Plan was published on MDE's web site on July 25, 2012. It will remain posted on the site until September 12, 2012. The notice in full with links to supporting documents may be found in the following web address:

<http://www.mde.state.md.us/AboutMDE/pages/reqcomments.aspx>

Web publication of the notice was at the request of Deborah Rabin, Regulations Coordinator of the Air and Radiation Management Administration of MDE.

By:



JOSEPH E. HERB, JR.  
MDE Webmaster

Attachments:

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## MDE Public Meetings, Hearings and Request for Comments

### MDE Calendar

The complete listing of MDE public meetings and hearings is posted in the [MDE Calendar](#). Please call or email contact person cited in the meeting details for any questions or to send a comment.

### Notice of Public Hearings Concerning Proposed Amendments to Air Quality Regulations and New Regulations

The Maryland Department of the Environment gives notice of public hearings concerning the following proposed actions:

- Amend COMAR 26.11.02.09** (sources subject to permits to construct and approvals) to correct an unintended consequence of a recent amendment to COMAR 26.11.01.01. The amendment to the definition of a NESHAP source that became effective on March 5, 2012 expands the universe of sources required to obtain a permit to construct under COMAR 26.11.02.09;

([Technical Support Document](#))
- Amend COMAR 26.11.09.08; amend COMAR 26.11.14.06 - .07, adopt new 26.11.14.08** (Kraft Pulp Mill requirements) to accurately describe the VOC control system and requirements, to incorporate existing NOx RACT requirements into this Chapter, to clarify Monitoring and Reporting Requirements, and to include emission limits for sulfur dioxide that were part of a consent order with the Department and New Page;

([Technical Support Document](#))
- Repeal existing COMAR 26.11.29 and adopt new COMAR 29.11.29** to maintain and consolidate NOx emission requirements for internal combustion engines used to compress natural gas located at natural gas pipeline compression stations. These NOx emission requirements were approved as RACT by the U.S. EPA under the NOx SIP Call for affected nontrading sources;

([Technical Support Document](#))
- Amend COMAR 26.11.09.08; adopt new COMAR 26.11.30** to:

  - (a) combine all of the existing requirements in COMAR 26.11.01, .06, and .29 regarding NOx, SOx and particulate matter that apply to Portland cement manufacturing plants into one chapter;
  - (b) repeal old NOx RACT requirements in COMAR 26.11.09.08 which apply to Portland cement manufacturing plants; and
  - (c) establish procedures for Portland cement manufacturing plants to demonstrate compliance with visible emissions requirements using COM data and compliance with NOx emission requirements using CEM data

([Technical Support Document](#))
- COMAR 26.11.08.08-2 amendment and 111(d) Plan** pertaining to the compliance schedule for hospital, medical, infectious and medical waste (HMIWI) incinerators and the HMIWI requirement 111(d) Plan. Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

([Technical Support Document](#))

Actions #1 - #4 will be submitted to the U.S. EPA for approval as revisions to Maryland's State Implementation Plan. Action #5 will be submitted to the U.S. EPA for approval under Sections 111(d)/129 of the Clean Air Act.

The full text of the proposed amendments and new regulations will appear in the Maryland Register at <http://www.dsd.state.md.us/mdregister/> on **August 10, 2012**.

Public hearings on the 5 actions will be held on **September 12, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

Comments must be received not later than **September 12, 2012**, or be submitted at the hearing. For more information or to submit comments, call/e-mail/ fax:

Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration  
 Department of the Environment  
 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720  
 Telephone: (410) 537-3240  
 Email: [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us)  
 Fax: (410) 537-4223

### Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Antietam Creek watershed, Washington County, Maryland

A 30-day public comment period for the draft document will take place from July 16, 2012 to August 15, 2012. Copies of the draft documents have been placed in the Washington County Free Library- Keedysville Branch (22 Taylor Dr., Keedysville, MD 21756) and the Washington County Free Library- Boonsboro Branch (19 N Main St., Boonsboro, MD 21713). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 15, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

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**Case 1:19-cv-01264-GLR Document 1-4 Filed 04/30/19 Page 37 of 86**  
**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Catoctin Creek watershed, Frederick County, Maryland**

A 30-day public comment period for the draft document will take place from July 16, 2012 to August 15, 2012. Copies of the draft documents have been placed in the Frederick County Public Library- C. Burr Artz Public Library (110 E Patrick St., Frederick, MD 21701). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 15, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Rock Creek watershed, Montgomery County, Maryland**

A 30-day public comment period for the draft document will take place from July 16, 2012 to August 15, 2012. Copies of the draft documents have been placed in the Montgomery County Public Library- Rockville Branch (99 Maryland Ave., Rockville, MD 20850). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/TARSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 15, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Double Pipe Creek watershed, Carroll and Frederick Counties, Maryland.**

A 30-day public comment period for the draft document will take place from July 23, 2012 to August 22, 2012. Copies of the draft documents have been placed in the Frederick County Public Library- C. Burr Artz Public Library (110 E Patrick St., Frederick, MD 21701) and Carroll County Public Library- Westminster Branch (50 E. Main St., Westminster, MD 21157). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 22, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Upper Monocacy River watershed, Frederick and Carroll Counties, Maryland.**

A 30-day public comment period for the draft document will take place from July 26, 2012 to August 24, 2012. Copies of the draft documents have been placed in the Frederick County Public Library- C. Burr Artz Public Library (110 E Patrick St., Frederick, MD 21701) and Carroll County Public Library- Westminster Branch (50 E. Main St., Westminster, MD 21157). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 24, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Public Hearings Concerning Proposed Amendments to Air Quality Regulations and Revisions to Maryland's State Implementation Plan**

The Maryland Department of the Environment gives notice of public hearings concerning the following actions:

**1. Proposal to amend Regulation .03 and repeal Regulations .04 - .09 under COMAR 26.11.04 Ambient Air Quality Standards.** The purpose of this action is to adopt the following revised National Ambient Air Quality Standards (NAAQS) as required by Section 2-302 (c) of the Environment Article of the Annotated Code of Maryland:

- the 2006 revised NAAQS for particulate matter (PM) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50, 53, and 58.
- the 2010 revised NAAQS for sulfur dioxide (SO<sub>2</sub>) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50, 53 and 58.
- the 2008 NAAQS for ground-level ozone (O<sub>3</sub>) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50 and 58.
- the 2010 revised NAAQS for nitrogen dioxide (NO<sub>2</sub>) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50 and 58.
- the 2008 NAAQS for lead (Pb) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50, 51, 53 and 58.

In this regulatory action the NAAQS are being incorporated by reference prospectively in order for Maryland's ambient air quality standards to be identical to the federal standards at all times.

[\(Technical Support Document\)](#)

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

**2. Proposal to adopt new Regulation .27-1 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.** The purpose of this action is to adopt the requirements of the EPA's Control Techniques Guidelines (CTG) for miscellaneous metal and plastic parts which include controls for pleasure craft coating operations. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. MDE proposes to adopt new standards and requirements that have been developed in coordination with EPA and trade associations representing the pleasure craft industry.

[\(Technical Support Document\)](#)

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

3. **Proposal to remove the Board of Education of Allegheny County's 1979 Consent Order from the State Implementation Plan.** The coal-fired boiler located at Beall High School has been demolished along with the entire school. The Department issued a construction permit for a 15.5 million BTU per hour coal fired boiler on February 6, 1979.

([Fact Sheet](#)) ([Consent Order](#))

This action will be submitted to the U.S. Environmental Protection Agency for approval as a revision to Maryland's State Implementation Plan.

4. **Proposal to remove the Saint Mary's College 1979 Consent Order from the State Implementation Plan.** The coal-fired F. Keeler Company Boiler has been modified by removing the coal firing capability and converting the boiler to mainly fire natural gas with No. 2 fuel oil backup. The Department issued a construction permit for this modification on July 18, 2000.

([Fact Sheet](#)) ([Permit Application](#)) ([Permit Modification](#)) ([Consent Order](#))

This action will be submitted to the U.S. Environmental Protection Agency for approval as a revision to Maryland's State Implementation Plan.

The full text of the proposed amendments and new regulation listed under **#1** and **#2** will appear in the Maryland Register at <http://www.dsd.state.md.us/mdregister> on June 15, 2012.

Public hearings on the four (4) proposed actions listed above will be held on **July 18, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

The proposed actions and supporting documents are also available for review at the following locations: the Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Interested persons are invited to attend and express their views. Comments may be mailed to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us), or faxed to (410) 537-4223. Comments must be received not later than **July 18, 2012**, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

#### **Response to Comments for Selected Public Hearings**

- [Response to comments for the public hearing held on July 11, 2011 for COMAR 26.11.19.11- Related to Volatile Organic Compounds from Specific Processes- Lithographic and Letterpress Printing](#)
- [Response to comments for the public hearing held on July 11, 2011 for COMAR 26.11.19.23- Related to Control of VOC Emissions from Vehicle Refinishing](#)

Acrobat® Reader is required to view and print the PDF files. If you do not have it click on the icon to the right.



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1800 Washington Boulevard, Baltimore, MD 21230 | (410) 537-3000

## Debbie Rabin - Notice of Public Hearings - Please confirm receipt

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**From:** Debbie Rabin  
**To:** All County Environmental Health Directors; All County Health Officers; ...  
**Date:** 8/8/2012 12:09 PM  
**Subject:** Notice of Public Hearings - Please confirm receipt  
**CC:** Angelo Bianca; Tad Aburn

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**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR & RADIATION MANAGEMENT ADMINISTRATION  
NOTICE OF PUBLIC HEARINGS**

The Maryland Department of the Environment gives notice of public hearings concerning the following proposed actions:

1. **Amend COMAR 26.11.02.09** (sources subject to permits to construct and approvals) to correct an unintended consequence of a recent amendment to COMAR 26.11.01.01. The amendment to the definition of a NESHAP source that became effective on March 5, 2012 expands the universe of sources required to obtain a permit to construct under COMAR 26.11.02.09;
2. **Amend COMAR 26.11.09.08; amend COMAR 26.11.14.06 - .07, adopt new 26.11.14.08** (Kraft Pulp Mill requirements) to accurately describe the VOC control system and requirements, to incorporate existing NOx RACT requirements into this Chapter, to clarify monitoring and reporting requirements, and to include emission limits for sulfur dioxide that were part of a consent order with the Department and New Page;
3. **Repeal existing COMAR 26.11.29 and adopt new COMAR 29.11.29** to maintain and consolidate NOx emission requirements for internal combustion engines used to compress natural gas located at natural gas pipeline compression stations. These NOx emission requirements were approved as RACT by the U.S. EPA under the NOx SIP Call for affected nontrading sources;
4. **Amend COMAR 26.11.09.08; adopt new COMAR 26.11.30** to:
  - (a) combine all of the existing requirements that apply to Portland cement manufacturing plants into one chapter;
  - (b) repeal old NOx RACT requirements; and
  - (c) establish procedures to demonstrate compliance with visible emissions requirements using COM data and compliance with NOx emission requirements using CEM data.
5. **COMAR 26.11.08.08-2 amendment and 111(d) Plan** pertaining to the compliance schedule for hospital, medical, infectious and medical waste (HMIWI) incinerators and the HMIWI requirement 111(d) Plan. Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

Actions #1 - #4 will be submitted to the U.S. EPA for approval as revisions to Maryland's State Implementation Plan.

Action #5 will be submitted to the U.S. EPA for approval under Sections 111(d)/129 of the Clean Air Act.

The full text of the proposed amendments and new regulations will appear in the Maryland Register at <http://www.dsd.state.md.us/mdregister/> on **August 10, 2012**.

Public hearings on the 5 actions will be held on **September 12, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

The technical support documents and additional information is available on the Maryland Department of the Environment's website at the following address:

<http://www.mde.state.md.us/aboutmde/pages/regcomments.aspx>

Please make these materials available in your office for public review.

Comments must be received not later than **September 12, 2012**, or be submitted at the hearing. For more information or to submit comments, call/e-mail/ fax:

Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration

Department of the Environment

1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720

Telephone: (410) 537-3240

Email: [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us)

Fax: (410) 537-4223

Deborah Rabin, Regulations Coordinator  
Air & Radiation Management Administration  
Maryland Dept. of the Environment  
1800 Washington Blvd., Suite 730  
Baltimore, MD 21230

Telephone Number: (410)-537-4414

**Subject:** Notice of Public Hearings - Please confirm receipt  
**Created By:** drabin@mde.state.md.us  
**Scheduled Date:**  
**Creation Date:** 8/8/2012 12:09 PM  
**From:** Debbie Rabin

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To: Finka Cathey (fcathay@mde.state.md.us)	Delivered	8/8/2012 12:09 PM

BC: Frank Courtright (fcourtright@mde.state.md.us)	Replied	8/8/2012 12:09 PM
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To: John Carey (JCarey@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Julie OConnor (joconnor@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
BC: Karen Irons (kiron@mde.state.md.us)	Deleted	8/8/2012 12:52 PM
BC: Kathleen Perry (kperry@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Lisa Green (LGreen@mde.state.md.us)	Read	8/8/2012 12:10 PM
To: Lisa Trujillo (ltrujillo@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Lorri Broadwater (LBroadwater@mde.state.md.us)	Deleted	8/8/2012 1:40 PM
To: Mark Carney (MCarney@mde.state.md.us)	Read	8/8/2012 1:14 PM
To: Mark Ecker (mecker@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Mark Hajas (mhajas@mde.state.md.us)	Deleted	8/8/2012 1:39 PM
To: Mary Lynn Pegg (MPegg@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Mary Phipps-Dickerson (MPhipps-Dickerson@mde.state.md.us)	Read	8/8/2012 12:13 PM
To: Matt Radcliffe (MRadcliffe@mde.state.md.us)	Deleted	8/8/2012 1:25 PM
To: Maureen Eckard (meckard@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Michele Burroughs (MBurroughs@mde.state.md.us)	Read	8/8/2012 12:52 PM
To: Michelle Arrington (marrington@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Michelle Walston (MWalston@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Mike Garner (MGarner@mde.state.md.us)	Delivered	8/8/2012 12:09 PM

To: Nancy Craft (ncraft@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Oladapo John (OJohn@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Pavla Dilnesahu (PDilnesahu@mde.state.md.us)	Deleted	8/8/2012 12:47 PM	
CC: Tad Aburn (gaburn@mde.state.md.us)	Deleted	8/8/2012 12:35 PM	
BC: Bob Rosenbush (BRosenbush@mdp.state.md.us)	Transferred	8/8/2012 12:09 PM	
BC: Diana Esher (esher.diana@epa.gov)	Transferred	8/8/2012 12:09 PM	2.0.0 message relayed
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BC: Linda Janey (ljaney@mdp.state.md.us)	Transferred	8/8/2012 12:09 PM	
BC: Marcia Spink (spink.marcia@epa.gov)	Transferred	8/8/2012 12:09 PM	2.0.0 message relayed
To: Maryland Clearinghouse (clearinghouse@mdp.state.md.us)	Transferred	8/8/2012 12:09 PM	
To: Paul Ferreri (pferreri@mde.state.md.us)	Read	8/8/2012 12:40 PM	
To: Pete Hartman (PHartman@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Punam Tyagi (ptyagi@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
BC: Ralph Hall (rhall@mde.state.md.us)	Read	8/8/2012 12:58 PM	
To: Ralph Mongold (RMongold@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Randy Denny (rdenny@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
BC: Randy Mosier (rmosier@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Ray Karlstrand (RKarlstrand@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Rich Wolters (rwolters@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Richard Stewart (RStewart@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Robert Rushlow (RRushlow@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Sarah Harvey (SJHarvey@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Scot Nicol (SNicol@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Scott Boylan (sboylan@mde.state.md.us)	Read	8/8/2012 1:31 PM	
To: Sean McKewen (SMcKewen@mde.state.md.us)	Forwarded	8/8/2012 12:09 PM	
To: Steve Dawson (SDawson@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Tamara Davis (TDavis@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Terri Palamaras (tpalamaras@mde.state.md.us)	Delivered	8/8/2012 12:09 PM	
To: Tim Miller (TMiller@mde.state.md.us)	Read	8/8/2012 1:54 PM	
To: Tom Murray (tmurray@mde.state.md.us)	Read	8/8/2012 1:00 PM	

To: Tracey Thomas (tthomas@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: Tymika Brown (tkbrown@mde.state.md.us)	Read	8/8/2012 12:10 PM
To: Waldo Nelson (WNelson@mde.state.md.us)	Delivered	8/8/2012 12:09 PM
To: William Fracassi (wfracassi@mde.state.md.us)	Read	8/8/2012 1:18 PM



**Debbie Rabin - Notice of Public Hearings - Please confirm receipt**

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**From:** Debbie Rabin  
**To:** Ali Mirzakhaili; Cecily Beall; Diana Esher; John Benedict; Joyce Ep...  
**Date:** 8/8/2012 12:10 PM  
**Subject:** Notice of Public Hearings - Please confirm receipt  
**CC:** Angelo Bianca; Hal Frankford; Kathleen Cox; Marcia Spink; Tad Aburn

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**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR & RADIATION MANAGEMENT ADMINISTRATION  
NOTICE OF PUBLIC HEARINGS**

The Maryland Department of the Environment gives notice of public hearings concerning the following proposed actions:

1. **Amend COMAR 26.11.02.09** (sources subject to permits to construct and approvals) to correct an unintended consequence of a recent amendment to COMAR 26.11.01.01. The amendment to the definition of a NESHAP source that became effective on March 5, 2012 expands the universe of sources required to obtain a permit to construct under COMAR 26.11.02.09;
2. **Amend COMAR 26.11.09.08; amend COMAR 26.11.14.06 - .07, adopt new 26.11.14.08** (Kraft Pulp Mill requirements) to accurately describe the VOC control system and requirements, to incorporate existing NOx RACT requirements into this Chapter, to clarify monitoring and reporting requirements, and to include emission limits for sulfur dioxide that were part of a consent order with the Department and New Page;
3. **Repeal existing COMAR 26.11.29 and adopt new COMAR 29.11.29** to maintain and consolidate NOx emission requirements for internal combustion engines used to compress natural gas located at natural gas pipeline compression stations. These NOx emission requirements were approved as RACT by the U.S. EPA under the NOx SIP Call for affected nontrading sources;
4. **Amend COMAR 26.11.09.08; adopt new COMAR 26.11.30** to:
  - (a) combine all of the existing requirements that apply to Portland cement manufacturing plants into one

chapter;

(b) repeal old NOx RACT requirements; and

(c) establish procedures to demonstrate compliance with visible emissions requirements using COM data and compliance with NOx emission requirements using CEM data.

5. **COMAR 26.11.08.08-2 amendment and 111(d) Plan** pertaining to the compliance schedule for hospital, medical, infectious and medical waste (HMIWI) incinerators and the HMIWI requirement 111(d) Plan. Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

Actions #1 - #4 will be submitted to the U.S. EPA for approval as revisions to Maryland's State Implementation Plan.

Action #5 will be submitted to the U.S. EPA for approval under Sections 111(d)/129 of the Clean Air Act.

The full text of the proposed amendments and new regulations will appear in the Maryland Register at <http://www.dsd.state.md.us/mdregister/> on **August 10, 2012**.

Public hearings on the 5 actions will be held on **September 12, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

The technical support documents and additional information is available on the Maryland Department of the Environment's website at the following address:

<http://www.mde.state.md.us/aboutmde/pages/reqcomments.aspx>

Comments must be received not later than **September 12, 2012**,

or be submitted at the hearing. For more information or to submit comments, call/e-mail/ fax:

Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration  
Department of the Environment  
1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720  
Telephone: (410) 537-3240

Email: [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us)  
Fax: (410) 537-4223

Deborah Rabin, Regulations Coordinator  
Air & Radiation Management Administration  
Maryland Dept. of the Environment  
1800 Washington Blvd., Suite 730  
Baltimore, MD 21230

Telephone Number: (410)-537-4414



**Subject:** Notice of Public Hearings - Please confirm receipt  
**Created By:** drabin@mde.state.md.us  
**Scheduled Date:**  
**Creation Date:** 8/8/2012 12:10 PM  
**From:** Debbie Rabin

Recipient	Action	Date & Time	Comment
To: Ali Mirzakhali (Ali.Mirzakhali@state.de.us)	Transferred	8/8/2012 12:10 PM	
CC: Angelo Bianca (abianca@mde.state.md.us)	Read	8/8/2012 12:37 PM	
BC: Brian Hug (bhug@mde.state.md.us)	Deleted	8/8/2012 12:24 PM	
To: Cecily Beall (cecily.beall@dc.gov)	Transferred	8/8/2012 12:10 PM	
BC: Dave Campbell (campbell.dave@epa.gov)	Transferred	8/8/2012 12:11 PM	2.0.0 message relayed
BC: David Arnold (arnold.david@epa.gov)	Transferred	8/8/2012 12:11 PM	2.0.0 message relayed
BC: Debbie Rabin (drabin@mde.state.md.us)	Read	8/8/2012 1:52 PM	
BC: Diana Alegre (dalegre@mde.state.md.us)	Read	8/8/2012 12:12 PM	
To: Diana Esher (eshher.diana@epa.gov)	Transferred	8/8/2012 12:11 PM	2.0.0 message relayed
BC: Diane Franks (dfranks@mde.state.md.us)	Delivered	8/8/2012 12:10 PM	
BC: Frank Courtright (fcourtright@mde.state.md.us)	Delivered	8/8/2012 12:10 PM	
CC: Hal Frankford (frankford.harold@epa.gov)	Transferred	8/8/2012 12:11 PM	2.0.0 message relayed
BC: Joe Herb (jherb@mde.state.md.us)	Read	8/8/2012 12:10 PM	
To: John Benedict (John.A.Benedict@wv.gov)	Transferred	8/8/2012 12:10 PM	
To: Joyce Epps (jeepps@state.pa.us)	Transferred	8/8/2012 12:10 PM	
BC: Karen Irons (kiron@mde.state.md.us)	Read	8/8/2012 12:49 PM	
CC: Kathleen Cox (cox.kathleen@epa.gov)	Transferred	8/8/2012 12:11 PM	2.0.0 message relayed
BC: Kathleen Perry (kperry@mde.state.md.us)	Delivered	8/8/2012 12:10 PM	
CC: Marcia Spink (spink.marcia@epa.gov)	Transferred	8/8/2012 12:11 PM	2.0.0 message relayed
To: Michael Dowd (mgdowd@deq.virginia.gov)	Transferred	8/8/2012 12:10 PM	
BC: Ralph Hall (rhall@mde.state.md.us)	Read	8/8/2012 1:04 PM	
BC: Randy Mosier (mosier@mde.state.md.us)	Delivered	8/8/2012 12:10 PM	
CC: Tad Aburn (gaburn@mde.state.md.us)	Deleted	8/8/2012 12:35 PM	



1 MARYLAND DEPARTMENT OF THE ENVIRONMENT  
2 AIR AND RADIATION MANAGEMENT ADMINISTRATION

3  
4  
5 PUBLIC HEARING

6 CONCERNING PROPOSED AMENDMENTS TO  
7 COMAR 26.11.08.08-2 CONCERNING HMIWI REQUIREMENTS

8  
9  
10  
11  
12  
13 The hearing in the above matter commenced on  
14 Wednesday, September 12, 2012, at the MDE Headquarters,  
15 Montgomery Park, 1800 Washington Boulevard, Baltimore,  
16 Maryland.

17  
18 BEFORE: DEBORAH RABIN, Hearing Officer

19  
20 Reported by: Linda Metcalf

21  
For The Record, Inc.  
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

A P P E A R A N C E S

ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT:

**DEBORAH RABIN**

Regulations Coordinator  
Regulation Development Division  
Air and Radiation Management Administration  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 730  
Baltimore, Maryland 21230

**HUSAIN WAHEED**

Senior Regulatory and Compliance Engineer  
Regulation Development Division  
Air and Radiation Management Administration  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 730  
Baltimore, Maryland 21230

I N D E X

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<u>Speaker:</u>	<u>Page:</u>
Opening Remarks, Deborah Rabin, MDE	4
Hearing Statement, Husain Waheed, MDE	5

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P R O C E E D I N G S

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(10:14 a.m.)

MS. RABIN: Good morning. On behalf of the Department of the Environment and the Air and Radiation Management Administration, I would like to welcome you to this public hearing.

My name is Deborah Rabin. I am the Regulations Coordinator for the Air and Radiation Management Administration. I will serve as hearing officer for today's hearing.

This hearing concerns Air Quality Regulations found in the Code of Maryland Regulations, Title 26, Subtitle 11, Air Quality. The Secretary of the Department proposes to amend Regulation .08-2 under COMAR 26.11.08, Control of Incinerators.

The purpose of this hearing is to give you the opportunity to comment on this action.

The Opportunity for Public Comment for this proposed action appeared in the Maryland Register, Volume 39, Issue 16, Pages 1120 on August 10, 2012.



1 Notice of this hearing appeared in the:  
2 Maryland Register on July 25, 2012 through September 12,  
3 2012; Baltimore Sun on August 10, 2012; Saint Mary's  
4 Enterprise on August 10, 2012; Cumberland Times-News on  
5 August 10, 2012; Frederick News-Post on August 10, 2012;  
6 Cecil Whig on August 10, 2012; Salisbury Daily Times on  
7 August 10, 2012; and the Washington Post on August 9,  
8 2012. Copies of these notices were submitted for the  
9 record.

10 Copies of the proposed action and supporting  
11 documents were submitted for review to the State  
12 Clearinghouse and are also submitted at this time into  
13 the hearing record. Copies were also made available for  
14 public inspection at the Air and Radiation Management  
15 Administration offices in Baltimore, Cumberland, and  
16 Salisbury, and at all local health departments or local  
17 air quality control offices.

18 The purpose of today's hearing is to give the  
19 public an opportunity to comment on the proposed  
20 amendment to COMAR 26.11.08 Control of Incinerators and  
21 111(d)/129 Plan.

1           **Summary**

2                           The amendment pertains to the compliance  
3           schedule for hospital, medical, infectious and medical  
4           waste incinerators (HMIWI) that are required to comply  
5           with COMAR 26.11.08.08-2.

6                           Based on testing and analysis conducted by  
7           affected sources, flexibility in meeting the interim  
8           compliance dates is needed to better accomplish and  
9           optimize the required level of control and achieve  
10          compliance by October 6, 2014. The type of technologies  
11          being explored require frequent modifications and  
12          adjustments before they can perform at optimal level.  
13          While the results show that compliance with the  
14          compliance date is feasible, the interim dates may deter  
15          the research and development of compliance options. The  
16          proposed amendment allows a source to propose and follow  
17          an alternate plan and schedule for meeting the October 6,  
18          2014 compliance date.

19                          The 111(d)/129 Plan is for the adoption of the  
20          requirements of the EPA's Emission Guidelines (EG) for  
21          HMIWI. EPA is required to develop and adopt new source

1 performance standards (NSPS) and EG for solid waste  
2 incineration units pursuant to CAA Sections 111 and 129.  
3 Maximum achievable control technology standards for  
4 existing HMIWI are set in EG for particulate matter (PM);  
5 heavy metals, including lead (Pb), cadmium (Cd), and  
6 mercury (Hg); toxic organics, including chlorinated  
7 dibenzo-p-dioxins/dibenzofurans (CDD/CDF); carbon  
8 monoxide (CO); nitrogen oxides (NOX); and acid gases,  
9 including hydrogen chloride (HCl) and sulfur dioxide  
10 (SO<sub>2</sub>). The standards are applicable based on the year of  
11 construction or modification of the incinerator. Affected  
12 sources have to comply with the standards by October 6,  
13 2014 at the latest.

14 **Maryland's 111(d)/129 State Implementation Plan (SIP)**

15 This amendment and 111(d)/129 Plan will be  
16 submitted to the EPA for approval as part of the  
17 111(d)/129 SIP.

18 **Consideration of Comments**

19 The Department will consider all comments before making a  
20 decision to adopt the amendment.

21

1 MS. RABIN: This will conclude the public  
2 hearing regarding proposed amendments to Regulation .08-2  
3 under COMAR 26.11.08, Control of Incinerators.

4 Let the record reflect that it is now 10:16,  
5 and this hearing is officially concluded.

6 **(Whereupon, the hearing was concluded)**

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1146

(3) A vendor seeking Department approval of an online student or professional development course shall pay a nonrefundable fixed fee to the Department to cover the cost of a review.

(4) The review shall be conducted by a panel of content experts designated by the Department.

(5) The cost of a review will be a nonrefundable fixed fee of \$1,400 per course.

(6) Upon review and approval by the State Board, the Department may increase the fee per online course review in FY 2016 and any subsequent years by no more than 20 percent per annum. If the Department increases the fee, it shall publish such increase on its website at [www.marylandpublicschools.org](http://www.marylandpublicschools.org).

(7) Each Vendor shall submit the nonrefundable fee with each course to be reviewed. The Department's acceptance of the review fee does not guarantee the Department's approval of the online course.

(8) The Department reserves the right to review previously approved courses every 3 years.

E. — J. (text unchanged)

BERNARD J. SADUSKY, Ed.D.  
Interim State Superintendent of Schools

## Title 13B

# MARYLAND HIGHER EDUCATION COMMISSION

### Subtitle 05 FULLY ONLINE PROGRAMS

#### 13B.05.01 Registration

Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707, Annotated Code of Maryland

#### Notice of Emergency Action [12-228-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01 — .11 under the new chapter, **COMAR 13B.05.01 Fully Online Programs**, under a new subtitle, **Subtitle 05 Fully Online Programs**.

**Emergency status began: July 1, 2012.**

**Emergency status expires: December 26, 2012.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 1167 of this issue, referenced as [12-228-P].

DANETTE GERALD HOWARD, Ph.D.  
Secretary of Higher Education

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 11 AIR QUALITY

#### 26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

#### Notice of Emergency Action [12-198-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .08-2 under **COMAR 26.11.08 Control of Incinerators**.

**Emergency status began: July 4, 2012.**

**Emergency status expires: November 30, 2012.**

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 39:16 Md. R. 1119—1120 (August 10, 2012), referenced as [12-198-P].

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

**Statement of the Air and Radiation Management Administration  
Department of the Environment  
for the Public Hearing Relating to Proposed  
Amendment to COMAR 26.11.08 Control of Incinerators  
held on September 12, 2012 Baltimore, MD**

My name is Husain Waheed. I am a Senior Regulatory and Compliance Engineer with the Regulation Development Division of the Air and Radiation Management Administration, Department of the Environment.

This public hearing is being held pursuant to the requirements of 40 CFR Section 51.102 and Sections 2-301 et.seq. of the Environment Article, Annotated Code of Maryland. It is also being held in conformance with the State Administrative Procedures Act under the State Government Article, beginning at Section 10-101.

Notice of this hearing appeared in the:

MDE's Website from July 25, 2012 through September 12, 2012  
Maryland Register on August 10, 2012;  
Baltimore Sun on August 10, 2012;  
Saint Mary's Enterprise on August 10, 2012;  
Cumberland Times-News on August 10, 2012;  
Frederick News-Post on August 10, 2012;  
Cecil Whig on August 10, 2012;  
Salisbury Daily Times on August 10, 2012; and the  
Washington Post on August 9, 2012.

Copies of these notices were submitted for the record.

Copies of the proposed action and supporting documents were submitted for review to the State Clearinghouse and are also submitted at this time into the hearing record. Copies were also made available for public inspection at the Air and Radiation Management Administration offices in Baltimore, Cumberland, and Salisbury, and at all local health departments or local air quality control offices.

The purpose of today's hearing is to give the public an opportunity to comment on the proposed amendment to COMAR 26.11.08 Control of Incinerators and 111(d)/129 Plan.

**Summary**

The amendment pertains to the compliance schedule for hospital, medical, infectious and medical waste incinerators (HMIWI) that are required to comply with COMAR 26.11.08.08-2.

Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The type of technologies being explored require

frequent modifications and adjustments before they can perform at optimal level. While the results show that compliance with the compliance date is feasible, the interim dates may deter the research and development of compliance options. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

The 111(d)/129 Plan is for the adoption of the requirements of the EPA's Emission Guidelines (EG) for HMIWI. EPA is required to develop and adopt new source performance standards (NSPS) and EG for solid waste incineration units pursuant to CAA Sections 111 and 129. Maximum achievable control technology standards for existing HMIWI are set in EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NOX); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>). The standards are applicable based on the year of construction or modification of the incinerator. Affected sources have to comply with the standards by October 6, 2014 at the latest.

### **Maryland's 111(d)/129 State Implementation Plan (SIP)**

This amendment and 111(d)/129 Plan will be submitted to the EPA for approval as part of the 111(d)/129 SIP.

### **Consideration of Comments**

The Department will consider all comments before making a decision to adopt the amendment.



Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

# Maryland's 111(d)/129 Plan for Hospital, Medical and Infectious Waste Incinerators



## **I. Summary**

This document serves as the submittal of a 111(d) Emission Limitations, and 129 Solid Waste Combustion Plan (hereafter the Plan) for Maryland Hospital, Medical and Infectious Waste Incineration (HMIWI) units. This Plan is being implemented through adoption of regulations under COMAR 26.11.08.08-2.

The Plan calls for all existing HMIWI units to be in compliance with a set of standards and requirements as expeditiously as practicable by June 15, 2012 or no later than October 6, 2014 if modification or installation of equipment is necessary.

## **II. Background**

EPA is required to develop and adopt new source performance standards (NSPS) and emission guidelines (EG) for solid waste incineration units pursuant to the Clean Air Act (CAA) Sections 111 and 129. New sources (NSPS program) are regulated under Sections 111(b) and 129(a) of the CAA. Existing sources are regulated under Sections 111(d) and 129(b) of the CAA. The NSPS are directly enforceable Federal regulations, and under CAA Section 129(f)(1) become effective 6 months after promulgation. Under CAA Section 129(f)(2), the EG become effective and enforceable as expeditiously as practicable after EPA approves a State plan implementing the EG but no later than 3 years after such approval or 5 years after the date the EG are promulgated, whichever is earlier.

Hospital waste consists of discards generated at a hospital, and medical/infectious waste is generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals. Household or hazardous waste, or human and animal remains not generated as medical waste are not included.

Maximum achievable control technology standards for existing HMIWI are established by the EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NOX); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>).

## **III. The Plan For Implementation of NSPS**

COMAR 26.11.01 already incorporates all NSPS by reference. No further modification is required to make the HMIWI standards and requirements applicable to new sources within Maryland.

#### IV. The Plan For Implementation of the Emission Guidelines

##### A. General

This Plan adopts a set of emission standards that are identical to those recommended in the emission guidelines of 40 CFR Part 60 Subpart Ce for existing HMIWI units. The mechanism for implementing the emission guidelines is regulation COMAR 26.11.08.08-2. An affected source will be required to achieve final compliance as expeditiously as practicable by June 15, 2012 or no later than October 6, 2014 if modification or installation of equipment is necessary. Compliance schedule requirements are provided in the regulation.

This Plan satisfies the requirements of 129(f)(3), which prohibits a plant from operating if it does not comply with the standard. The Department will notify all known sources that they are subject to the provisions of the regulations pertaining to HMIWIs. The Department will track the schedule of submittals. Affected facilities must also comply with any other applicable Title V operating permit requirements promulgated under 40 CFR Part 70.

##### B. The Plan includes the following:

###### 1. Inventory of affected incineration units

Name Of Source

a. US Army Fort Detrick

Two medical waste incinerators, each rated at 1,000 lbs/hr

b. Curtis Bay Energy

Two units rated at capacity of 150 tons per day each.

Each unit has tertiary combustion chamber, dry injection acid gas scrubber, powder activated carbon system, and fabric filter with passive dioxins/furans control

###### 2. Inventory of emissions from affected incineration units.

The following table lists the rates and emissions from sources.

###### Fort Detrick Test Results (February 2012):

Pollutant (units)	New Limits (for existing HMIWI)	Incinerator B5	Incinerator B6
PM (mg/dscm)	25***	27.53	26.9
Opacity (%)	10	0	0
CO (ppm)	11	<1	<1
Dioxin/furans (total)** (ng/dscm)	9.3	5	8.53

Dioxin/furans (TEQ)** (ng/dscm)	0.054	$\overline{\text{(not reported)}}$	$\overline{\text{(not reported)}}$
HCl (ppm)	6.6	0.733	1.2
SO2 (ppm)	9.0	<1	<1
NOx (ppm)	140	61	76.3
Lead (mg/dscm)	0.036	0.12	0.17
Cadmium (mg/dscm)	0.0092	0.022	0.024
Mercury (mg/dscm)	0.018	0.00133	0.0037

\* Ft. Detrick is rated as "Large"-- greater than 500 lbs/hr.

\*\* Dioxin/furans: compliance can be shown with either total or TEQ; does not need to be both.

\*\*\* Corrected value of 25 mg/dscm shown.

### **Curtis Bay Energy Test Results:**

Pollutant (units)	New Limits (for existing HMIWI)	Stack test dates: Unit 1		Stack test dates: Unit 2	
		Mar 2012	Feb 2011	Oct 2010	Oct 2011
	L – CBE is rated as "Large"				
PM (gr/dscf)	0.011	0.0146	0.003	0.0105	0.0018
Opacity(%)	10	0	0	0	0
CO(ppm)	11	RATA* 13.85	RATA* 14.40	RATA* 13.85	RATA* 14.40
Dioxin/furans (total) (ng/dscm)	9.3**	12.7	5.86	6.22	3.97
Dioxin/furans (TEQ)(ng/dscm)	0.054**	0.212	0.09	0.07	0.06
HCL(ppm)	6.6	62.1	93.68	72.96	29.42
SO2 (ppm)	9.0	5.8	16.0	1.88	7.92
NOx (ppm)	140	167.0	166.0	185.0	204.0
Lead (mg/dscm)	0.036	0.038	0.0148	0.0127	0.012
Cadmium (mg/dscm)	0.0092	0.001	0.00115	0.00065	0.001
Mercury(mg/dsc m)	0.018	0.71	0.1172	0.00626	0.011

\*RATA conducted Nov. 2010 and Dec. 2011. Values taken from RATAs not EPA Method 10 tests.

\*\* Dioxin/furans: compliance can be shown with either total or TEQ; does not need to be both.

**Annual Emissions Reported for 2011:**

	<b>NOx</b>	<b>SOx</b>	<b>PM</b>	<b>CO</b>	<b>VOC</b>	<b>HCL</b>	<b>Hg</b> (lb/yr)
Curtis Bay Energy	50.33 (ton/yr)	2.7 (ton/yr)	0.54 (ton/yr)	6.0 (ton/yr)	0 (ton/yr)	5.8 (ton/yr)	2.88 (lb/yr)
Fort Detrick *	1.88 (ton/yr)	1.54 (ton/yr)	0.0 (ton/yr)	0.56 (ton/yr)	0 (ton/yr)	0 (ton/yr)	0 (lb/yr)

\* As reported in TEMPO; HMIWI emissions only.

**3. Compliance schedules for each affected HMIWI unit**

The plan will require existing HMIWI units to comply with the standards and requirements in the regulations in accordance with the compliance schedule as set forth in COMAR 26.11.08.08-2(E). The owners or operators of HMIWI units must achieve final compliance as expeditiously as practicable by June 15, 2012 or no later than October 6, 2014 if modification or installation of equipment is necessary.

The plan is requiring facilities to keep records of and frequency of report submittals in accordance with 40 CFR Part 60.58c(b) through (g), excluding 40 CFR §§60.58c(b)(2)(viii) and (b)(2)(xvii),(b)(2)(xviii) and (b)(2)(xix). These requirements are under COMAR 26.11.08.08-2(B)(6).

**4. Emission limitations, operator training and qualification requirements, waste management plan, and operating limits for affected HMIWI**

The Plan is based on: 1. The standards and recommendations of 40 CFR 60 Subpart Ce; 2. Training and qualification for HMIWI operators in 40 C.F.R §60.53c; and 3. Waste Management Plan of 40 C.F.R §60.55c.

**5. Performance testing, recordkeeping, and reporting requirements**

The Plan will use the recommendations of 40 CFR 60 Subpart Ce, and the corresponding NSPS provisions of 40 CFR 60 Subpart Ec, to satisfy the requirements for performance testing, recordkeeping, and reporting requirements.

**6. Public Hearing requirements**

Certification that a hearing on the Plan was held, a list of witnesses and a summary

of their comments will be provided as part of the Plan. Records will be maintained for a minimum of 2 years and the record shall contain, as a minimum, a list of witnesses together with the text of each presentation in accordance with 40 C.F.R. §60.23(e). Public notice also will meet requirements of 40 C.F.R. §60.23(d)(1)-(5).

## **7. Progress reports to EPA**

The Department will submit to EPA on an annual basis a report that meets the requirements of 40 C.F.R. §60.25(e) and (f). The first progress report will be submitted to EPA one year after the EPA approval of the Plan.

## **8. Mechanism for implementing the emission guidelines**

The mechanism for implementing the guidelines of 40 CFR Part 60 Subpart Ce is to add new regulation COMAR 26.11.08.08-2, which, to the greatest extent possible, incorporates by reference the corresponding sections of 40 CFR Part 60 Subpart Ec, except those sections that do not apply to *existing* HMIWI units.

The Department will notify all known sources that they are subject to the provisions of the regulations pertaining to HMIWI units. All sources of air emissions are required to submit an operating permit prior to operating their source (unless their emissions are not significant). The review of permits for completeness, and for technical adequacy, the procedures to request additional information, the opportunity for public comment, and the issuance or denial of a permit are delineated under COMAR 26.11.02.

## **9. Demonstration of the Department's legal authority to implement the Plan**

The MDE has the authority to adopt and enforce regulations to implement this Plan through the following authority:

Title 2 of the Environment Article, Annotated Code of Maryland, Section 2-103(b) assigns jurisdiction over emissions into the air to the Department. Section 2-301 authorizes the Department to adopt regulations for the control of air pollution in the State.

The Department has sufficient statutory and regulatory authority under its installation permit and operating permit programs to implement the Plan. The Department is authorized to revise any permit to incorporate applicable standards and regulations promulgated under the CAA after issuance of such permit.

Title 2 of the Environment Article, Annotated Code of Maryland, Section 2-602 authorizes the Department to issue enforcement orders to aid in the enforcement of the provisions of the act or its implementing regulations. Such orders may include orders to cease unlawful activities and to take corrective action. The Department also has the authority for modifying, suspending, terminating, or revoking an installation permit or operating permit. In accordance with COMAR 26.11.02.13, no HMIWI unit is allowed to operate in Maryland without an operating permit; the revoking of a permit is the same as shutting down a source. Thus, this Plan satisfies

the requirements of 129(f)(3), which prohibits a plant from operating if it does not comply with the standards and requirements.

#### **10. Rights Retained by the Administrator**

The EPA Administrator continues to retain authority for several tasks, as stipulated in 40 C.F.R. §60.50c(i) and listed as follows:

- (1) The requirements of Sec. 60.56c(i) establishing operating parameters when using controls other than those listed in Sec. 60.56c(d).
- (2) Approval of alternative methods of demonstrating compliance under § 60.8 including:
  - (i) Approval of CEMS for PM, HCl, multi-metals, and Hg where used for purposes of demonstrating compliance,
  - (ii) Approval of continuous automated sampling systems for dioxin/furan and Hg where used for purposes of demonstrating compliance, and
  - (iii) Approval of major alternatives to test methods;
- (3) Approval of major alternatives to monitoring;
- (4) Waiver of recordkeeping requirements; and
- (5) Performance test and data reduction waivers under § 60.8(b).

**Title 26**  
**DEPARTMENT OF THE**  
**ENVIRONMENT**

**Subtitle 11 AIR QUALITY**

**26.11.08 Control of Incinerators**

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

**Notice of Final Action**

[12-198-F]

On October 23, 2012, the Secretary of the Environment adopted amendments to Regulation **.08-2** under **COMAR 26.11.08 Control of Incinerators**. This action, which was proposed for adoption in 39:16 Md. R. 1119—1120 (August 10, 2012), has been adopted as proposed.

**Effective Date: November 26, 2012.**

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

**Title 29**  
**DEPARTMENT OF STATE**  
**POLICE**

**Subtitle 06 FIRE PREVENTION**  
**COMMISSION**

**Notice of Final Action**

[12-222-F-1]

On October 31, 2012, the Secretary of State Police adopted:

(1) Amendments to Regulations **.02**, **.06**, **.10**, and **.14** and the repeal of Regulation **.12** under **COMAR 29.06.01 Fire Prevention Code**;

(2) The repeal of Regulations **.01**—**.04** under **COMAR 29.06.03 Approval of Testing Laboratories**; and

(3) Amendments to Regulations **.03**—**.05**, **.07**—**.10**, **.12**, **.14**, and **.15** and the repeal of Regulations **.11** and **.16** under **COMAR 29.06.07 Ground-Based Sparkling Devices**.

This action, which was proposed for adoption in 39:17 Md. R. 1169—1173 (August 24, 2012), has been adopted with the nonsubstantive changes shown below.

**Effective Date: January 1, 2013.**

**Attorney General's Certification**

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 29.06.01.08J: the paragraph reference number in the National Fire Protection Association 1 Fire Code is corrected to be 3.3.182.22.

**29.06.01 Fire Prevention Code**

Authority: Public Safety Article, §§6-206 and 6-501, Annotated Code of Maryland

**.08 National Fire Protection Association 1 Fire Code.**

A.—I. (proposed text unchanged)

J. Amend Paragraph [[3.182.22]] 3.3.182.22 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

J-1.—EEE. (proposed text unchanged)

MARCUS L. BROWN  
Secretary of State Police



NO ONE ATTENDED THE PUBLIC HEARING

AND

NO COMMENTS WERE RECEIVED  
DURING THE 30-DAY COMMENT PERIOD

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. Without this amendment, the unintended consequence of the revised definition of NESHAP source will require businesses to obtain a permit to construct for sources which previously were exempted.

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

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

The Department of the Environment will hold a public hearing on the proposed action on September 12, 2012, at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us). Comments must be received not later than September 12, 2012, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations: The Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

#### **.09 Sources Subject to Permits to Construct and Approvals.**

A. A person may not construct or modify or cause to be constructed or modified any of the following sources without first obtaining, and having in current effect, the specified permits to construct and approvals:

(1) —(3) (text unchanged)

(4) National Emission Standards for Hazardous Air Pollutants Source (NESHAP source), as defined at COMAR [26.11.01.01] 26.11.01.01B(21)(a) — permit to construct required, except for generating stations constructed by electric companies;

(5) —(6) (text unchanged)

B. — D. (text unchanged)

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

## **Subtitle 11 AIR QUALITY**

### **26.11.08 Control of Incinerators**

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

#### **Notice of Proposed Action**

[12-198-P]

The Secretary of the Environment proposes to amend Regulation **.08-2** under **COMAR 26.11.08 Control of Incinerators**.

#### **Statement of Purpose**

The purpose of this action is to amend the requirements pertaining to the compliance schedule for hospital, medical, infectious and medical waste incinerators (HMIWI) that are required to comply with COMAR 26.11.08.08-2.

Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The type of technologies being explored require frequent modifications and adjustments before they can perform at optimal level. While the results show that compliance with the compliance date is feasible, the interim dates may deter the research and development of compliance options. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

This action will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's 111(d) Plan.

#### **Background**

EPA is required to develop and adopt new source performance standards (NSPS) and EG for solid waste incineration units pursuant to CAA Sections 111 and 129. New sources (NSPS program) are regulated under Sections 111(b) and 129(a) of the CAA. Existing sources are regulated under Sections 111(d) and 129(b) of the CAA. The NSPS are directly enforceable Federal regulations, and under CAA Section 129(f)(1) become effective 6 months after promulgation. Under CAA Section 129(f)(2), the EG become effective and enforceable as expeditiously as practicable after EPA approves a State plan implementing the EG but no later than 3 years after such approval or 5 years after the date the EG are promulgated, whichever is earlier.

Hospital waste consists of discards generated at a hospital, and medical/infectious waste is generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals. Household or hazardous waste, or human and animal remains not generated as medical waste are not included.

Maximum achievable control technology standards for existing HMIWI are set in EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NO<sub>x</sub>); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>).

#### **Affected Sources and Location**

The proposed amendments affect HMIWIs in Maryland.

#### **Requirements**

The proposed amendments require HMIWIs in Maryland to submit to the Department an alternative compliance plan that meets the requirements of the regulation by no later than October 6, 2014.

1120

## Expected Emissions Reductions

As result of adopting an alternate compliance plan, the final compliance date is not changed and therefore there will be no impact on the emissions.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

The Department of the Environment will hold a public hearing on the proposed action on September 12, 2012, at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to drabin@mde.state.md.us. Comments must be received not later than September 12, 2012, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations: The Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisburly; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service

**.08-2 Emission Standards and Requirements for HMIWIs Under 40 CFR 60 Subpart Ce as Revised October 6, 2009.**

A. — D. (text unchanged)

E. Compliance Schedules.

(1) A person who owns or operates a HMIWI subject to this regulation shall:

[(1)] (a) (text unchanged)

[(2)] (b) Submit to the Department and the EPA for approval, a compliance plan by December 15, 2011 that includes the following increments of progress:

[(a)] (i) — [(e)] (v) (text unchanged)

(2) *A person who anticipates an inability to comply with the interim compliance dates described in §E(1)(b)(i) — (iii) of this regulation may submit to the Department and the EPA an alternative compliance plan designed to achieve compliance with §E(1)(b)(iv) — (v) of this regulation, and shall be bound by such plan upon the Department's and the EPA's approval.*

F. — H. (text unchanged)

ROBERT M SUMMERS, Ph.D.  
Secretary of the Environment

**Subtitle 11 AIR QUALITY****Notice of Proposed Action**

[12-195-P]

The Secretary of the Environment proposes to:

(1) Amend Regulation .08 under COMAR 26.11.09 **Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations**; and

(2) Amend Regulations .06 and .07 and adopt new Regulation .08 under COMAR 26.11.14 **Control of Emissions from Kraft Pulp Mills**.

**Statement of Purpose**

The purpose of this action is to accurately describe the Volatile Organic Compound (VOC) control system and requirements, to incorporate existing NO<sub>x</sub> RACT requirements into these regulations, to amend the use of the word "allowance" to read "NO<sub>x</sub> Ozone Season Allowance", to clarify that the Monitoring and Reporting Requirements apply to the owner of a boiler and combustion turbine at a Kraft pulp mill, and to include emission limits for sulfur dioxide that were part of a consent order with the Department and New Page Corporation (formerly Luke Paper Co.).

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

**Background****NO<sub>x</sub> Emissions**

The NO<sub>x</sub> emissions discharge through a common stack and are currently subject to reasonably available control technology (RACT) requirements under COMAR 26.11.09.08 and 26.11.14.07A(2)(b) respectively. RACT requires the units to reduce NO<sub>x</sub> emissions to meet an emissions rate of 0.70 pounds per million Btu during the period May 1 to September 30 (ozone season) of each year and a rate of 0.99 pounds per million Btu for the rest of the year. COMAR 26.11.14.07 prohibits total NO<sub>x</sub> ozone season emissions from the New Page Kraft pulp mill stack from exceeding 947 tons, unless the pulp mill acquires an allowance for each ton of NO<sub>x</sub> they emit over 947 tons. The regulation allows the pulp mill to secure up to 95 allowances for each period in which they exceed the 947 ton emission cap.

**VOC Emissions**

In 2001, Regulation .06 (Control of Volatile Organic Compounds) was added to COMAR 26.11.14 for the control of VOC emissions from several process installations at Kraft pulp mills. The regulation established RACT standards to specifically control VOC emissions from Kraft pulp mill operations statewide that have actual emissions of 20 pounds or more of VOCs per day and the potential to emit total plant-wide VOC emissions of 25 tons or more per year. In addition, Kraft pulp mills are required to install VOC emission controls to meet the requirements of the Paper and Pulp MACT (40 CFR Part 63, Subpart S).

**Sulfur Dioxide Emissions**

The applicable control requirements for SO<sub>2</sub> consist primarily of a September 6, 1983 consent order entered into by and between the Department and the New Page Corporation located in Luke, Maryland. The consent order established SO<sub>2</sub> emission limits for all fuel burning equipment at the facility.

**Sources Affected and Location**

This amendment affects two coal fired units and one gas fired unit at the Kraft pulp mill located in Luke, Maryland.

# MARYLAND

## Submittal # 12 – 11

### PART 2

#### 111(d)/129 Plan for HMIWIs

and

#### Amendments to the Requirements pertaining to the Compliance Schedule for HMIWIs

Prepared by:



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101 • [www.mde.state.md.us](http://www.mde.state.md.us)



# TECHNICAL SUPPORT DOCUMENT

## Amendments to COMAR 26.11.08 Control of Incinerators

### Purpose of Amendments

The purpose of this action is to amend the requirements pertaining to the compliance schedule for hospital, medical, infectious and medical waste incinerators (HMIWI) that are required to comply with COMAR 26.11.08.08-2.

### Background

EPA is required to develop and adopt new source performance standards (NSPS) and EG for solid waste incineration units pursuant to CAA Sections 111 and 129. New sources (NSPS program) are regulated under Sections 111(b) and 129(a) of the CAA. Existing sources are regulated under Sections 111(d) and 129(b) of the CAA. The NSPS are directly enforceable Federal regulations, and under CAA Section 129(f)(1) become effective 6 months after promulgation. Under CAA Section 129(f)(2), the EG become effective and enforceable as expeditiously as practicable after EPA approves a State plan implementing the EG but no later than 3 years after such approval or 5 years after the date the EG are promulgated, whichever is earlier.

Hospital waste consists of discards generated at a hospital, and medical/infectious waste is generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals. Household or hazardous waste, or human and animal remains not generated as medical waste are not included.

Maximum achievable control technology standards for existing HMIWI are set in EG for particulate matter (PM); heavy metals, including lead (Pb), cadmium (Cd), and mercury (Hg); toxic organics, including chlorinated dibenzo-p-dioxins/ dibenzofurans (CDD/CDF); carbon monoxide (CO); nitrogen oxides (NOX); and acid gases, including hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>).

Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The type of technologies being explored require frequent modifications and adjustments before they can perform at optimal level. While the results show that meeting the standards with the compliance date is feasible, the interim dates may deter the research and development of compliance options. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

### **Affected Sources and Location**

The proposed amendments affect HMIWIs in Maryland.

### **Requirements**

The proposed amendments require HMIWIs in Maryland to submit to the Department an alternative compliance plan that meets the requirements of the regulation by no later than October 6, 2014.

### **Expected Emissions Reductions**

Minimal emissions reductions in Maryland are expected as a result of adopting the proposed standards. Maryland sources have already applied control technologies to the incineration process and to post incineration emissions. Integration and optimization of the performance of these technologies has also taken place. Controls such as tertiary combustion chamber, dry injection acid gas scrubber, powder activated carbon system, and fabric filter with passive dioxins/furans control are utilized. Maryland sources have already been controlled under COMAR 26.11.08.08-1 in conformance with the initial 1997 MACT standards.

In the MACT review process for the 2009 standards, performance and test results of all sources nationwide were taken into account. Since Maryland sources have already added control technologies, they perform well on a national level and stack test results show that their performance is currently very close to the 2009 MACT standards. Based on the emission levels during stack tests, Maryland HMIWIs would be able to meet most of the standards with the current technologies. For NO<sub>x</sub> and HCL further improvements and enhancements would have to be investigated and tested. Emission reductions are expected as a result of adopting these two standards in particular. Emissions are expected to be minimally reduced for the remaining pollutants as a result of implementing the proposed standards. The benefit will be provided throughout the year by reducing criteria pollutants and toxic emissions.

### **Comparison to Federal Standards**

This action is not more restrictive or stringent than the corresponding federal standards.

### **Economic Impact on Affected Sources**

The economic impact of these amendments has been estimated by EPA on a national level. Cost impact on sources that are owned by hospitals is expected to range between 0.1 to 0.9 percent of sales (an average cost for incinerator would be approximately \$250,000 — \$280,000 per year in the first three years). Commercial incinerators have cost impacts that are no more than 2 percent of sales. The economic impact on the Department is going to be minimal in modifying the standards and ensuring compliance. There will be minimal to no impact on other state agencies and local jurisdictions as some permitting work may be necessary.

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

The Department is unaware of any small business in Maryland that is affected by these amendments.

**Submission to EPA as Revision to Maryland's SIP (or 111(d) Plan, or Title V Program)**

This action will be submitted to EPA as a revision to the 111(d)/129 Plan.

Reference 40 CFR Part 60 Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/ Medical/Infectious Waste Incinerators; Final Rule



Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Acting Secretary

Anthony G. Brown  
Lieutenant Governor

July 26, 2012

### CERTIFICATE OF PUBLICATION

This is to certify that the "Maryland Department of the Environment (MDE) Notice of Public Hearing concerning the following proposed actions: Amend COMAR 26.11.02.09; Amend COMAR 26.11.09.08; amend COMAR 26.11.14.06 - .07, adopt new 26.11.14.08; Repeal existing COMAR 26.11.29 and adopt new COMAR 29.11.29; Amend COMAR 26.11.09.08; adopt new COMAR 26.11.30; COMAR 26.11.08.08-2 amendment and 111(d) Plan was published on MDE's web site on July 25, 2012. It will remain posted on the site until September 12, 2012. The notice in full with links to supporting documents may be found in the following web address:

<http://www.mde.state.md.us/AboutMDE/pages/reqcomments.aspx>

Web publication of the notice was at the request of Deborah Rabin, Regulations Coordinator of the Air and Radiation Management Administration of MDE.

By:



JOSEPH E. HERB, JR.  
MDE Webmaster

Attachments:

Copy of web page as published.





# THE DEPARTMENT OF THE ENVIRONMENT



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MDE

## MDE Public Meetings, Hearings and Request for Comments

### MDE Calendar

The complete listing of MDE public meetings and hearings is posted in the [MDE Calendar](#). Please call or email contact person cited in the meeting details for any questions or to send a comment.

### Notice of Public Hearings Concerning Proposed Amendments to Air Quality Regulations and New Regulations

The Maryland Department of the Environment gives notice of public hearings concerning the following proposed actions:

- Amend COMAR 26.11.02.09** (sources subject to permits to construct and approvals) to correct an unintended consequence of a recent amendment to COMAR 26.11.01.01. The amendment to the definition of a NESHAP source that became effective on March 5, 2012 expands the universe of sources required to obtain a permit to construct under COMAR 26.11.02.09;

[\(Technical Support Document\)](#)
- Amend COMAR 26.11.09.08; amend COMAR 26.11.14.06 - .07, adopt new 26.11.14.08** (Kraft Pulp Mill requirements) to accurately describe the VOC control system and requirements, to incorporate existing NOx RACT requirements into this Chapter, to clarify Monitoring and Reporting Requirements, and to include emission limits for sulfur dioxide that were part of a consent order with the Department and New Page;

[\(Technical Support Document\)](#)
- Repeal existing COMAR 26.11.29 and adopt new COMAR 29.11.29** to maintain and consolidate NOx emission requirements for internal combustion engines used to compress natural gas located at natural gas pipeline compression stations. These NOx emission requirements were approved as RACT by the U.S. EPA under the NOx SIP Call for affected nontrading sources;

[\(Technical Support Document\)](#)
- Amend COMAR 26.11.09.08; adopt new COMAR 26.11.30** to:

  - (a) combine all of the existing requirements in COMAR 26.11.01, .06, and .29 regarding NOx, SOx and particulate matter that apply to Portland cement manufacturing plants into one chapter;
  - (b) repeal old NOx RACT requirements in COMAR 26.11.09.08 which apply to Portland cement manufacturing plants; and
  - (c) establish procedures for Portland cement manufacturing plants to demonstrate compliance with visible emissions requirements using COM data and compliance with NOx emission requirements using CEM data

[\(Technical Support Document\)](#)
- COMAR 26.11.08.08-2 amendment and 111(d) Plan** pertaining to the compliance schedule for hospital, medical, infectious and medical waste (HMIWI) incinerators and the HMIWI requirement 111(d) Plan. Based on testing and analysis conducted by affected sources, flexibility in meeting the interim compliance dates is needed to better accomplish and optimize the required level of control and achieve compliance by October 6, 2014. The proposed amendment allows a source to propose and follow an alternate plan and schedule for meeting the October 6, 2014 compliance date.

[\(Technical Support Document\)](#)

Actions #1 - #4 will be submitted to the U.S. EPA for approval as revisions to Maryland's State Implementation Plan. Action #5 will be submitted to the U.S. EPA for approval under Sections 111(d)/129 of the Clean Air Act.

The full text of the proposed amendments and new regulations will appear in the Maryland Register at <http://www.dsd.state.md.us/mdregister/> on **August 10, 2012**.

Public hearings on the 5 actions will be held on **September 12, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

Comments must be received not later than **September 12, 2012**, or be submitted at the hearing. For more information or to submit comments, call/e-mail/ fax:

Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration  
 Department of the Environment  
 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720  
 Telephone: (410) 537-3240  
 Email: [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us)  
 Fax: (410) 537-4223

### Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Antietam Creek watershed, Washington County, Maryland

A 30-day public comment period for the draft document will take place from July 16, 2012 to August 15, 2012. Copies of the draft documents have been placed in the Washington County Free Library- Keedysville Branch (22 Taylor Dr., Keedysville, MD 21756) and the Washington County Free Library- Boonsboro Branch (19 N Main St., Boonsboro, MD 21713). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 15, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

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**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Catoctin Creek watershed, Frederick County, Maryland**

A 30-day public comment period for the draft document will take place from July 16, 2012 to August 15, 2012. Copies of the draft documents have been placed in the Frederick County Public Library- C. Burr Artz Public Library (110 E Patrick St., Frederick, MD 21701). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 15, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Rock Creek watershed, Montgomery County, Maryland**

A 30-day public comment period for the draft document will take place from July 16, 2012 to August 15, 2012. Copies of the draft documents have been placed in the Montgomery County Public Library- Rockville Branch (99 Maryland Ave., Rockville, MD 20850). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/TARSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 15, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Double Pipe Creek watershed, Carroll and Frederick Counties, Maryland.**

A 30-day public comment period for the draft document will take place from July 23, 2012 to August 22, 2012. Copies of the draft documents have been placed in the Frederick County Public Library- C. Burr Artz Public Library (110 E Patrick St., Frederick, MD 21701) and Carroll County Public Library- Westminster Branch (50 E. Main St., Westminster, MD 21157). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 22, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Intent to Establish a Total Maximum Daily Load of Nutrients (Phosphorus) in the Upper Monocacy River watershed, Frederick and Carroll Counties, Maryland.**

A 30-day public comment period for the draft document will take place from July 26, 2012 to August 24, 2012. Copies of the draft documents have been placed in the Frederick County Public Library- C. Burr Artz Public Library (110 E Patrick St., Frederick, MD 21701) and Carroll County Public Library- Westminster Branch (50 E. Main St., Westminster, MD 21157). The draft document is also available on the Internet at: <http://www.mde.state.md.us/programs/Water/TMDL/Pages/Programs/WaterPrograms/tmdl/index.aspx> or by contacting Mr. Tony Allred by mail at MDE/SSA, 1800 Washington Boulevard, Suite 540, Baltimore MD 21230-1718, or by telephone at 410-537-3582 (outside the Baltimore area, dial 1-800-633-6101, x3582). Anyone wishing to review the draft document and supporting information or needing technical information may contact Mr. Allred during normal business hours.

Written comments concerning the draft document may be submitted to the Department on or before **August 24, 2012** and should be sent to Mr. Allred at the above address or emailed to [tallred@mde.state.md.us](mailto:tallred@mde.state.md.us). All comments received during the comment period will be considered and the draft document may be revised accordingly prior to its submittal to EPA for approval.

**Notice of Public Hearings Concerning Proposed Amendments to Air Quality Regulations and Revisions to Maryland's State Implementation Plan**

The Maryland Department of the Environment gives notice of public hearings concerning the following actions:

**1. Proposal to amend Regulation .03 and repeal Regulations .04 - .09 under COMAR 26.11.04 Ambient Air Quality Standards.** The purpose of this action is to adopt the following revised National Ambient Air Quality Standards (NAAQS) as required by Section 2-302 (c) of the Environment Article of the Annotated Code of Maryland:

- the 2006 revised NAAQS for particulate matter (PM) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50, 53, and 58.
- the 2010 revised NAAQS for sulfur dioxide (SO<sub>2</sub>) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50, 53 and 58.
- the 2008 NAAQS for ground-level ozone (O<sub>3</sub>) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50 and 58.
- the 2010 revised NAAQS for nitrogen dioxide (NO<sub>2</sub>) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50 and 58.
- the 2008 NAAQS for lead (Pb) and update the definitions, reference conditions, and methods of measurement as specified in 40 CFR Parts 50, 51, 53 and 58.

In this regulatory action the NAAQS are being incorporated by reference prospectively in order for Maryland's ambient air quality standards to be identical to the federal standards at all times.

[\(Technical Support Document\)](#)

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

**2. Proposal to adopt new Regulation .27-1 under COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.** The purpose of this action is to adopt the requirements of the EPA's Control Techniques Guidelines (CTG) for miscellaneous metal and plastic parts which include controls for pleasure craft coating operations. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. MDE proposes to adopt new standards and requirements that have been developed in coordination with EPA and trade associations representing the pleasure craft industry.

[\(Technical Support Document\)](#)

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

3. **Proposal to remove the Board of Education of Allegheny County's 1979 Consent Order from the State Implementation Plan.** The coal-fired boiler located at Beall High School has been demolished along with the entire school. The Department issued a construction permit for a 15.5 million BTU per hour coal fired boiler on February 6, 1979.

([Fact Sheet](#)) ([Consent Order](#))

This action will be submitted to the U.S. Environmental Protection Agency for approval as a revision to Maryland's State Implementation Plan.

4. **Proposal to remove the Saint Mary's College 1979 Consent Order from the State Implementation Plan.** The coal-fired F. Keeler Company Boiler has been modified by removing the coal firing capability and converting the boiler to mainly fire natural gas with No. 2 fuel oil backup. The Department issued a construction permit for this modification on July 18, 2000.

([Fact Sheet](#)) ([Permit Application](#)) ([Permit Modification](#)) ([Consent Order](#))

This action will be submitted to the U.S. Environmental Protection Agency for approval as a revision to Maryland's State Implementation Plan.

The full text of the proposed amendments and new regulation listed under **#1** and **#2** will appear in the Maryland Register at <http://www.dsd.state.md.us/mdregister> on June 15, 2012.

Public hearings on the four (4) proposed actions listed above will be held on **July 18, 2012** at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

The proposed actions and supporting documents are also available for review at the following locations: the Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Interested persons are invited to attend and express their views. Comments may be mailed to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to [drabin@mde.state.md.us](mailto:drabin@mde.state.md.us), or faxed to (410) 537-4223. Comments must be received not later than **July 18, 2012**, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

#### Response to Comments for Selected Public Hearings

- [Response to comments for the public hearing held on July 11, 2011 for COMAR 26.11.19.11- Related to Volatile Organic Compounds from Specific Processes- Lithographic and Letterpress Printing](#)
- [Response to comments for the public hearing held on July 11, 2011 for COMAR 26.11.19.23- Related to Control of VOC Emissions from Vehicle Refinishing](#)

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