



Maryland
Department of
the Environment

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**State of Maryland
8-Hour Ozone - 0.070 ppm
National Ambient Air Quality Standard
Implementation, Maintenance, and Enforcement
State Implementation Plan**

SIP Number 18-06

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Prepared for:

U.S. Environmental Protection Agency

Prepared by:

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1.0 Introduction

A State Implementation Plan (SIP) is a plan for each state that identifies how that state will attain and maintain the primary and secondary National Ambient Air Quality Standards (NAAQS). The SIP contains regulations, source-specific requirements, non-regulatory items such as plans and inventories, and other types of submittals designed to satisfy requirements promulgated by the U.S. Environmental Protection Agency (EPA). The initial SIPs for states were approved on May 31, 1972. SIPs may be revised by the state with EPA approval. The federally enforceable SIP for the State of Maryland is compiled under 40 CFR Part 52 Subpart V.

§§110(a)(1) and 110(a)(2) of the Clean Air Act (CAA) direct each state to develop and submit to the EPA a plan that provides for the implementation, maintenance, and enforcement of the NAAQS, commonly referred to as an infrastructure SIP. Each state is required to make this submission within three years after promulgation of a new or revised NAAQS. The present document serves as Maryland's infrastructure SIP for the 2015 8-hour ozone NAAQS, and is intended to assure that Maryland's existing 8-hour ozone SIP contains the necessary structural requirements for the following revised standard:

On October 26, 2015, the EPA issued a final rule revising both the primary and secondary NAAQS for ozone (O₃) to 0.070 parts per million, while retaining their indicators (O₃), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours).¹

2.0 Maryland's Plan Elements

§110(a)(2) of the Clean Air Act provides a detailed listing of the requirements for an infrastructure SIP. Below, each subparagraph from (A) through (M) is substantiated in accordance with EPA guidance,² with the exception of (D)(i)(I) which will be addressed in a separate submittal. Each other explanation indicates the statutes, regulations, plans and other elements used in the Maryland SIP to support the respective requirement for the 2015 8-hour ozone NAAQS.

All elements which are cited in this document, but which are not SIP-approved and not intended to be submitted for inclusion in the SIP, are marked with an asterisk and included, for reference only, in [Appendix A](#).

¹ See "National Ambient Air Quality Standards for Ozone", 80 Fed. Reg. 65292, Published 26 Oct 2015 and effective 28 Dec 2015. <https://www.gpo.gov/fdsys/pkg/FR-2015-10-26/pdf/2015-26594.pdf>

² See "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," issued by the EPA in September 2013. https://www.epa.gov/sites/production/files/2015-12/documents/guidance_on_infrastructure_sip_elements_multipollutant_final_sept_2013.pdf

§110(a)(2)(A): *Each such plan shall— include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter;*³

- [§2-301\(a\)](#)* Environment Article, Ann. Code of Maryland authorizes MDE to adopt rules and regulations for the control of air pollution in the State.
- Maryland’s enforceable emissions limitations and other control measures which have already been approved as part of Maryland’s SIP to meet the NAAQS⁴ address this item.
 - The vast majority are described in the Code of Maryland Regulations (COMAR) 26.11, *Air Quality*.
 - COMAR 11.14.08 describes the Vehicle Emissions Inspection Program, which includes exhaust emission standards for hydrocarbons (VOCs) and NO_x, schedules for inspection and compliance/re-inspection upon failure, and penalties for violations.
 - COMAR 20.79 describes applications concerning the construction or modification of generating stations and overhead transmission lines under the Maryland Public Service Commission (PSC) program, requiring the applicant to demonstrate compliance with applicable environmental restrictions, including air quality.
 - §7-205 Public Utilities Article, Ann. Code of Maryland requires PSC approval for any power plant modifications that could result in an increase in air emissions.
 - §7-207(e) Public Utilities Article, Ann. Code of Maryland requires the PSC to consider air pollution (when applicable) prior to taking final action on an application for a certificate of public convenience and necessity for the construction of generating stations, overhead transmission lines, and qualified generator lead lines.
 - §7-208(g) Public Utilities Article, Ann. Code of Maryland requires the inclusion of federal and State environmental laws and standards in the certificate, as identified by MDE, including the methods and conditions determined appropriate to comply with those laws and standards.
- EPA-approved source-specific provisions are listed in 40 CFR 52.1070(d).
- EPA-approved non-regulatory provisions are listed in 40 CFR 52.1070(e).

³ Refers to 42 U.S.C. Chapter 85, “Air Pollution Prevention and Control” (2013).

⁴ A minor fraction of the statutes and regulations noted throughout this document may not be a part of the SIP. EPA-approved text of regulations, technical memoranda, and statutes in the Maryland SIP are found under 40 CFR 52.1070(c), available on-line at: <https://www.epa.gov/sips-md/epa-approved-regulations-maryland-sip>.

§110(a)(2)(B): *Each such plan shall— provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.*

- MDE's authority to monitor ambient air quality is found under [§§2-103\(b\)\(2\)](#)* and [2-301\(a\)\(1\)](#)* Environment Article, Ann. Code of Maryland.
 - EPA SIP-approved COMAR 26.11.04.02 specifies that methods of measuring ambient air quality levels shall be those specified in 40 CFR Parts 50, 51, 53 and 58, as amended. This is inclusive of the applicable requirements in 40 CFR 58.14 to obtain the EPA's approval of any planned changes to monitoring sites or to the network plan.
- [§2-301\(a\)](#)* Environment Article, Ann. Code of Maryland authorizes MDE to adopt rules and regulations for the control of air pollution in the State, including testing, monitoring, record keeping, and reporting requirements.
 - MDE has and will continue to provide EPA Region III with an annual monitoring network plan, as required by and described in 40 CFR 58.10.
- No specific Maryland statutory authority is necessary to submit such data to the EPA headquarters or regional office. MDE has and will continue to submit data to EPA's Air Quality System (AQS), as required by 40 CFR Part 58.
 - Maryland operates and maintains an EPA-approved network of ambient air monitors throughout the State. EPA approved Maryland's 2018 Annual Air Monitoring Network Plan in its November 17, 2017 letter from EPA Region III Administrator Cosmo Servidio to MDE Secretary Ben Grumbles.⁵ Additionally, Maryland submitted its 2019 Annual Air Monitoring Network Plan to EPA Region III on June 21, 2018.
 - All ambient air monitors in the Maryland network are subjected to the Quality Assurance requirements of 40 CFR Part 58, Appendix A. Monitors used to determine compliance with the NAAQS have been designated by EPA as either Reference or Equivalent monitors. In addition, all samplers are located at sites that have met the minimum siting requirements of Part 58, Appendix E.

§110(a)(2)(C): *Each such plan shall— include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved including a permit program as required in parts C and D of this subchapter.⁶*

Enforcement:

- [§§2-601—614](#)* Environment Article, Ann. Code of Maryland describes MDE's statutory authority for the enforcement of the measures described in §110(a)(2)(A).

⁵ See [Appendix B](#) of this document for a copy of EPA's approval letter.

⁶ Refers to 42 U.S.C. Chapter 85 Subchapter I Part C, "Prevention of Significant Deterioration of Air Quality" and Part D, "Plan Requirements for Nonattainment Areas".

- Per COMAR 26.11.01.07, any period of emissions exceeding applicable standards set in COMAR 26.11 triggers a determination by MDE of whether to commence an administrative or judicial proceeding as authorized by both State and federal law.
- COMAR 26.11.02.05 describes the enforcement consequences of air pollution emissions permit violations, including revocation of the permit, and any other actions specified under [§§2-601 et seq.](#)* Environment Article, Ann. Code of Maryland.
- Additional enforcement provisions for specific situations are described in other SIP-approved portions of COMAR 26.11.
- EPA Sip-approved COMAR 11.14.08.08 describes enforcement provisions for the Maryland Vehicle Emissions Inspection Program, which is the responsibility of the Motor Vehicle Administration (MVA) of the Maryland Department of Transportation (MDOT). Authority is given to MDOT to implement such a program under [§§12-104\(b\)](#)*, [23-202](#)* and [§23-207](#)* Transportation Article, Ann. Code of Maryland.
- [§2-117\(a\)](#)* Public Utilities Article, Ann. Code of Maryland describes actions for enforcement of public service companies by the Public Service Commission, including authority to bring an action for injunction in the appropriate circuit court.

Regulation of minor sources and minor modifications of major sources; and preconstruction PSD permitting of major sources:

- [§2-401](#)* Environment Article, Ann. Code of Maryland provides that MDE may adopt regulations that require a permit or registration prior to construction, modification, or operation of a source that may cause or control emissions into the air.
- The relevant permit program requirements appear under EPA SIP-approved portions of COMAR 26.11.02 & COMAR 26.11.03.
 - COMAR 26.11.02.02B indicates that a permit to construct and an approval from MDE are required before construction or modification of a source. “Approval” is defined in COMAR 26.11.02.01B(11) as a special category of permit for a Prevention of Significant Deterioration (PSD) source or a New Source Review (NSR) source.
 - COMAR 26.11.02.06B states that MDE shall deny an application if the applicant does not demonstrate compliance with the PSD requirements in COMAR 26.11.06.14, and with NSR requirements in COMAR 26.11.17.
- EPA SIP-approved portions of COMAR 20.79 regulate the construction, modification, and permitting of electric generating stations, including consideration of related air quality impacts in attainment and non-attainment areas. Relevant SIP-approved statutory provisions pertaining to electric generating stations may be found under §§7-205, 7-207 and 7-208 Public Utilities Article, Ann. Code of Maryland.

§110(a)(2)(D)(i)(I): *Each such plan shall— contain adequate provisions— prohibiting, consistent with the provisions of this subchapter,⁷ any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will— contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to such national primary or secondary ambient air quality standard.*

Maryland’s infrastructure SIP to address the CAA §110(a)(2)(D)(i)(I) (i.e., good neighbor) requirements for the 2015 8-hour ozone NAAQS will be submitted separately upon approval of SIP #18-05.

§110(a)(2)(D)(i)(II): *Each such plan shall— contain adequate provisions— prohibiting, consistent with the provisions of this subchapter,⁸ any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will— interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter⁹ to prevent significant deterioration of air quality or to protect visibility.*

- Maryland’s pre-construction permitting, and PSD and NSR approval requirements appear under EPA SIP-approved portions of COMAR 26.11.02.
- EPA SIP-approved COMAR 26.11.06.14 contains PSD requirements and regulations, including a prohibition against construction, modification, and operation of PSD sources in violation of any provision of 40 CFR §52.21, as amended. COMAR 26.11.01.01B(37) also incorporates the definition of PSD sources from 40 CFR §52.21.
- EPA SIP-approved portions of COMAR 26.11.17 contain NSR requirements and regulations.
- EPA SIP-approved portions of COMAR 20.79 regulate the construction, modification, and permitting of electric generating stations, including consideration of related air quality impacts in attainment and non-attainment areas. Relevant SIP-approved statutory provisions pertaining to electric generating stations may be found under §§7-205, 7-207 and 7-208 Public Utilities Article, Ann. Code of Maryland.

⁷ Refers to 42 U.S.C. Chapter 85 Subchapter I, “Programs and Activities”.

⁸ Refers to 42 U.S.C. Chapter 85 Subchapter I, “Programs and Activities”.

⁹ Refers to 42 U.S.C. Chapter 85 Subchapter I Part C, “Prevention of Significant Deterioration of Air Quality”.

- Maryland’s Regional Haze SIP was approved by EPA effective August 6, 2012.¹⁰ As per EPA’s guidance,¹¹ the approved regional haze plan meets visibility requirements for this portion of D(i)(II).
 - Furthermore, Maryland’s Regional Haze 5-Year Progress Report,¹² submitted to EPA under SIP #17-04 on July 17, 2017, states that “Maryland has satisfied all of the control strategy commitments in the Regional Haze SIP”, and concludes that “Maryland’s Regional Haze SIP is sufficient and meets the requirements of EPA’s Regional Haze Rule”.

§110(a)(2)(D)(ii): *Each such plan shall— contain adequate provisions— insuring compliance with the applicable requirements of sections 126¹³ and 115¹⁴ (relating to interstate and international pollution abatement).*

- Section 126(a)
 - In COMAR 26.11.02.12, Maryland requires applicants for approval for PSD sources to publish a notice of opportunity to submit written comment and request a public hearing.
 - Maryland’s PSD requirements are in COMAR 26.11.06.14. COMAR 26.11.01B(37) defines PSD sources as any new or modified source subject to the provisions of 40 CFR §52.21.
 - EPA SIP-approved portions of COMAR 20.79 regulate the construction, modification, and permitting of electric generating stations, including consideration of related air quality impacts in attainment and non-attainment areas. Relevant SIP-approved statutory provisions pertaining to electric generating stations may be found under §§7-205, 7-207 and 7-208 Public Utilities Article, Ann. Code of Maryland.
- No source or sources within the state are the subject of an active finding under section 126 of the CAA with respect to ozone or its precursors. New York has submitted a petition pursuant to section 126(b) against sources in several states, including Maryland. EPA has extended the deadline to act on New York’s petition until November 9, 2018.¹⁵
- There are no final findings under section 115 of the CAA against Maryland with respect to any air pollutant.

¹⁰ See “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze State Implementation Plan”, 77 Fed. Reg. 39938, Published 6 July 2012 and effective 6 Aug 2012. <https://www.gpo.gov/fdsys/pkg/FR-2012-07-06/pdf/2012-16417.pdf>

¹¹ See “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),” issued by the EPA in September 2013. https://www.epa.gov/sites/production/files/2015-12/documents/guidance_on_infrastructure_sip_elements_multipollutant_final_sept_2013.pdf

¹² See “Regional Haze 5-Year Progress Report”, available at: <http://mde.maryland.gov/programs/Air/AirQualityPlanning/Documents/SIPDocuments/SIPRev1704HazeUpdate.pdf>

¹³ Refers to §126 of the Clean Air Act, which corresponds with 42 USC §7426.

¹⁴ Refers to §115 of the Clean Air Act, which corresponds with 42 USC §7415.

¹⁵ See “Extension of Deadline for Action on the Section 126(b) Petition From New York”, 83 Fed. Reg. 21909, Published 11 May 2018 and effective 11 May 2018. <https://www.gpo.gov/fdsys/pkg/FR-2018-05-11/pdf/2018-09892.pdf>

§110(a)(2)(E)(i): *Each such plan shall— provide— necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof).*

Legal Authority and Responsibilities of Organizations:

Besides the broad statutory authority provided below, references are made in other portions of this document to various specific provisions under the relevant sections (e.g., enforcement provisions under §110(a)(2)(C)).

- Authority and responsibility is given to MDE under [§2-103\(b\)\(3\)](#)* Environment Article, Ann. Code of Maryland to monitor ambient air quality in the State and to coordinate all State agency programs on ambient air quality control.
- Authority and responsibility is given to the MVA under [§23-207](#)* Transportation Article, Ann. Code of Maryland to adopt rules and regulations for enforcement of the Maryland Vehicle Emissions Inspection Program.
- Authority and responsibility is given to the PSC under [§5-101](#)* Public Utilities Article, Ann. Code of Maryland to adopt and enforce regulations for public service companies, including authority to require changes such as repairs or improvements to plants, and changes in schedule and manner of operations.
- Authority and responsibility is given to the Maryland Department of Natural Resources (MDNR) under [§3-303](#)* Natural Resources Article, Ann. Code of Maryland to establish the Power Plant Research Program. This section also establishes program components, including research and investigations related to the effects of air pollutants from power plants on public health and welfare; and an environmental evaluation, including air impacts, of power plant sites proposed for future development and expansion.

Resources:

- MDE’s Air and Radiation Administration has a proposed operating budget for FY2019 (beginning July 1, 2018) of \$19.5 million, which is similar to the actual expenditures and working budget from FY2017 and FY2018, respectively.¹⁶ Therefore, these financial resources should be sufficient to continue to carry out the plan during the upcoming year.
- MDE is given authority to obtain federal and state funds available for purposes within the scope of the Annotated Code of Maryland, Title 2, *Ambient Air Quality*, by [§2-103\(a\)](#)* Environment Article, Ann. Code of Maryland. Resources include:
 - The Clean Air Act §105 grant process,¹⁷ which may cover up to three-fifths of the cost of implementing (i.e., planning, developing, establishing, carrying-out, improving, or maintaining) all programs for air pollution control, including NAAQS.

¹⁶ See “Budget” under FY2019 Proposed Operating Budget Detail by Agency, Department of the Environment, “Air and Radiation Administration,” “FY 2019 Governors Allowance,” at <http://dbm.maryland.gov/budget/Pages/operbudget/FY2019-agency.aspx>, accessed June 29, 2018.

¹⁷ See also 42 USC §7405.

- The Clean Air Act §103 grant process,¹⁸ which makes grants available to air pollution control agencies for the purpose of conducting and promoting the coordination and acceleration of research relating to the causes, effects (including health and welfare), extent, prevention, and control of air pollution.
 - The Maryland Clean Air Fund (as described in [§2-107](#)* Environment Article, Ann. Code of Maryland), which is collected from application fees, permit fees, renewal fees, and civil or administrative penalties or fines from various specified sources. The Fund may be used for identifying, monitoring, and regulating air pollution at the state or local level.
 - Permit fees described in [§2-403](#)* Environment Article, Ann. Code of Maryland, which are used for the development and administration of MDE’s air emissions permit program.
 - Funds received annually from MDOT which help fund transportation-related air pollution programs.
- There are approximately 167 personnel on staff in the Air and Radiation Administration at MDE,¹⁹ who may be involved with carrying out various aspects of State Implementation Plans.
 - [§§2-201–206](#)* Environment Article, Ann. Code of Maryland establishes and describes the role of the Air Quality Control Advisory Council, which is used to provide consultation advice for MDE regarding proposed regulations.
 - The Clean Air Act §103 describes a national program for research and development related to prevention and control of air pollution, including sampling, measurement, monitoring, analysis, and modeling of air pollutants.
 - [§23-205](#)* Transportation Article, Ann. Code of Maryland establishes a fee to be charged for inspection under the Vehicle Emissions Inspection Program (managed by the MVA), and that a specific portion of the fee shall be retained to cover the cost of administration and enforcement of the program.
 - The PSC collects application fees for Certificates of Public Convenience and Necessity (as permitted by [§2-123](#)* Public Utilities Article, Ann. Code of Maryland) for power plants. These fees go into the Public Utility Regulation Fund ([§2-110.1](#)*), which pays all operating costs and expenses incurred by the Commission.
 - [§3-302](#)* Natural Resources Article, Ann. Code of Maryland establishes the Environmental Trust Fund, which is used by MDNR to carry out the Power Plant Research Program.

§110(a)(2)(E)(ii): *Each such plan shall— provide— requirements that the State comply with the requirements respecting State boards under section 128.*²⁰

- Maryland does not have any board or body that approves air quality permits or enforcement orders; these are the sole responsibility of MDE. The PSC issues Certificates of Public Convenience and Necessity for utility installations, regulates utility rates and charges, and regulates the reliability of Maryland’s electricity grid.

¹⁸ See also 42 USC §7403.

¹⁹ See “Positions” under FY2019 Proposed Operating Budget Detail by Agency, Department of the Environment, “Air and Radiation Administration,” “FY 2019 Position FTE,” at <http://dbm.maryland.gov/budget/Pages/operbudget/FY2019-agency.aspx>, accessed June 29, 2018.

²⁰ Refers to §128 of the Clean Air Act, which corresponds with 42 USC §7428.

- EPA SIP-approved statutory provisions under §5-501 (a) and (c) General Provisions Article, Ann. Code of Maryland describe restrictions, prohibitions and exceptions regarding conflicts of interest, including requirements for disclosure, which apply to all officials and employees of the State.

§110(a)(2)(E)(iii): *Each such plan shall— provide— necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.*

Maryland does not rely on localities for specific SIP implementation.

§110(a)(2)(F)(i): *Each such plan shall— require, as may be prescribed by the Administrator— the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources.*

- [§2-103\(b\)\(2\)](#)* Environment Article, Ann. Code of Maryland states that MDE is responsible for ambient air quality monitoring in Maryland.
- [§2-301\(a\)\(1\)](#)* Environment Article, Ann. Code of Maryland states that MDE may adopt rules and regulations for the control of air pollution in the State, including testing, monitoring, record keeping, and reporting requirements.
- Specific monitoring requirements are found throughout the EPA SIP-approved portions of COMAR 26.11, including:
 - COMAR 26.11.01.04, *Testing & Monitoring*;
 - COMAR 26.11.01.11, *Continuous Emission Monitoring Requirements*;
 - COMAR 26.11.09.08, *Control of NO_x Emissions for Major Stationary Sources*; and
 - COMAR 26.11.03, *Permits, Approvals, and Registration - Title V Permits*.

§110(a)(2)(F)(ii): *Each such plan shall— require, as may be prescribed by the Administrator— periodic reports on the nature and amounts of emissions and emissions-related data from such sources.*

- [§2-301\(a\)\(1\)](#)* Environment Article, Ann. Code of Maryland states that MDE may adopt rules and regulations for the control of air pollution in the State, including testing, monitoring, record keeping, and reporting requirements.
- Specific reporting requirements are found throughout EPA SIP-approved portions of COMAR 26.11, which require records and reporting necessary to enable compliance with 40 CFR 51.211, 51.321—51.323 and 40 CFR part 51 subpart A, including:
 - COMAR 26.11.01.05, *Records and Information*;
 - COMAR 26.11.01.05-1, *Emission Statements*;
 - COMAR 26.11.01.07, *Malfunctions & Other Temporary Increases in Emissions*;
 - COMAR 26.11.01.11E, *Continuous Emission Monitoring Requirements*; and
 - Additional reporting requirements for specific types of sources.

- MDE will continue to utilize the most current reporting tools and requirements for providing EPA Region 3 with information as specified in 40 CFR §§51.322—51.326 and in Subpart A of the same Part 51. Maryland will continue to consult as appropriate with EPA Region 3 when preparing and submitting these data.

§110(a)(2)(F)(iii): *Each such plan shall— require, as may be prescribed by the Administrator— correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Chapter,²¹ which reports shall be available at reasonable times for public inspection.*

- COMAR 26.11.01.05 states that MDE may require records sufficient to provide the information necessary to determine compliance with an air emission standard, equipment performance standard, or material formulation standard.
- A continuous emissions monitor (CEM), required under COMAR 26.11.01.11, is the primary method used by MDE to determine compliance or non-compliance with the applicable emission standards.
- Requirements for specific types of sources are also found under other SIP-approved portions of COMAR 26.11.
- COMAR 26.11.01.04B(4) requires that all records and reports submitted to MDE under this regulation be available for public inspection.

§110(a)(2)(G): *Each such plan shall— provide for authority comparable to that in section 303²² and adequate contingency plans to implement such authority.*

- The following sources of authority are not SIP-approved but have been included for reference:
 - [§2-105](#)* Environment Article, Ann. Code of Maryland provides that, when advised by the Secretary of MDE that an air pollution emergency exists or is reasonably expected to occur, the Governor may issue an executive order that requires the immediate elimination of specifically identifiable sources of air pollution.
 - [§2-301\(a\)\(2\)](#)* Environment Article, Ann. Code of Maryland gives MDE authority to adopt rules and regulations that establish standards and procedures to be followed whenever air pollution reaches an emergency condition.
 - Title 2 Subtitle 6 of the Environment Article, Ann. Code of Maryland describes enforcement and penalties under this Title. Specifically, [§2-602](#)* gives MDE authority to issue corrective or show-cause orders, though these are not required to be issued prior to enforcement by injunction; and [§§2-603—604](#)* further describes these orders. Moreover, [§2-609\(a\)\(1\)](#)* provides that MDE may bring an action to enjoin any conduct that violates Title 2 (Ambient Air Quality Control) or rules, regulations, or orders adopted under this title.
- COMAR 26.11.05 establishes standards and procedures to be followed whenever air pollution has the potential of reaching an emergency condition if allowed to go unchecked. This is

²¹ Refers to 42 USC Chapter 85, “Air Pollution Prevention and Control” (2013).

²² Refers to §303 of the Clean Air Act, which corresponds to 42 USC §7603.

generally consistent with the requirements for an adequate contingency plan found in 40 CFR 51.150–153, as demonstrated in the table below.

Table 1. Maryland’s regulations and general procedures, with corresponding requirements for an adequate contingency plan found in 40 CFR 51.150–153.

| Federal Regulation | State Regulation | Notes |
|--|---|--|
| 40 CFR 51.150 Classification of regions for episode plans | | Per 40 CFR 51.150, each region may be classified as either Priority I (ambient ozone concentrations >0.10 ppm, 1 hour maximum), or else Priority III. |
| 40 CFR 51.151 Contingency plan for Priority I areas to prevent ambient pollution concentrations ≥ 0.6 ppm ozone (2-hour avg.) | COMAR 26.11.05.03 | Emergency stage (the most severe) is declared for ozone at 0.5 ppm (1-hour average) for <i>any</i> area of the state. This triggers standby emission reduction plans (COMAR 26.11.05.04 and .05); and is consistent with preventing ambient pollution concentrations in <i>any</i> area of the State from reaching 0.6 ppm (2-hour average). |
| 40 CFR 51.152(a)(1) Specify multiple stages of episode criteria | COMAR 26.11.05.03 | COMAR identifies the specific conditions (air pollution criteria) that correspond to various threat stages. |
| 40 CFR 51.152(a)(2) Provide for public announcement | COMAR 26.11.05.03 COMAR 26.11.05.05D | Public announcement is required by MDE within 2 hours of declaring an Air Stagnation Advisory. When the Emergency Stage is reached, the Governor announces this and specifies action to be taken; radio and TV stations are requested to repeat the declaration at least once an hour. |
| 40 CFR 51.152(a)(3) Specify adequate control actions | COMAR 26.11.05.05 and .06 | COMAR 26.11.05.05 specifies control requirements and standby orders for each threat stage. COMAR 26.11.05.06 dictates emission reduction objectives for specific emission sources for each threat stage. |
| 40 CFR 51.152(b)(1) Provide for prompt acquisition of meteorological forecasts related to atmospheric stagnation | | MDE Air and Radiation Administration meteorologists are responsible for forecasting atmospheric stagnation events. |

| Federal Regulation | State Regulation | Notes |
|--|--------------------------|--|
| 40 CFR 51.152(b)(2) Provide for inspection of sources to confirm compliance with requirements | COMAR 26.11.05.04 | Sources are required to prepare standby emission reduction plans in accordance with objectives identified for each stage (outlined in Tables I, II, and III of COMAR 26.11.05.06). These plans are submitted to MDE for approval. |
| 40 CFR 51.152(b)(3) Include communications procedures | COMAR 26.11.05.05 | The Secretary of MDE or the Governor will make the declaration that a specified stage of the Air Pollution Episode System has been reached (through public communications media or otherwise), triggering the respective actions in this section. |
| 40 CFR 51.153 Periodically reevaluate Region's priority classifications, using the three most recent years of data, and make appropriate changes in the episode plan. | | Maryland's contingency plan does not differentiate actions based on priority classifications, but it is sufficient to meet the requirements of plans for Priority I regions, as described above (measures related to 40 CFR 51.152(b)). See also the explanation under §110(a)(2)(B) of this document for information on Maryland's monitoring network and procedures to monitor, compile, and analyze data on ambient air quality such as would allow for reevaluation of priority classifications if necessary. |

§110(a)(2)(H): *Each such plan shall— provide for revision of such plan—(i) from time to time as necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii) except as provided in paragraph (3)(C),²³ whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter.*

- COMAR 26.11.04.02 incorporates by reference the ambient air quality standards, definitions, reference conditions, and methods of measurement specified in 40 CFR Parts 50, 51, 53, and 58 as amended, in order for Maryland's ambient air quality standards to be identical to the federal standards at all times.
- [§2-301\(a\)\(1\)](#)* Environment Article, Ann. Code of Maryland gives MDE the authority to adopt rules and regulations for the control of air pollution in the State. [§2-302](#)* gives MDE authority to adopt rules and regulations that set emission standards and ambient air quality standards, including to meet standards for NAAQS. Maryland's SIP is essentially a compilation of

²³ Refers to §110(a)(3)(C) of the Clean Air Act, which corresponds to 42 USC §7410(a)(3)(C).

regulations. The authority to develop or revise a SIP is based on this authority to adopt new regulations and revise existing regulations to meet the NAAQS.

§110(a)(2)(I): *Each such plan shall— in the case of a plan or revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter²⁴ (relating to nonattainment areas).*

The specific SIP submissions for designated nonattainment areas, as required under part D of this subchapter, are subject to a different submission schedule than those being submitted in this document (§110 infrastructure SIP elements), and will be reviewed and acted upon through a separate process. Therefore, the EPA does not expect infrastructure SIP submissions to address §110(a)(2)(I),²⁵ and MDE has not addressed it here.

§110(a)(2)(J): *Each such plan shall— meet the applicable requirements of section 121²⁶ (relating to consultation), section 127²⁷ (relating to public notification), and part C²⁸ (relating to prevention of significant deterioration of air quality and visibility protection).*

Consultation with identified officials on certain actions

- COMAR 26.11.26 provides the various consultation procedures which have been developed for transportation plans, programs and projects among MDE, MDOT, Metropolitan Planning Organizations (MPOs) and Regional Planning Organizations (RPOs). MPOs (and RPOs, as applicable) represent the local governments with which the State consults. Maryland’s MPOs located in ozone non-attainment areas include:
 - Baltimore Regional Transportation Board (BRTB),
 - National Capital Transportation Planning Board (TPB), and
 - Wilmington Area Planning Council (WILMAPCO).
- The Air Quality Control Advisory Council (AQCAC), detailed in [§§2-201—206](#)^{*} Environment Article, Ann. Code of Maryland, reviews all rules and regulations proposed by MDE under Title 2 of the Annotated Code (Ambient Air Quality Control), prior to adoption, and recommends to MDE adoption, rejection, or modifications. AQCAC membership is created in part by consultation with local and regional government; as it is required by law to include a member of the Regional Planning Council, and a member from each list of qualified individuals submitted by Maryland Association of Counties and Metropolitan Washington Council of Governments.
- COMAR 26.11.02.11, *Procedures for Obtaining Permits to Construct Certain Significant Sources*, directs that notice be given to the chief executive of any county or municipal corporation in which any portion of the source is/will be located, and comments be received from

²⁴ Refers to 42 USC Chapter 85, Subchapter I, Part D “Plan Requirements for Nonattainment Areas”.

²⁵ See “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),” issued by the EPA in September 2013. https://www.epa.gov/sites/production/files/2015-12/documents/guidance_on_infrastructure_sip_elements_multipollutant_final_sept_2013.pdf

²⁶ Refers to §121 of the Clean Air Act, which corresponds to 42 USC §7421.

²⁷ Refers to §127 of the Clean Air Act, which corresponds to 42 USC §7427.

²⁸ Refers to 42 U.S.C. Chapter 85 Subchapter I Part C, “Prevention of Significant Deterioration of Air Quality”.

the public on the permit application, prior to issuance of a permit to construct as described in §A(1) of the regulation.

- COMAR 26.11.02.12, *Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Certain Permits to Construct, and Case-by-Case MACT Determinations in Accordance with 40 CFR Part 63, Subpart B*, details public notification, hearing and comment procedures for PSD and NSR sources, as well as some other new sources not included in COMAR 26.11.02.11.

Public Notification

- Public notification of air quality alerts and warnings is provided in the following regulations:
 - COMAR 26.11.04.02, *Ambient Air Quality Standards, Definitions, Reference Conditions, and Methods of Measurement*, adopts 40 CFR 58.50, *Index Reporting*, which reports air quality to the public several times a day.
 - COMAR 26.11.05.03, *Air Pollution Episode Criteria*, in the chapter *Air Pollution Episode System*.
- MDE provides extended range air quality forecasts, which give the public advanced notice of air quality events. This advanced notice allows the public to limit their exposure to unhealthy air and enact a plan to reduce pollution at home and at work.
 - Air quality information provided by MDE is available through a variety of online resources such as AirNow,²⁹ Clean Air Partners,³⁰ National Weather Service, and on the Department's own website. The current or forecasted air quality is available from MDE directly on MDE's Air Monitoring website,³¹ or by calling the air quality hotline at 410-537-3247.
 - As of 2008, MDE partners with AirNow's EnviroFlash air quality notification program to increase dissemination of current and forecasted air quality conditions to the public. AirNow displays maps and information on the air quality index which is updated at the end of each hour, and allows the public to access the information through their website, mobile phone applications, and social media. EnviroFlash allows users to receive customizable email or text message alerts.
- Air quality monthly reports are also posted and maintained for historical reference on MDE's Air Quality Monitoring website (currently available as far back as 2013). This information is reported graphically as the daily maximum Air Quality Index (AQI), which relates pollutant levels to associated health effects. This feature of the web site allows the public to monitor long term air quality and see how one year compares to previous years.
- MDE's Air Quality web page includes a link to the Air Quality Action Guide (produced by Clean Air Partners, a DC-MD-VA initiative) which describes appropriate actions to reduce pollution exposure when poor air quality episodes are forecasted, as well as tips for minimizing air pollution levels. AirNow also provides a guide to the health impacts of air quality issues.
- [§2-303](#)* Environment Article, Ann. Code of Maryland establishes public notification and hearing procedures which are to be followed prior to adoption of any rule or regulation for ambient air quality control, allowing for public participation in the regulatory process.

²⁹ Can be accessed at: <https://www.airnow.gov/>

³⁰ Can be accessed at: <http://www.cleanairpartners.net/>

³¹ Can be accessed at: <http://www.mde.state.md.us/programs/Air/AirQualityMonitoring/Pages/index.aspx>

- Additional, specific requirements for public notice and hearing are included in:
 - §§7-207(d) and 7-208(e) Public Utilities Article, Ann. Code of Maryland, which address requirements for public notice in construction and modification of generating stations and transmission lines;
 - COMAR 26.11.02.11, *Procedures for Obtaining Permits to Construct Certain Significant Sources*; and
 - COMAR 26.11.02.12, *Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Certain Permits to Construct, and Case-by-Case MACT Determinations in Accordance with 40 CFR Part 63, Subpart B*.

Prevention of significant deterioration

- Maryland incorporates by reference 40 CFR §52.21, *Prevention of Significant Deterioration of Air Quality*, in COMAR 26.11.06.14.
- Additional elements which Maryland uses to meet the requirements of Part C are described as preconstruction PSD permitting of major sources under [§110\(a\)\(2\)\(C\)](#), previously in this document.

Visibility protection

- The EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS, and no newly applicable visibility protection obligations exist pursuant to §110(a)(2)(J) after the promulgation of a new or revised NAAQS. Therefore, the EPA does not expect infrastructure SIP submissions to address this subelement,³² and MDE has not addressed it here.

§110(a)(2)(K): *Each such plan shall— provide for (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.*

- Inherent in the requirement to comply with the federal CAA and NAAQS, as well as Maryland ambient air quality standards, is the authority for MDE to conduct air quality modeling such as would allow for predictions of the effect of any NO_x or VOC emissions on ambient air quality.
 - [§2-103](#)^{*} Environment Article, Ann. Code of Maryland, *Powers and duties of Department*, gives MDE jurisdiction over emissions into the air and ambient air quality in the State, and makes the Department responsible for coordinating all State agency programs on ambient air quality control.

³² See “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),” issued by the EPA in September 2013.

- [§2-301](#)* Environment Article, Ann. Code of Maryland authorizes MDE to adopt rules and regulations to control air pollution in Maryland, and charges MDE to consider, among other things, the nature and source of various kinds of air pollution, and the environmental conditions, population density, and topography of any area that may be affected by the rule or regulation.
- [§2-302](#)* Environment Article, Ann. Code of Maryland requires emission standards to be set to attain and maintain ambient air quality standards in that area, and comply with new source performance standards, national prevention of significant deterioration requirements, and other requirements of the federal CAA.
- EPA SIP-approved COMAR 26.11.06.14 contains PSD requirements and regulations, including a prohibition against construction, modification, and operation of PSD sources in violation of any provision of 40 CFR §52.21, as amended. Accordingly, this addresses the PSD modeling requirements under §110(a)(2)(K).
- EPA SIP-approved portions of COMAR 20.79 regulate the construction, modification, and permitting of electric generating stations, including consideration of related air quality impacts in attainment and non-attainment areas. Authority may be found in relevant SIP-approved statutory provisions pertaining to electric generating stations, under §§7-205, 7-207 and 7-208 Public Utilities Article, Ann. Code of Maryland.
 - COMAR 20.79.03.02 (“Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines”) requires applicants to demonstrate compliance with applicable environmental restrictions, and to provide certain environmental information about the project, including a description of its effect on air quality and the ability of the generating station to comply with various related Federal and State standards.
 - COMAR 20.79.01.06 incorporates by reference methods for calculating an increase in air emissions, found in COMAR 26.11.06.14 and 26.11.17.
- Statutory authority is not required for MDE to provide the results of such modeling to the EPA Administrator upon request. MDE has and will continue to submit air quality modeling data as part of Maryland’s relevant SIP submissions and as required through federal grant commitments, or as requested by the Administrator.

§110(a)(2)(L): *Each such plan shall— require the owner or operator of each major stationary source to pay the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter.*

- [COMAR 26.11.02.16–19](#)* describe permit fees for construction and operation of certain sources, including permits issued under Title V of the CAA.

- [§2-403](#)* Environment Article, Ann. Code of Maryland requires MDE to consult with industry to ensure that the amount and schedule of each permit, as laid out in [COMAR 26.11.02.17–19](#)*, is reasonable and directly related to the actual cost of the permitting and regulatory activity (including implementation and enforcement).
- As noted previously in this document under [§110\(a\)\(2\)\(E\)\(i\)](#), the PSC collects application fees for Certificates of Public Convenience and Necessity (as permitted by [§2-123](#)* Public Utilities Article, Ann. Code of Maryland) for power plants.

§110(a)(2)(M): *Each such plan shall— provide for consultation and participation by local political subdivisions affected by the plan.*

The following consultation and participation measures for both local governments and the public are covered more thoroughly in this document under [§110\(a\)\(2\)\(J\)](#).

- COMAR 26.11.26 provides the various consultation procedures which have been developed for transportation plans, programs and projects, which include consultation with MPOs and RPOs, as applicable.
- AQCAC, detailed in [§§2-201–206](#)* Environment Article, Ann. Code of Maryland, reviews all air quality control rules and regulations prior to adoption.
- COMAR 26.11.02.11, *Procedures for Obtaining Permits to Construct Certain Significant Sources*; and COMAR 26.11.02.12, *Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Certain Permits to Construct, and Case-by-Case MACT Determinations in Accordance with 40 CFR Part 63, Subpart B*, details public notification, hearing and comment procedures for PSD and NSR sources, as well as some other new sources not included in COMAR 26.11.02.11.
- [§2-303](#)* Environment Article, Ann. Code of Maryland establishes public notification and hearing procedures which are to be followed prior to adoption of any rule or regulation for ambient air quality control, allowing for public participation in the regulatory process.
- The EPA SIP-approved portions of §7-207 and §7-208 Public Utilities Article, Ann. Code of Maryland address requirements for public notice in construction and modification of generating stations.

3.0 Conclusion

Based on the information provided above, Maryland fully complies with the requirements of §110(a)(2)(A) through §110(a)(2)(M), excluding (D)(i)(I) which will be addressed in a separate submittal, as noted earlier. Therefore, no implementation plan to correct deficiencies on the portions addressed in this document is needed.

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

The following statutes and regulations are not part of Maryland's SIP, and are not being submitted as part of Maryland's SIP. This appendix is submitted in accordance with 40 CFR 51.231, which requires copies of laws or regulations identified as providing relevant authority in the SIP to accompany the SIP submission. These statutes and regulations were marked by an asterisk in the preceding SIP document.

§2-103 of the Environment Article, Ann. Code of Maryland

- (a) In addition to the powers set forth elsewhere in this title, the Department may obtain any federal or other funds that are available to this State for purposes that are within the scope of this title.
- (b) In addition to the duties set forth elsewhere in this title, the Department:
 - (1) Has jurisdiction over emissions into the air and ambient air quality in this State;
 - (2) Is responsible for monitoring ambient air quality in this State; and
 - (3) Shall coordinate all State agency programs on ambient air quality control.
- (c) The Department may contract for or otherwise arrange for the use of the facilities and services of appropriate agencies of political subdivisions in carrying out the Department's monitoring duties under this title.

§2-105 of the Environment Article, Ann. Code of Maryland

- (a)
 - (1) In accordance with the rules and regulations adopted by the Department, the Secretary shall advise the Governor when an air pollution emergency exists or is reasonably certain to occur.
 - (2) When so advised, the Governor may issue an executive order that:
 - (i) Proclaims an air pollution emergency; and
 - (ii) Requires the immediate elimination of specifically identifiable sources of air pollution.
- (b) If a person violates an executive order issued under this section, the Attorney General may sue in a court of appropriate jurisdiction to enforce compliance with the order.

§2-107 of the Environment Article, Ann. Code of Maryland

- (a) There is a Maryland Clean Air Fund.
- (b) Except as provided in § 2-1002(g) of this title, all application fees, permit fees, renewal fees, and funds collected by the Department under this title, Title 6, Subtitle 4 of this article, or received from the Maryland Strategic Energy Investment Fund under § 9-20B-05(g)(3)(iii) of the State Government Article, including any civil or administrative penalty or any fine imposed by a court under these provisions, shall be paid into the Maryland Clean Air Fund.
- (c)
 - (1) Subject to the appropriation process in the annual operating budget, the Department shall use the Maryland Clean Air Fund for:
 - (i) Activities conducted under this title that are related to identifying, monitoring, and regulating air pollution in this State, including program development of these activities as provided in the State budget; and
 - (ii) Providing grants to local governments to supplement funding for programs conducted by local governments that are consistent with this title and the State program.
 - (2) Subject to Title 10, Subtitle 1 of the State Government Article (Administrative Procedure Act – Regulations), the Department shall adopt rules and regulations for the management and use of the money in the Fund.

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (3) At the end of the fiscal year, the Department shall prepare an annual report on the Maryland Clean Air Fund that includes an accounting of all financial receipts and expenditures to and from the Fund and shall:
- (i) Provide a copy of the report to the General Assembly, as provided under § 2-1246 of the State Government Article; and
 - (ii) Upon request, make the report available to permit holders under this title.
- (4) When the Fund equals or exceeds a maximum limit of \$2,000,000, additional moneys received for the Fund by the Department shall be deposited to the General Fund.

§2-201 of the Environment Article, Ann. Code of Maryland

There is an Air Quality Control Advisory Council in the Department.

§2-202

- (a) (1) The Council consists of not more than 15 members appointed by the Secretary.
- (2) Of the Council members:
- (i) 1 shall be appointed from a list of 3 qualified individuals who are professional engineers licensed in this State, submitted to the Secretary by the Baltimore section of the American Society of Mechanical Engineers;
 - (ii) 1 shall be appointed from a list of 3 qualified individuals submitted to the Secretary by the Maryland section of the American Institute of Chemical Engineers;
 - (iii) 2 shall be individuals who are employed in a manufacturing or public utility business in this State, each appointed from a separate list of 3 qualified individuals submitted to the Secretary by the Maryland Chamber of Commerce;
 - (iv) 1 shall be a physician;
 - (v) 1 shall be a member of the Regional Planning Council who is recommended to the Secretary by the Regional Planning Council;
 - (vi) 1 shall be appointed from a list of 3 qualified individuals submitted to the Secretary by the Maryland Association of Counties;
 - (vii) 4 shall be appointed, 1 from each list, from lists of 3 qualified individuals submitted to the Secretary by:
 - 1. The Chairman of the Board of Directors of the Council of Governments of Metropolitan Washington;
 - 2. The President of the Johns Hopkins University;
 - 3. The President of the Maryland State–D.C. AFL–CIO; and
 - 4. The Chancellor of the University System of Maryland;
 - (viii) 2 shall be public members who represent the community at large; and
 - (ix) 1 shall be a member of the Children’s Environmental Health and Protection Advisory Council who has expertise in pediatric environmental health.
- (3) In making appointments to the Council, the Secretary shall:
- (i) Consider giving appropriate representation to the various geographical areas of this State; and
 - (ii) Appoint at least 1 member who is engaged actively in farming and knowledgeable in farm and rural pollutant problems.

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (b)
 - (1) The term of a member is 5 years.
 - (2) The terms of the members are staggered as required by the terms provided for members of the Council on July 1, 1986.
 - (3) The member who represents the Regional Planning Council serves only so long as the member remains on the Regional Planning Council.
 - (4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
 - (5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§2-203

From among the Council members, the Secretary shall appoint a chairman and a vice chairman.

§2-204

- (a) The Secretary of the Environment shall appoint a secretary of the Council.
- (b) The secretary of the Council need not be a member of the Council.

§2-205

- (a) The Council shall meet at the times and places that the Secretary of the Environment or the chairman determines.
- (b) Each member of the Council and the secretary of the Council:
 - (1) May not receive compensation; but
 - (2) Are entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§2-206

- (a) Before the Department adopts any rule or regulation under this title, the Department shall submit the proposed rule or regulation to the Council for advice.
- (b) Within 30 days after receiving a proposed rule or regulation from the Department, the Council shall give the Department its advice on the proposal by recommending:
 - (1) Adoption;
 - (2) Rejection; or
 - (3) Modification.

§2-301 of the Environment Article, Ann. Code of Maryland

- (a) The Department:
 - (1) May adopt rules and regulations for the control of air pollution in this State, including testing, monitoring, record keeping, and reporting requirements; and
 - (2) Shall adopt rules and regulations that establish standards and procedures to be followed whenever pollution of the air reaches an emergency condition.
- (b) In adopting any rule or regulation under this title, the Department shall consider, among other things:
 - (1) The residential, commercial, or industrial nature of the area affected;
 - (2) Zoning;

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (3) The nature and source of various kinds of air pollution;
 - (4) The problems of any commercial or industrial establishment that may be affected by the rule or regulation; and
 - (5) The environmental conditions, population density, and topography of any area that may be affected by the rule or regulation.
- (c) Any rule or regulation adopted under this title that relates to grain drying operations shall be adopted with the advice and consent of the State Department of Agriculture.

§2-302

- (a) The Department shall determine and may alter air quality control areas into which this State is divided.
- (b) The Department shall adopt rules and regulations that set emission standards and ambient air quality standards for each of the air quality control areas in this State.
- (c)
 - (1) Unless a political subdivision requests a more restrictive standard under § 2-104 of this title, the Department shall set ambient air quality standards for pollutants that are identical to the standards for pollutants for which national primary or secondary ambient air quality standards have been set by the federal government.
 - (2) To protect the public health, the general welfare, and property of the people of this State, the Department may set State ambient air quality standards for substances for which national ambient air quality standards have not been set by the federal government.
 - (3) If the Secretary finds that transportation through the air is a significant factor in the buildup of a pollutant in a substance other than air and that monitoring the substance facilitates control of the pollutant, a State ambient air quality standard may establish a maximum concentration of the pollutant in that substance.
- (d)
 - (1) Except as provided in paragraph (2) of this subsection, if national ambient air quality standards are attained in an air quality control area, the Department shall set emission standards for that area based on the goal of achieving emission levels that are not more restrictive than necessary to attain and maintain the ambient air quality standards in that area.
 - (2) The limitations of paragraph (1) of this subsection do not apply to the extent that:
 - (i) A political subdivision requests a more restrictive standard under § 2-104 of this title; or
 - (ii) New source performance standards, national prevention of significant deterioration requirements, national emission standards for hazardous pollutants, or any other requirements of the federal Clean Air Act apply.
 - (3) For those emissions for which no national ambient air quality standards have been set, the Secretary may set emission standards and requirements for various classes of sources.

§2-303

- (a) The Department may not adopt any rule or regulation under this title unless the requirements of this section and the Administrative Procedure Act are met.
- (b) Before adopting any rule or regulation under this title, the Department shall announce and hold a public hearing on the subject.
- (c)
 - (1) Until October 1, 2014, at least 30 days before the public hearing, the Department shall publish notice of the hearing in a newspaper of general circulation in the area concerned.
 - (2) The notice required under paragraph (1) of this subsection shall state:
 - (i) The date, time, and place of the hearing;
 - (ii) The purpose of the hearing;

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (iii) That, beginning on October 1, 2014, all future notices required under this title will be posted on the Department's Web site; and
 - (iv) A phone number or electronic mail address at the Department that a person can contact to arrange for the receipt of future public notices required under this title by first-class mail or electronic mail.
- (3) Beginning on October 1, 2014, at least 30 days before the public hearing, the Department shall publish notice of the hearing in a newspaper of general circulation in the area concerned or on the Department's Web site.
- (4) The notice required under paragraph (3) of this subsection shall state:
- (i) The date, time, and place of the hearing; and
 - (ii) The purpose of the hearing.
- (d) Beginning on October 1, 2014, the Department shall publish annually a notice in a newspaper of general circulation to inform the public of:
- (1) The types of public notices required under this title that are available on the Department's Web site; and
 - (2) A phone number or electronic mail address at the Department that a person can contact to arrange for the receipt of future public notices required under this title by first-class mail or electronic mail.
- (e) After the public hearing, the Department may adopt the rule or regulation with or without modification.

§2-401 of the Environment Article, Ann. Code of Maryland

Except as provided in § 2-402 of this subtitle, the Department may adopt regulations that require a permit or registration before a person constructs, modifies, operates, or uses a source that may cause or control emissions into the air.

§2-403 of the Environment Article, Ann. Code of Maryland

- (a)
 - (1) The Department, by regulation, shall require and collect a fee for each permit issued under § 2-401 of this subtitle.
 - (2) In adopting the regulations under this section, the Department shall consult with industry to determine that the permit fee is reasonable and directly related to the actual cost of the permitting and regulatory activity, and does not exceed a certain dollar amount.
- (b)
 - (1) The amount of the fees shall cover:
 - (i) The reasonable cost of reviewing and acting on the application for the permits;
 - (ii) The reasonable costs incurred in implementing and enforcing the terms and conditions of the permits, exclusive of any court costs or other costs associated with any enforcement actions; and
 - (iii) The costs identified in § 502(b)(3) of the Clean Air Act Amendments of 1990.
 - (2) Fees assessed and collected under this section shall be used exclusively for the development and administration of the permit program under this subtitle.
- (c)
 - (1) The fee established under this section may not exceed:
 - (i) \$50 per ton of regulated emissions; and
 - (ii) \$500,000 for any single source in calendar years 2008 and 2009.
 - (2) For purposes of calculating fees under this section, carbon dioxide emissions shall be excluded.
 - (3) The fee established under this section may be adjusted to reflect changes in the Consumer Price Index, as authorized by 40 C.F.R. Part 70 (Operating Permit Program).

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§2-601 of the Environment Article, Ann. Code of Maryland

To the maximum extent possible, the Department shall use the facilities and services of appropriate agencies of political subdivisions to enforce the standards set under this title.

§2-602

(a) The Department may issue a show-cause order or a corrective order under this section if the Department has reasonable grounds to believe that the person to whom the order is directed has violated:

- (1) This title;
- (2) Any rule or regulation adopted under this title;
- (3) Any plan for compliance issued under this title; or
- (4) Any permit or registration issued under § 2-401 of this title.

(b) The Department is not required to issue a show-cause order or a corrective order before enforcing this title by injunction or civil penalty under this subtitle.

§2-603

(a) A show-cause order issued under this subtitle shall:

- (1) Specify the provision that allegedly has been violated;
- (2) Describe the nature and extent of the alleged violation;
- (3) Require the person charged to appear at a hearing and show cause why an order requiring corrective action should not be issued; and
- (4) State the date, time, and place of the hearing.

(b) Each show-cause order issued under this subtitle shall be in writing and shall be served:

- (1) Not less than 20 days before the time set for the hearing; and
- (2) As a summons is served under the Maryland Rules or by certified mail.

§2-604

(a) A corrective order issued under this subtitle shall:

- (1) Specify the provision that allegedly has been violated;
- (2) Describe the nature and extent of the alleged violation;
- (3) Require corrective action within a time specified in the order; and
- (4) State that the person charged will receive a hearing if the person requests the hearing within 10 days after service.

(b) Each corrective order issued under this subtitle shall be in writing and shall be served:

- (1) As a summons is served under the Maryland Rules; or
- (2) By certified mail.

(c) Unless the person charged with a corrective order requests a hearing within 10 days after service, the corrective order becomes a final order.

(d) If the person charged with a corrective order makes a timely request for a hearing under subsection (c) of this section, the Secretary shall:

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (1) Hold a hearing within 20 days after the request is made; and
- (2) Give the person written notice of the date, time, and place of the hearing, at least 10 days before the hearing date.

§2-605

- (a) The Department shall give notice of and hold any hearing held under § 2-603 or § 2-604 of this subtitle in accordance with the Administrative Procedure Act and the requirements of this section.
- (b) Before the hearing, the person charged, on request, shall be given an opportunity to examine all information and reports that relate to the alleged offense.
- (c) The person charged may be represented at the hearing by counsel.
- (d) A person may withhold information about secret processes or methods of manufacture or production from any public hearing under this subtitle, and the Department and its personnel shall keep confidential any such information that it requires, ascertains, or discovers.
- (e) Testimony taken at the hearing shall be under oath and recorded.
- (f) Copies of the transcript and of any other record of the hearing shall be provided to the person charged at that person's request and expense.
- (g)
 - (1) The Secretary or a designee of the Secretary may issue subpoenas for any person or evidence and administer oaths in connection with any proceeding under this section.
 - (2) At the request and the expense of the person charged, the Secretary or a designee of the Secretary shall subpoena any person or evidence on behalf of the person charged.
 - (3) If a person fails to comply with a notice of hearing or a subpoena issued under this section, the circuit court for the county where the person charged resides, on petition of the Secretary, may:
 - (i) Compel obedience to the notice or subpoena; or
 - (ii) Compel testimony or the production of evidence.

§2-606

On the basis of the evidence produced at a hearing, the Secretary or the designated hearing officer may issue a corrective or other final order:

- (1) Granting an exception from a rule or regulation adopted under this title on such conditions as the Secretary may determine; or
- (2) Directing the person charged to comply, within a specified time, with any rule or regulation that the person is found to be violating.

§2-607

- (a)
 - (1) Any person aggrieved by a final decision of the Secretary or the designated hearing officer in connection with a show-cause order, a corrective order, or any other final order issued under this subtitle may take a direct judicial appeal.
 - (2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.
- (b) An appeal under this section does not stay automatically the order from which the appeal is taken.

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§2-608

- (a) Within 1 year after the Department issues a show-cause order or a corrective order, the Department shall take final action and attempt to secure compliance with any final order. If the Department has not secured compliance within this period, the Department shall take immediate steps to seek enforcement under § 2-609 of this subtitle.
- (b) Nothing in this section prohibits the Department from bringing an action under § 2-609 of this subtitle within 1 year after the Department issues a show-cause order or a corrective order under this subtitle.

§2-609

- (a) The Department may bring:
 - (1) An action to enjoin any conduct that violates any provision of this title or any rule, regulation, or order adopted or issued under this title; or
 - (2) A civil action to collect a civil penalty under § 2-610 of this subtitle.
- (b) The right to bring an action under subsection (a) of this section is in addition to and not instead of the right to bring any other action under that subsection.
- (c) For good cause shown, the court that hears a proceeding to enforce an order issued under this subtitle may grant, without further penalty to the violator, a reasonable extension of time to abate the violation.

§2-609.1

- (a) In this section, “approval” means approval for prevention of significant deterioration or approval of new sources in nonattainment areas.
- (b)
 - (1)
 - (i) A person may not knowingly act or fail to act in violation of a condition or requirement imposed on the person by a permit or approval issued under this title.
 - (ii) A person may not knowingly fail to obtain a permit or approval that the person knows or should have known is required under this title.
 - (iii) A person may not violate a duty imposed on the person by a rule, regulation, order, or approved plan for compliance adopted or issued under this title with knowledge that the person’s conduct constitutes a violation of the duty.
 - (2) A person who violates a provision of this subsection is guilty of a misdemeanor and on conviction is subject to:
 - (i) For a first offense, a fine not exceeding \$25,000 or imprisonment not exceeding 1 year or both; or
 - (ii) For a violation committed after a first conviction under this section, a fine not exceeding \$50,000 or imprisonment not exceeding 2 years or both.
 - (3) Each day on which violations occur is a separate violation under this subsection.
 - (4) This subsection does not apply to violations enumerated in subsection (c) of this section.
- (c) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 for each day of violation or imprisonment not exceeding 6 months or both if the person:
 - (1) Knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title or any rule, regulation, order, approved plan for compliance, approval, or permit adopted or issued under this title; or
 - (2) Knowingly falsifies, tampers with, or renders inaccurate any monitoring device or methods required to be maintained under this title or any rule, regulation, order, approved plan for compliance, approval, or permit adopted or issued under this title.

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§2-610

- (a) A person who violates any provision of this title or any rule, regulation, or order adopted or issued under this title is liable for a civil penalty not exceeding \$25,000, to be collected in a civil action in the circuit court for any county. Each day a violation continues is a separate violation under this section.
- (b) If the Attorney General concurs, the Secretary may compromise and settle any claim for a civil penalty under this section.
- (c) If, within 36 months after a civil penalty is compromised and settled under subsection (b) of this section, the person against whom the penalty is imposed satisfies the Secretary that the violation has been eliminated or the order has been satisfied, the Secretary, with the concurrence of the Attorney General, may return to the person not more than 75 percent of the amount of the penalty paid.

§2-610.1

- (a) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this title, Subtitle 4 of Title 6 of this article, or any rule, regulation, order, plan for compliance, registration, or permit adopted or issued under those provisions.
- (b) Before taking any action under this section, the Department shall provide the alleged violator with written notice of the proposed action and an opportunity for an informal meeting.
- (c)
 - (1) The penalty imposed on a person under this section shall be:
 - (i) Up to \$2,500 for each violation;
 - (ii) Not more than \$50,000 total for any single administrative hearing; and
 - (iii) Assessed with consideration given to:
 - 1. The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;
 - 2. Any actual harm to human health or to the environment, including injury to or impairment of the air quality or the natural resources of this State;
 - 3. The cost of control;
 - 4. The nature and degree of injury to or interference with general welfare, health, and property;
 - 5. The extent to which the location of the violation, including location near areas of human population, creates the potential for harm to the environment or to human health or safety;
 - 6. The available technology and economic reasonableness of controlling, reducing, or eliminating the emissions that caused the violation; and
 - 7. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.
 - (2) Each day a violation occurs is a separate violation under this section.
 - (3) Any penalty imposed under this section is payable to this State and collectible in any manner provided at law for the collection of debts.
 - (4) If any person who is liable to pay a penalty imposed under this section fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:
 - (i) A lien in favor of this State on any property, real or personal, of the person; and

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (ii) Recorded in the office of the clerk of court for the county in which the property is located.

§2-611

- (a) A person is not subject to action for a violation of this title or any rule or regulation adopted under this title so long as the person acts in accordance with a plan for compliance that:
 - (1) The person has submitted to the Secretary; and
 - (2) The Secretary has approved, with or without amendments, on the recommendation of the Air Management Administration.
- (b) The Secretary shall act on any plan for compliance within 90 days after the plan for compliance is submitted to the Secretary.

§2-612

- (a) The Secretary may adopt rules and regulations that:
 - (1) Are patterned after § 120 of the federal Clean Air Act and the federal regulations adopted under § 120 of the federal Clean Air Act; and
 - (2) Specify:
 - (i) The circumstances under which a person who violates this title is subject to a noncompliance penalty equal to the economic benefit that accrues to the person because of noncompliance;
 - (ii) The method of calculating the noncompliance penalty;
 - (iii) The manner of payment of the noncompliance penalty; and
 - (iv) The circumstances under which a noncompliance penalty collected under this section is subject to rebate.
- (b)
 - (1) If a person fails to pay a noncompliance penalty in a timely manner, the Secretary may require the person to pay an additional nonpayment penalty for each quarter that the noncompliance penalty remains unpaid.
 - (2) The nonpayment penalty shall equal 20 percent of the total of the person's noncompliance penalties and nonpayment penalties that remain unpaid at the beginning of the quarter.
- (c) If a person fails to pay a noncompliance penalty or nonpayment penalty imposed under this section, the Department may bring an action to collect the penalty in the same manner as a civil penalty is collected under § 2-610 of this subtitle.
- (d) An action under this section to collect a noncompliance penalty is in addition to and not instead of:
 - (1) An action under § 2-609 of this subtitle; or
 - (2) Any other relief under this subtitle.

§2-613

A condition that is caused by an act of God, a strike, a riot, a catastrophe, or a cause over which an alleged violator has no control is not a violation of this title or any standard set or rule or regulation adopted under this title.

§2-614

The Attorney General shall take charge of, prosecute, and defend on behalf of this State every case arising under the provisions of this subtitle, including the recovery of penalties.

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§12-104 of the Transportation Article, Ann. Code of Maryland

- (a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.
- (b) The Administration may adopt rules and regulations to carry out:
 - (1) Those provisions of the Maryland Vehicle Law that relate to or are administered and enforced by the Administration; and
 - (2) The provisions of any other law that the Administration is authorized to administer and enforce.
- (c)
 - (1) The Administration shall maintain as many offices in this State as the Administrator considers necessary to carry out the powers and duties of the Administration.
 - (2) Each office shall be open on the days and during the hours that the Secretary determines are needed to serve the public.
- (d)
 - (1) With the approval of the Secretary, the Administration shall employ the deputies, subordinate officers, clerks, investigators, and other employees necessary to carry out the powers and duties of the Administration.
 - (2) Except as otherwise provided by law, and subject to § 2-103.4 of this article, each deputy, officer, and employee of the Administration:
 - (i) Is in the State Personnel Management System; and
 - (ii) Is entitled to the salary provided in the pay plan established under Title 8, Subtitle 1 of the State Personnel and Pensions Article.
- (e) The Administration may delegate to the Office of Administrative Hearings the power and authority under the Maryland Vehicle Law to conduct hearings under this article and render final decisions in hearings conducted under this article.
- (f) In accordance with § 6–313 of the Courts Article and the Maryland Rules, the Administration shall serve as the agent to receive a subpoena, a summons, or other process for a nonresident driver named as a party in an action brought in a court of this State.

§23-202 of the Transportation Article, Ann. Code of Maryland

- (a)
 - (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.
 - (2) The program shall remain in effect only as long as required by federal law.
- (b)
 - (1) Subject to paragraph (3) of this subsection, the emissions control program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.
 - (2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.
 - (3)
 - (i) In this paragraph, “qualified hybrid vehicle” means an automobile that:
 - 1. Meets all applicable regulatory requirements;
 - 2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.; and
 - 3. Can draw propulsion energy from both of the following sources of stored energy:
 - A. Gasoline or diesel fuel; and

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- B. A rechargeable energy storage system.
 - (ii) A qualified hybrid vehicle is not required to submit to a first exhaust emissions test and emissions equipment and misfueling inspection until 3 years after the date on which the vehicle was first registered in the State.
- (c) By rules and regulations, the Administration and the Secretary:
 - (1) Shall grant a waiver to a vehicle owner if:
 - (i) The vehicle fails to pass the exhaust emissions test;
 - (ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, for an initial exhaust emissions test occurring:
 - 1. In calendar years 1998 through 1999 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the initial exhaust emissions test;
 - 2. In calendar years 2000 through 2001 has actually incurred an expenditure towards emissions related repairs to the vehicle within 120 days after the initial exhaust emissions test in an amount of:
 - A. \$200 for vehicles of model years 1990 and older;
 - B. \$300 for vehicles of model years 1991 through 1997; or
 - C. \$450 for vehicles of model years 1998 and newer; and
 - 3. On or after January 1, 2002, has actually incurred an expenditure of \$450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;
 - (iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (ii) of this item for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required; and
 - (iv) The vehicle owner exhibits evidence that the emissions related repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a repair technician and at a repair facility both certified under item (4) of this subsection;
 - (2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory-installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;
 - (3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;
 - (4) Shall establish criteria to certify repair technicians and facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards, including the payment of reasonable fees to cover the costs of administering and overseeing the certification program;
 - (5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;
 - (6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

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- (7) Shall adopt a schedule for the exhaust emissions test;
 - (8) Shall adopt a schedule for the emissions equipment and misfueling inspections; and
 - (9) Shall establish, under Title 2 of the Environment Article, emissions standards to be used for the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles under this subtitle.
- (d) (1) Notwithstanding subsection (c)(6) of this section or any other provision of law, during the period from January 1, 1995 through May 31, 1997, the emissions control program established under this subtitle may not require for any vehicle other than a State-owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:
- (i) Transient mass-emission testing using the IM 240 driving cycle referenced under 40 C.F.R. Part 51;
 - (ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;
 - (iii) Removal of the driver from a vehicle being tested or inspected; or
 - (iv) On-road testing.
- (2) (i) The Administration, in consultation with the Secretary, shall develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to the test described in paragraph (1)(i) of this subsection.
- (ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost-effective incentive that is consistent with State and federal law and is reasonably expected by the Administration to increase the number of vehicles that undergo the test described in paragraph (1)(i) of this subsection.
 - (iii)
 - 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of this paragraph.
 - 2. The notice required under this subparagraph shall be:
 - A. Prominently displayed at all emissions inspection facilities; and
 - B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.

§23-205 of the Transportation Article, Ann. Code of Maryland

- (a) (1) Subject to paragraph (2) of this subsection, the Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.
 - (2) The fee established under this subsection:
 - (i) During the period from January 1, 1995 through May 31, 1997, may not exceed \$12; and
 - (ii) During the period after May 31, 1997, may not exceed \$14.
 - (b) The fee shall be collected in a manner established by the Administration and the Secretary.
 - (c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.
-

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§23-207 of the Transportation Article, Ann. Code of Maryland

The Administration and the Secretary may jointly adopt rules and regulations as required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle, including rules and regulations that, consistent with federal law, exempt certain vehicles from the inspections and tests under this subtitle.

§2-110.1 of the Public Utilities Article, Ann. Code of Maryland

- (a) There is a Public Utility Regulation Fund.
 - (b) The Fund consists of:
 - (1) all revenue received through the imposition and collection of assessments under § 2-110 of this subtitle;
 - (2) fees received by the Commission under § 2-123 of this subtitle for filings and for other services rendered by the Commission;
 - (3) income from investments that the State Treasurer makes for the Fund; and
 - (4) any other fee, examination assessment, or revenue received by the Commission under this division.
 - (c) Notwithstanding subsection (b) of this section, the Commission shall pay all fines and penalties collected by the Commission under this article into the General Fund of the State.
 - (d) The purpose of the Fund is to pay all the costs and expenses incurred by the Commission and the Office of People's Counsel that are related to the operation of the Commission and the Office of People's Counsel, including:
 - (1) expenditures authorized under this division; and
 - (2) any other expense authorized in the State budget.
 - (e)
 - (1) All the costs and expenses of the Commission and the Office of People's Counsel shall be included in the State budget.
 - (2) Expenditures from the Fund to cover costs and expenses of the Commission and Office of People's Counsel may only be made:
 - (i) with an appropriation from the Fund approved by the General Assembly in the State budget; or
 - (ii) by budget amendment in accordance with § 7-209 of the State Finance and Procurement Article.
 - (f)
 - (1) The State Treasurer is the custodian of the Fund.
 - (2) The State Treasurer shall deposit payments received from the Commission into the Fund.
 - (g)
 - (1) The Fund is a continuing, special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article, and may not be considered a part of the General Fund of the State.
 - (2) Unless otherwise provided by law, no part of the Fund may revert or be credited to:
 - (i) the General Fund of the State; or
 - (ii) any other special fund of the State.
-

§2-117 of the Public Utilities Article, Ann. Code of Maryland

- (a)
 - (1) If the Commission believes that a public service company or gas master meter operator that is subject to the Commission's jurisdiction is violating or will violate this division, the Commission shall bring an action in the Commission's name for injunction or other appropriate action in the circuit court of a county where the public service company or gas master meter operator does business or has its principal place of business.
 - (2) The court:

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (i) shall allow a period not exceeding 20 days for the defendant to show cause why the relief sought should not be granted;
 - (ii) after the period, shall inquire immediately into the merits of the case, without other or formal pleadings and without respect to any technical requirement;
 - (iii) may join as parties any persons as is necessary or proper to make a judgment or process effective; and
 - (iv) shall issue a final order that grants appropriate relief.
- (b) (1) The Commission shall notify an offender to appear and answer charges on complaint filed by a carrier or on discovery of a violation or infringement by the Commission's own investigation that:
- (i) the offender is or has been infringing on or violating a permit granted to the carrier by the Commission;
 - (ii) the offender, without a permit, is exercising or using a right granted in a permit;
 - (iii) a right granted in a permit is being subjected to unrestricted or unregulated competition; or
 - (iv) the offender, without a permit, is serving, wholly or partly, directly or indirectly, a route set forth in a granted permit.
- (2) The notice shall be sent to or served on the offender as provided by § 3-103 of this article.
- (3) If the Commission finds that the offender is violating or infringing, or has violated or infringed on the rights of a carrier, the Commission shall order the offender to stop the operations that led to the violation or infringement.
- (4) If the offender does not obey the order of the Commission, the Commission shall notify the offender to show cause within 10 days after the notice is mailed or served why the registration certificate for each vehicle involved in the operations should not be suspended or revoked.
- (5) If cause is not shown or if, after hearing, the Commission finds that cause is not shown, the Commission shall certify to the Motor Vehicle Administration:
- (i) that the registration certificate of each vehicle involved in the operations shall be suspended or revoked;
 - (ii) the condition of the suspension or revocation; and
 - (iii) if possible, the license number of each vehicle for which the certificate of registration is to be suspended or revoked.
- (6) On receipt of the certification, the Motor Vehicle Administration automatically shall suspend or revoke each certificate of registration in accordance with the conditions contained in the certification.
- (7) The action of the Motor Vehicle Administration may not be appealed but judicial review of an order or certification of the Commission may be sought as provided in Title 3, Subtitle 2 of this article.

§2-123 of the Public Utilities Article, Ann. Code of Maryland

- (a) In accordance with this section, the Commission may charge reasonable and nondiscriminatory fees for the filing of documents with the Commission and for other services performed by the Commission.
- (b) Actions for which the Commission may charge a fee include:
 - (1) an initial tariff or tariff change;
 - (2) a certificate of public convenience and necessity;
 - (3) an application to provide or abandon service;

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- (4) a preparation of any record in appeal;
 - (5) a certification of any document;
 - (6) an application or petition to increase or decrease rates;
 - (7) an annual report;
 - (8) a copy of papers, testimony, microfiche, records, and computer printouts; and
 - (9) any other filing or service for which the Commission reasonably determines that a fee is required.
- (c) (1) In determining the amount of a fee to be charged for a filing or other service performed by the Commission, the Commission shall consider the estimated expense associated with the filing or other service.
- (2) (i) The Commission shall waive a fee charged under this section for a filing by a unit of State government or for a service performed by the Commission for a unit of State government.
- (ii) The Commission may waive a fee charged under this section if the Commission determines that the waiver is in the public interest.
- (d) A document for which a filing fee is required may be received by the Commission at any time, but may not be considered filed until the filing fee has been paid.
- (e) The Commission shall deposit all fees collected under this section in the Public Utility Regulation Fund.
- (f) The Commission shall adopt regulations to set reasonable and nondiscriminatory fees for filing and other services performed by the Commission.

§5-101 of the Public Utilities Article, Ann. Code of Maryland

- (a) After providing notice and an opportunity for interested parties to be heard, the Commission may adopt regulations that prescribe standards for safe, adequate, reasonable, and proper service for any class of public service company or gas master meter operator.
- (b) The standards adopted under subsection (a) of this section shall best promote, in the opinion of the Commission, the security or convenience of:
- (1) the public;
 - (2) those employed in furnishing services; and
 - (3) those to whom services are rendered.
- (c) The Commission may:
- (1) enforce the standards adopted under this section; and
 - (2) by order, as the Commission considers necessary, require changes and additions in the service of any public service company or gas master meter operator, including:
 - (i) repairs or improvements in plant;
 - (ii) increase in motive power; and
 - (iii) change in schedule or manner of operations.

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§3-302 of the Natural Resources Article, Ann. Code of Maryland

- (a) (1) There is an Environmental Trust Fund.
(2) For the purpose of this subtitle, there is established as an added cost of electricity distributed to retail electric customers within the State, an environmental surcharge per kilowatt hour of electric energy distributed in the State to be paid by any electric company as defined in § 1–101 of the Public Utilities Article. The Public Service Commission shall impose the surcharge per kilowatt hour of electric energy distributed to retail electric customers within the State and shall authorize the electric companies to add the full amount of the surcharge to retail electric customers' bills. To the extent that the surcharge is not collected from retail electric customers, the surcharge shall be deemed a cost of distribution and shall be allowed and computed as such, together with other allowable expenses, for rate-making purposes. Revenues from the surcharge shall be collected by the Comptroller and placed in the Fund.
- (b) (1) The Secretary, in consultation with the Director of the Maryland Energy Administration, annually shall coordinate the preparation of a budget required to carry out the provisions of this subtitle. Upon approval of the budget by the General Assembly, the Public Service Commission shall establish the amount of the surcharge per kilowatt hour for the fiscal year beginning July 1, 1972, and for each subsequent fiscal year.
(2) Notwithstanding any other provisions of this subtitle, the amount of the surcharge for each account for each retail electric customer may not exceed the lesser of 0.15 mill per kilowatt hour or \$1,000 per month and the surcharge may not continue beyond fiscal year 2020.
(3) The Comptroller shall maintain the method of collection of the surcharge from the companies and the collections shall accrue to the Fund. The Department shall credit against the amount required to be paid into the Environmental Trust Fund by each electric company an amount equal to 0.75% of the total surcharge attributed to each company on the basis of the electricity distributed within Maryland.
- (c) (1) (i) The Secretary shall administer the Fund.
(ii) The Fund is subject to the provisions for financial management and budgeting established by the Department of Budget and Management.
(iii) Any investment earnings of the Fund shall be credited to the General Fund of the State.
(iv) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
(v) Except as provided in paragraph (2) of this subsection, the moneys in the Fund shall be used to carry out the provisions of this subtitle as provided for in the budget.
(vi) For the purposes of this subtitle, the Secretary, in consultation with the Director of the Maryland Energy Administration, may execute appropriate contracts with any State or federal agency, research organization, industry, or academic institution to conduct the necessary research, construct or acquire, or both, real property including physical predictive models, laboratories, buildings, land, and appurtenances, or support the technological development of extraordinary systems related to power plants designed to minimize environmental impact.
(vii) The Secretary may utilize available expertise in any other State unit in the development, execution, and management of contracts and agreements on projects relating to their areas of prime responsibility.
(2) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1–103(b)(2) of this article.
- (d) (1) The Maryland Energy Administration shall receive administrative and fiscal support from the Fund for studies relating to the conservation or production of electric energy.

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- (2) Fiscal support to the Maryland Energy Administration from the Fund may not exceed \$250,000 in any fiscal year.
 - (3) The Chesapeake Bay Trust shall receive \$375,000 from the Fund each fiscal year for the purpose of funding energy conservation projects through the Chesapeake Conservation Corps Program, as provided under §§ 8–1913 through 8–1924 of this article.
- (e) The Legislative Auditor may conduct post audits of a fiscal and compliance nature of the Fund and of the appropriations and expenditures made for the purposes of this subtitle. The cost of the fiscal portion of the post audit examinations shall be an operating cost of the Fund.

§3-303

- (a)
 - (1) The Secretary, in consultation with the Director of the Maryland Energy Administration and in cooperation with the Secretaries of the Environment, Agriculture, and Commerce and the Director of Planning and electric company representatives shall implement a continuing research program for electric power plant site evaluation and related environmental and land use considerations.
 - (2)
 - (i) The Secretary shall seek from additional sources recommendations for related research to be included in the program.
 - (ii) The additional sources shall include appropriate federal and State agencies, electric companies and technical, scientific, or educational institutions or organizations.
 - (3)
 - (i) The Secretary, in consultation with the Director of the Maryland Energy Administration, shall institute effective procedures for coordinating environmental research assignments to prevent dissipation of money, time, and effort.
 - (ii) To this end, the State’s electric companies shall be reimbursed from the Fund for environmental research specifically required to satisfy application and permit requirements for any federal, State, or local regulatory agencies, if the electric company has requested reimbursement in advance and furnishes an outline of the program and its estimated cost so that the Secretary can budget it in advance.
- (b) The program shall include:
 - (1) General biological and ecological baseline studies, including, but not limited to, appropriate environmental studies of the biology, physics, and chemistry of the Chesapeake Bay and tributaries; sediment and biological surveys to determine and identify essential marine organism nursery areas of the State’s waters, including the Chesapeake Bay and tributaries; epibenthos; bottom species; crab; finfish and human use studies;
 - (2) Research to assist prediction, including but not limited to experimental research, field and laboratory, and the development and provision for physical, mathematical, and biological modeling tools to assist in determining and evaluating the effects of variation of natural waters resulting from electric generating plant operations including changes in temperature, oxygen levels, salinity, biocides, radionuclides, and “heavy” metals. This research also includes collection and organization of relevant information and data necessary to operate physical, mathematical, and biological modeling tools;
 - (3) Provisions for monitoring operations of electric power facilities located in the State. These provisions include but are not limited to a determination of actual distribution and effect of temperature, salinity, oxygen, radionuclides, “heavy” metals, and biological effects; radiological; “heavy” metals and biocide effects; recreational and commercial fishing gains and losses; and human health and welfare effects;
 - (4) Research and investigations relating to effects on air resources of electric power plants and effects of air pollutants from power plants on public health and welfare, vegetation, animals, materials, and esthetic values, including baseline studies, predictive modeling, and monitoring of the air mass at sites of proposed or

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operating electric generating stations, evaluation of new or improved methods for minimizing air pollution from power plants and other matters pertaining to the effect of power plants on the air environment;

(5) An environmental evaluation of electric power plant sites proposed for future development and expansion and their relationship to the waters and air of the State;

(6) An evaluation of the environmental effects of new electric power generation technologies and extraordinary systems related to power plants designed to minimize environmental effects;

(7) Determining the potential for constructive uses of waste energy to be released at proposed electric plant sites;

(8) Analysis of the socioeconomic impact of electric power generation facilities on the land uses of the State; and

(9) An evaluation of the pollinator benefits that would occur under a pollinator–friendly vegetation management standard or pollinator habitat plan implemented on land:

(i) On which a proposed or an existing ground–mounted solar generation facility is located; and

(ii) That does not include land that is adjacent to the land on which the solar generation facility is located.

COMAR 26.11.02.16 Permit Fees

A. General Requirements for Sources Requiring a Permit to Construct or Permit to Operate.

- (1) Fees for Permit to Construct. Upon receiving an application for a permit to construct, the Department shall determine the appropriate permit fee and bill the applicant. The fee shall be as prescribed in Regulation .17 or .18 of this chapter.
- (2) Fees for Permits to Operate.
 - (a) The fees for State permits to operate and permits issued pursuant to Title V of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §§7661—7661f, including Part 70 permits, are as prescribed in Regulation .19 of this chapter.
 - (b) Initial Permits. Upon receiving an application for an initial permit to operate, the Department shall determine the appropriate permit fee covering the first and second 12-month periods of the permit and bill the applicant. For subsequent years, the Department shall determine the appropriate annual permit fee in accordance with Regulation .19 of this chapter.
 - (c) Subsequent Periods. For permits to operate that expire more than 12 months after issuance by the Department, the Department shall determine the appropriate permit fee covering each successive 12-month or shorter period of the permit, after the first 12-month period, and bill the applicant or person having the permit in current effect 60 days before the date that the permit fee is due. The permit fee is due on and shall be paid on or before each 12-month anniversary of the date of the permit issuance by the Department.
- (3) Time Period Covered by Fees. Except as provided by Regulation .04 of this chapter or if the Department prescribes a shorter period of time, a fee prescribed in Regulation .19 of this chapter covers a period of 12 months from the date the permit is issued or from a subsequent anniversary of the date.
- (4) Temporary or Start-Up Permits for New or Modified Sources.
 - (a) The Department may issue a temporary or start-up permit to operate in accordance with Regulation .04D of this chapter. There is no fee for the issuance of a temporary or start-up permit to operate.
 - (b) When a temporary or start-up permit expires, the Department may amend an existing permit to operate to include the new or modified sources covered by the temporary or start-up permit or may require the owner or operator to apply for a new permit to operate.
- (5) Failure to Pay Fees.

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (a) The Department may not issue a permit to construct, an initial permit to operate, or a renewal of a permit to operate until all appropriate fees are paid in full.
- (b) Failure to pay the annual permit to operate fee constitutes cause for revocation of the permit by the Department.
- (6) Permit fees are not refundable.
- (7) When assessing the permit fees under this chapter, the Department shall ensure that the fee for a source does not exceed the maximum fees authorized by Environment Article, §2-403, Annotated Code of Maryland.
- B. New or Modified Electric Generating Stations Constructed by Electric Companies. An electric company applying for a Certificate of Public Convenience and Necessity for a new or modified electric generating station under Article 78, §54A or 54B, Annotated Code of Maryland, or for a modification to an electric generating station under Article 78, §54I, Annotated Code of Maryland, shall pay a fee to the Department when it submits the application to the Public Service Commission. The fee shall be as prescribed in Regulation .18 of this chapter.
- C. Permits and Fees for Portable Equipment.
 - (1) A person who owns or operates portable equipment shall obtain a permit to construct and pay a fee for each location at which the portable equipment is to be constructed and operated.
 - (2) The permit to construct fee for portable equipment for any other location is 50 percent of the fee prescribed in Regulation .17 of this chapter.
- D. Permit fees shall be paid by check made payable to the Department of the Environment Clean Air Fund.

COMAR 26.11.02.17 Fee Schedule: Permit to Construct.

- A. A person who submits an application for a permit to construct shall pay one of the following:
 - (1) A fee of \$100 for charbroilers and pit barbecues;
 - (2) A fee of \$200 for tank farms at motor vehicle or off-road vehicle refueling facilities;
 - (3) A fee of \$400 for fuel-burning equipment with a rated heat input capacity of less than 10 million Btu per hour; or
 - (4) A base fee of \$500 for all other sources, plus any applicable additional fees listed in §B of this regulation.
- B. Additional Fees.
 - (1) Fuel-burning equipment burning gas with a rated heat input capacity of at least 30 million Btu per hour but less than 50 million Btu per hour or fuel-burning equipment burning No. 2 fuel oil with a rated heat input capacity of at least 10 million Btu per hour but less than 50 million Btu per hour — \$300 each;
 - (2) A source that:
 - (a) Does not discharge a Class I TAP;
 - (b) Has emissions of less than 25 pounds per day; and
 - (c) Is not constructed at an existing premises that has total emissions of greater than 35 pounds per day — \$300;
 - (3) A source subject to T-BACT but not required to obtain a State permit to operate — \$800;
 - (4) A source required to obtain a State permit to operate but not covered by §B(5), (6), (7) or (8) of this regulation — \$1,000;
 - (5) A NESHAP or NSPS source, except fuel-burning equipment with a rated heat input capacity of less than 50 million Btu per hour burning either gas or No. 2 fuel oil, but not covered by §B(6), (7), or (8) of this regulation — \$1,500;
 - (6) A source that requests a limitation on emissions to preclude applicability of major source regulations, and is not covered by §B(7) or (8) of this regulation — \$1,500;
 - (7) A source that demonstrates compliance with COMAR 26.11.15 using a dispersion model other than a screening model, and is not covered by §B(8) of this regulation — \$5,000; or
 - (8) A source applying for a PSD approval, an NSR approval (including a Plantwide Applicability Limit (PAL) permit), or a special permit under COMAR 26.11.15 — \$20,000 each.

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

COMAR 26.11.02.18 Fee Schedule for New or Modified Electric Generating Stations.

New or modified electric generating stations shall pay a fee of \$20,000.

COMAR 26.11.02.19 Fee Schedule: Title V Permit or a State Permit to Operate.

A. Annual Fees.

- (1) The owner or operator of a source that is required to obtain, and have in current effect, a permit issued under Title V of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §§7661—7661f, including a Part 70 permit, shall pay an annual fee consisting of a base fee of \$5,000 plus an emission-based fee for each ton of regulated emissions from all installations at the plant or facility.
- (2) The owner or operator of a Synthetic minor source that is required to obtain, and have in current effect, a State permit to operate, shall pay an annual fee consisting of a base fee of \$1,000, plus an emission-based fee for each ton of regulated emissions from all installations at the plant or facility.
- (3) The owner or operator of all other sources required to obtain, and have in current effect, a State permit to operate, shall pay an annual fee consisting of a base fee of \$500, plus an emission-based fee for each ton of regulated emissions from all installations at the plant or facility.

B. Method of Calculating Fees.

- (1) The emission-based fee prescribed in §A of this regulation shall be calculated by multiplying the total weight of actual annual emissions in tons of regulated emissions times an amount in dollars per ton as prescribed below:
 - (a) From January 1, 1997 through September 30, 2008: \$25 per ton as increased pursuant to §B(6) of this regulation;
 - (b) From October 1, 2008 through December 31, 2008: \$50 per ton; and
 - (c) Beginning January 1, 2009: \$50 per ton as increased pursuant to §B(6) of this regulation.
- (2) For the purposes of this regulation, "regulated emissions" means the actual rate of emissions, in tons per year, of a regulated air pollutant except for carbon monoxide and carbon dioxide emitted by a source, to be calculated using criteria consistent with 40 CFR 70 (operating permit program).
- (3) Effective October 1, 2008 through December 31, 2009, the maximum annual permit to operate fee for each plant or facility is \$500,000.
- (4) Except as provided in §B(5) of this regulation, the total weight of annual emissions used to calculate the annual permit fee is based on the total actual emission tonnages as certified by the source and verified by the Department. Annual emissions shall be rounded off to the nearest ton.
- (5) Basis for Annual Emissions. The annual emissions to be used to calculate the fee in §§A and B of this regulation shall be as prescribed below:
 - (a) For sources that certify emissions of less than 10,000 tons for calendar year 2008, the annual emissions shall be based on the emissions certification required under §D of this regulation which was submitted the previous calendar year; and
 - (b) For sources that certify emissions of 10,000 tons or greater for calendar year 2008, the annual emissions shall be based on the actual emissions of the same calendar year as the annual fee.
- (6) Consumer Price Index.
 - (a) The annual dollar per ton amount prescribed in §B(1) of this regulation shall be increased on January 1 of each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index of the previous calendar year.
 - (b) The Consumer Price Index for any calendar year is the 12-month average of the Consumer Price Index for all urban consumers published by the U.S. Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

C. Information Required to be Maintained by a Source.

- (1) Beginning January 1, 1994, the owner or operator of a source for which a permit to operate is required shall maintain records necessary to support the emission certification, including the following information:
 - (a) The total amount of actual emissions of each regulated pollutant and the total of all regulated pollutants;

Appendix A: Referenced Non-SIP Elements of the Maryland Plan

- (b) An explanation of the methods used to quantify the emissions and the operating schedules and production data that were used to determine emissions, including significant assumptions made;
 - (c) Amounts, types, and analyses of all fuels used;
 - (d) Emission data from continuous emission monitors that are required by this subtitle or EPA regulations, including monitor calibration and malfunction information;
 - (e) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment, including significant maintenance performed, malfunctions and downtime, and episodes of reduced efficiency of this equipment;
 - (f) Limitations on source operation or any work practice standards that significantly affect emissions; and
 - (g) Other relevant information as required by the Department.
- (2) The logs and other records of information required by §C(1) of this regulation shall be retained for a period of 5 years and made available to the Department upon request.
 - (3) If the owner or operator of a source for which a permit to operate is required fails to maintain or provide the data required by this section, which the Department requests in order to verify the emissions during the previous calendar year, the annual emission-based fee for that source shall be based on the estimated allowable emissions, as defined in COMAR 26.11.01.01B(4), of that source, as determined by the Department.

D. Emission Certification.

- (1) Beginning January 1, 1994, the responsible official designated by the owner or operator of a source for which a permit to operate is required shall certify, as provided at Regulation .02F of this chapter, the actual emissions of regulated air pollutants from all installations at the plant or facility.
- (2) Certification shall be on a form obtained from the Department and shall be submitted to the Department not later than April 1 of the year following the year for which certification is required.
- (3) An emission certification submitted pursuant to this section and which contains all information required by COMAR 26.11.01.05-1, for NO_x and VOC, satisfies the requirements of COMAR 26.11.01.05-1.

- E. The owner or operator of a source for which a permit to operate is required is responsible for the timely and complete payment of all permit fees required by this chapter.

**Appendix B: Copy of Letter from EPA RIII Approving Maryland's
2017 Air Monitoring Network Plan**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

NOV 17 2017

The Honorable Benjamin H. Grumbles, Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

Dear Secretary Grumbles: *BEN*

By letter and enclosures dated June 20, 2017, the Maryland Department of Environmental (MDE) submitted to the U. S. Environmental Protection Agency (EPA) an annual ambient air monitoring network plan in accordance with the regulatory requirements of 40 CFR Part 58 - Standards for Ambient Air Quality Surveillance. Based on our review, EPA hereby approves MDE's June 29, 2017 annual ambient air monitoring network plan on the basis that the plan meets the requirements of 40 CFR Part 58.10. In addition, MDE also requested a waiver to relocate the Photochemical Assessment Monitoring Station (PAMS) from Beltsville, MD to Essex, MD. In accordance with 40 CFR Part 58 Appendix D, EPA hereby approves MDE's waiver request to allow the collection of the required PAMS measurements at an alternate location.

Finally, 40 CFR Section 58.11(c) requires any changes to the air monitoring network or design of the following air monitoring systems be approved by the EPA Administrator:

- a) Particulate Matter Speciation Trends Network (STN)
- b) The National Core Monitoring Network (NCore)

EPA determined that MDE's June 20, 2017 annual ambient air monitoring network plan does not require approval from the EPA Administrator because there were no changes to any of the air monitoring systems listed above.

If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Kyle Zieba, EPA's Maryland Liaison, at (215) 814-5420. For questions regarding this approval action, your staff may contact Ms. Cristina Fernandez, Director, Air Protection Division, at (215) 814-2178.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cosmo Servidio".

Cosmo Servidio
Regional Administrator