

DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION MANAGEMENT ADMINISTRATION

RESPONSE TO COMMENTS

for the

PUBLIC HEARING held on December 14, 2015
in BALTIMORE, MD
related to

the amendment of Regulations .01 & .10 under COMAR 26.11.01 General Administrative Provisions and Regulations .01, .04, .07 & .08 under COMAR 26.11.08 Control of Incinerators.

Purpose of Hearing: The purpose of the public hearing was to allow for public comment on the Department's proposal regarding amendments to Regulations .01 & .10 under COMAR 26.11.01 General Administrative Provisions and Regulations .01, .04, .07 & .08 under COMAR 26.11.08 Control of Incinerators.

The proposed action clarifies requirements for incinerators and Portland cement plants that demonstrate compliance with visible emissions (VE) standards through use of continuous opacity monitors (COMS), and delete the applicability of the Department's Technical Memorandum 90-01 (TM) for incinerators equipped with COMS. In addition, the amendments will exempt incinerators that are 1) owned or operated by a government entity and 2) used solely to destroy illegal or prohibited goods from COMAR 26.11.08 requirements.

Date and Location: The public hearing was held on December 14, 2015 at 1:00 p.m. at the Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230.

Attendance: 1 Attendee

Statement: The Department's statement was read by Husain Waheed, of the Regulations Development Division of the Air and Radiation Management Administration, Department of the Environment.

Comments and Responses: Comments were received from the Northeast Maryland Waste Disposal Authority.

A summary of the comments received at the public hearing and the Maryland Department of the Environment's (the Department or MDE) responses are below.

COMMENT: We propose that MDE modify COMAR 26.11.01.10B(6)(c) to read: For the owner or operator of a municipal waste combustor that is required to install and operate a COM, compliance with visible emission standards is achieved if visible emissions do not exceed 10 percent opacity for a six minute block average during the unit's Operating time.

RESPONSE: The Department agrees with this comment and intends to include the language "for a six minute block average during the unit's operating time" as a non-substantive change to the regulation. The referenced language clarifies the operating time intended for a COM system to demonstrate compliance and is consistent with section 26.11.01.10(D)(2) of the regulation

proposed for amendment, as well as incinerator compliance demonstration requirements identified in 26.11.08.08(A)(2) and corresponding federal law (40 CFR 60.58b(c), and 40 CFR 63.1209). This language was within the intent and scope of the original proposal and is not a substantive change.

COMMENT: We propose that MDE modify COMAR 26.11.01.10B(6)(d) to read:
Notwithstanding the requirements in COMAR 26.11.01.10B(6)(a)-(c), the Department may determine compliance and non-compliance with the visible emission limitations using a certified observer performing EPA reference Method 9 observations (i.e., opacity shall be determined as an average of 24 consecutive observations recorded at 15-second intervals).

RESPONSE: The Department does not intend to amend COMAR 26.11.01.10B(6)(d) to include this requested language. The Department believes that the compliance determination while performing EPA reference Method 9 observations is sufficiently detailed under 40 CFR Part 60 Appendix A and does not need to be redundantly incorporated into the Code of Maryland Regulations.