



Maryland
Department of
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***Maryland State Implementation Plan (SIP) Revision
Under Clean Air Act Section 110(a)(2)
for
Implementation, Maintenance, and Enforcement of the
2010 SO₂ National Ambient Air Quality Standard***

**Prepared for:
U.S. Environmental Protection Agency**

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June 13, 2016

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Note: The information in Appendices A-G above is for informational purposes only.

Background

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.

Section 110(a) of the federal Clean Air Act requires that each SIP provide for the implementation, maintenance, and enforcement of the NAAQS. This section also requires that within three years of the promulgation of a NAAQS, a state must adopt and submit such a plan to EPA. These “infrastructure SIPs,” provide assurances of state resources and authorities, and where necessary, establish the basic state programs to implement, maintain, and enforce new or revised standards. This document summarizes how the §110(a)(2) requirements for the 2010 1-hour sulfur dioxide NAAQS are addressed by Maryland.

This submittal addresses Maryland's obligations under §110(a)(2) of the Clean Air Act specifically for the following standard:

Sulfur dioxide: On June 2, 2010, the EPA Administrator strengthened the primary NAAQS for oxides of sulfur as measured by sulfur dioxide (SO₂).¹ This rule establishes a primary, health-based, ambient air quality standard of 75 ppb based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations.

Maryland's Plan Elements

The following sections indicate the statutes, regulations, plans and other elements used in the Maryland State Implementation Plan to meet the required elements of §§110(a)(2)(A)—(M) of the Clean Air Act (CAA).²

¹ See “Primary National Ambient Air Quality Standard for Sulfur Dioxide; Final Rule, 75 Fed. Reg. 35519-35603, dated June 22, 2010, effective on August 23, 2010. See <https://www.gpo.gov/fdsys/pkg/FR-2010-06-22/pdf/2010-13947.pdf>, accessed on March 25, 2016.

² This SIP revision does not include the following two elements of Clean Air Act § 110(a)(2): section 110(a)(2)(C) “to the extent it refers to permit programs (known as ‘nonattainment new source review’) under part D and ... section 110(a)(2)(I) in its entirety.” See U.S. Environmental Protection Agency, “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Sections 110(a)(1) and 110(a)(2)” for the 2008 Ozone NAAQS, the 2010 Nitrogen Dioxide NAAQS, the 2010 Sulfur Dioxide NAAQS, and the 2012 Fine Particulate Matter (PM_{2.5}) NAAQS, Memorandum from Stephen D. Page, Office of Air Quality Planning and Standards (Washington, DC: U.S. Environmental Protection Agency, September 13, 2013), page 4.

Clean Air Act § 110(a)(2)(A): Emission limits and other control measures

Clean Air Act § 110(a)(2)(A): *Each such plan shall—(A) 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

- Maryland’s enforceable emission limitations and other control measures, under the Code of Maryland Regulations (COMAR) and Annotated Code of Maryland, which have been approved as part of Maryland’s SIP except as noted under 40 CFR 52.1070(c),⁴ address this item. Some of the SIP-approved COMAR provisions that pertain to SO₂ are listed below as examples.

COMAR Subtitle/Chapter	Chapter Name	SO ₂	Remarks
26.11.01	General Administrative Provisions		
26.11.02	Permits, Approvals, and Registration	.11A(1)(b), 12A(1)	“Procedures for Obtaining Permits to Construct Certain Significant Sources,” and “Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permit to Construct MACT Determinations On a Case-by-Case Basis in Accordance with 40 CFR part 63, subpart B, and Certain 100-Ton Sources”
26.11.04	Ambient Air Quality Standards ⁵	.02	“Ambient Air Quality Standards, Definitions, Reference Conditions, and Methods of Measurement”
26.11.05	Air Quality Episode System	.03, .04, .05, .06	“Air Pollution Episode Criteria,” “Standby Emissions Reduction Plan,” and “Control Requirements and Standby Orders”
26.11.06	General Emissions Standards, Prohibitions, and Restrictions ⁶	.05, .10, .14	“Sulfur Compounds from Other than Fuel-Burning Equipment,” “Refuse Burning Prohibited in Certain Installations,” and “Control of PSD Sources”
26.11.09	Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations	.04, .07, .12F(2) ⁷	“Prohibition of Certain New Fuel Burning Equipment,” “Control of Sulfur Oxides from Fuel Burning Equipment,” and “Standards for Biomass Fuel-Burning Equipment”

³ See 42 U.S. Code Sec. 7410(a)(2)(A). Note that Section 110 of the Clean Air Act is numbered as Section 7410 within the U.S. Code.

⁴ See the electronic U.S. Code of Federal Regulations (eCFR) at <http://www.ecfr.gov/cgi-bin/text-id?SID=72fcdec83cfa40ffcf09f0db00ac8ba0&mc=true&node=sp40.4.52.v&rgn=div6>, accessed on April 26, 2016.

⁵ COMAR 26.11.04.02 indicates that Maryland’s ambient air quality standards are established to be identical to the federal standards at all times.

⁶ COMAR 26.11.06.14 contains pre-construction permitting requirements for PSD sources.

⁷ Maryland’s biomass-related sulfur regulations, 26.11.09.07B(5) and 26.11.09.12F(2) have been revised, and EPA approved these SIP revisions on June 9, 2015, 80 Fed. Reg. 32472.

COMAR Subtitle/Chapter	Chapter Name	SO ₂	Remarks
26.11.17	Requirements for Major New Sources and Modifications	.02, .03	“Applicability,” and “General Conditions”
26.11.27	Emission Limitations for Power Plants	.02, .03, and .05	“General Requirements,” and “Monitoring and Reporting Requirements”
20.79.01	Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines - General	.06	“Modifications to Facilities at a Power Plant”
Annotated Code of Maryland, Sections of the Public Utilities Article			
§ 7-205: Electric companies—Modification of Power Plant			
§ 7-207: Generating stations or Transmission Lines—General Certification Procedure			
§ 7-208: Generating stations or Transmission Lines—Joint Construction of Station and Associated Lines			

**Source-specific provisions are listed in 40 CFR 52.1070(d).
The approved plans are listed in 40 CFR 52.1070(e).**

Clean Air Act § 110(a)(2)(B): Ambient air quality monitoring/data system

Clean Air Act § 110(a)(2)(B): *Each such plan shall—(B) 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 (EPA) Administrator;*⁸

- Maryland's authority to monitor ambient air quality is found under §§2-103(b)(2) and 2-301(a)(1), Environment Article, Annotated Code of Maryland. Please see these non-SIP approved portions of the Maryland Annotated Code in Appendix G. Maryland's authority is also found under COMAR 26.11.04.02, which specifies that methods of measuring ambient air quality levels shall be those specified in 40 CFR Parts 50, 51, 53 and 58, as amended.
- Maryland operates and maintains a network of ambient air monitors throughout the State. All ambient air monitors in the Maryland network that are used to determine compliance with the NAAQS have been designated by EPA as either Reference or Equivalent monitors. All ambient air monitors in the Maryland network are subjected to the Quality Assurance requirements of 40 CFR Part 58, Appendix A. In addition, all samplers are located at sites that have met the minimum siting requirements of Part 58, Appendix E.
- On June 22, 2010, along with EPA's publication of the final rule, Primary National Ambient Air Quality Standard for Sulfur Dioxide, EPA revised its requirements for SO₂ monitoring networks (75

⁸ See 42 U.S. Code Sec. 7410(a)(2)(B).

Fed. Reg. 35519). The rule requires monitoring organizations to submit a plan for establishing SO₂ monitoring sites, in accordance with these requirements, by July 1, 2011. Maryland's *Ambient Air Monitoring Network Plan for Calendar Year 2013*, dated May 31, 2012, pages 28-29, addressed these requirements. Maryland's current plan, *Ambient Air Monitoring Network Plan for Calendar Year 2016*, June 30, 2015, page 33, revises how the State is addressing these requirements, given a decrease in the Population Weighted Emissions Index (PWEI) in the Washington, DC area. See Appendix F for information on the current monitoring requirements in Maryland.

- Maryland has an EPA-approved ambient air monitoring network. EPA approved Maryland's calendar year 2016 ambient air monitoring network plan in its November 12, 2015, letter from EPA Region III Administrator Shawn Garvin to MDE Secretary Ben Grumbles. See Appendix E for a copy of EPA's approval letter. Also note that Maryland submitted its 2017 ambient air monitoring network plan to EPA Region 3 on May 19, 2016.
- In order to keep EPA informed of changes to the sampling network, Maryland Department of the Environment (MDE) provides EPA Region III with prior notification of any planned changes to the network. As needed, details of these changes and anticipated approvals of the changes are communicated to EPA.
 - Pursuant to 40 CFR Part 58, Subpart B, Section 58.10, "Annual monitoring network plan and periodic network assessment," MDE sends the EPA Regional Administrator an Annual Monitoring Network Plan for approval. The plan details any modifications to the network. This plan also provides a description of each modification, the reason for each modification, and any other information relevant to the modifications.
 - Section 58.10 also requires MDE (beginning July 1, 2010) to perform and submit to the EPA Regional Administrator an assessment of the Maryland ambient air monitoring network every five years to determine, at a minimum, if the network meets the monitoring objectives defined in 40 CFR, Part 58, Appendix D, whether new sites are needed, whether existing sites are no longer needed and can be terminated, and whether new technologies are appropriate for incorporation into the network.
- Maryland has and will continue to submit data to EPA's Air Quality System (AQS), as required by 40 CFR 51.320, "Annual air quality data report." MDE collects and reports to EPA all ambient air quality data and associated quality assurance data for SO₂ (as well as PM₁₀ and PM_{2.5}). The reports comply with the federal requirements of 40 CFR 58.16, "Data submittal and archiving requirements" (July 1, 2012). As necessary, the submitted data is reviewed, edited, validated, and entered into the AQS for updating pursuant to prescribed AQS procedures. The state is required by 40 CFR 58.16 to report this data to the EPA AQS within 90 days after the end of each quarterly reporting period.

Clean Air Act § 110(a)(2)(C): Program for enforcement of emission limitations and other control measures, and schedules for compliance

Clean Air Act § 110(a)(2)(C): *“Each such plan shall— (C) include a program to provide for the enforcement of the measures described in subparagraph [110(a)(2)](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 subchapter⁹;”¹⁰*

Note: In accordance with EPA guidance,¹¹ infrastructure SIPs are to include the preceding requirements, with the exception of the NNSR permitting program, which is to be addressed in a different SIP.

- Maryland’s statutory provisions for the enforcement of the provisions described in §110(a)(2)(A) of the Clean Air Act are found at §§2-601—614 of the Environment Article of the Annotated Code of Maryland. (Please see Appendix G for these and other non-SIP approved portions of the Maryland Annotated Code that are cited in this document.) Specific enforcement provisions for the items under § 110(a)(2)(A), above, may also be found in SIP-approved portions of COMAR 26.11.
- In addition to the enforcement provisions in §§2-601—614 of the Environment Article, Annotated Code of Maryland, in §2-1005 of the Environment Article, Annotated Code of Maryland, are the enforcement provisions pertaining specifically to the requirements of the Maryland Healthy Air Act (“HAA”).¹² Among other elements, the HAA contains SO₂ emissions reductions for certain electric generating units.
- COMAR 26.11.02, “Permits, Approvals, and Registration,” includes permit to construct and prevention of significant deterioration (PSD) approval program requirements. It also includes enforcement provisions for violations of permits to construct, PSD approvals, and procedures for obtaining minor NSR permits. Note that state permits to operate are also included in COMAR 26.11.02 but they are not part of Maryland’s EPA-approved SIP and are only mentioned here for reference.
- COMAR 26.11.06.14 also contains pre-construction permitting requirements for PSD sources. Related definitions are found in COMAR 26.11.01.01B(37).

⁹ These parts of the law include the prevention of significant deterioration (PSD), and non-attainment new source review (NNSR) permit programs.

¹⁰ See 42 U.S. Code Sec. 7410(a)(2)(C).

¹¹ See U.S. Environmental Protection Agency, “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Sections 110(a)(1) and 110(a)(2)” for the 2008 Ozone NAAQS, the 2010 Nitrogen Dioxide NAAQS, the 2010 Sulfur Dioxide NAAQS, and the 2012 Fine Particulate Matter (PM_{2.5}) NAAQS Memorandum from Stephen D. Page, Office of Air Quality Planning and Standards (Washington, DC: U.S. Environmental Protection Agency, September 13, 2013).

¹² See Appendix G for the Annotated Code of Maryland, Environment Article, Title 2. Ambient Air Quality Control, Subtitle 10. Healthy Air Act, Sec. 2-1001 – 2-1005.

- Maryland’s Title V permits are under COMAR 26.11.03. This chapter of COMAR also includes provisions providing for enforcement of Title V permits (COMAR 26.11.03.06G, “Compliance Requirements”). Note that the COMAR 26.11.03 is not part of Maryland’s EPA-approved SIP and is mentioned here just for reference purposes.
- COMAR 20.79, “Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines,” particularly the EPA SIP-approved portions of this chapter,¹³ regulate construction, modification, and permitting of electric generating stations, including consideration of related air quality impacts in attainment and nonattainment areas.
- Statutory provisions also establish requirements for construction and modification of generating stations. See the EPA SIP-approved portions of the following sections of the Public Utilities Article, Annotated Code of Maryland:

§ 7-205, Electric Companies—Modification of Power Plant
§ 7-207, Generating Stations or Transmission Lines—General Certification Procedure
§ 7-208, Generating Stations or Transmission Lines—Joint Construction of Station and Associated Lines

Clean Air Act § 110(a)(2)(D): Interstate transport

Clean Air Act § 110(a)(2)(D)(i)(I) and (II): Requires SIPs to include provisions prohibiting emissions of air pollutants in amounts that contribute significantly to nonattainment or interfere with maintaining the NAAQS in another state, or interfere with measures required to prevent significant deterioration of air quality or protect visibility in another state.

“Each such plan shall – (D) contain adequate provisions – (i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will –

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility.”¹⁴

(D)(i)(I): Significant Contribution to Another State’s Air Quality

Maryland meets the § 110(a)(2)(D)(i)(I) good neighbor obligations. The regulations already in the SIP, including those specifically mentioned in the section addressing 110(a)(2)(A), help MDE meet its good neighbor requirements. These regulations prohibit Maryland sources’ emissions from being

¹³ See the U.S. Code of Federal Regulations (eCFR) at <http://www.ecfr.gov/cgi-bin/text-idx?SID=72fcdec83cfa40ffcf09f0db00ac8ba0&mc=true&node=sp40.4.52.v&rgn=div6>, accessed April 26, 2016.

¹⁴ See 42 U.S. Code Sec. 7410(a)(2)(D)(i)(I) and (II).

emitted at levels which would contribute significantly to nonattainment or interfere with maintenance of the SO₂ NAAQS in another state. For nonattainment areas, Maryland has implemented numerous planning requirements designed to achieve compliance with the NAAQS.

- In 2006, Maryland enacted the Healthy Air Act (“HAA”), codified at §§ 2-1001-1005 of the Environment Article, Annotated Code of Maryland (see Appendix G), and adopted implementing regulations at COMAR 26.11.27. The HAA requires reductions in total emissions of SO₂, NO_x and mercury from certain electric generating plants in the state. The HAA helps to address Maryland’s emissions contribution to many downwind areas such as Pennsylvania, Delaware, Connecticut and New Jersey. The HAA emissions reductions were based on Best Available Control Technology (BACT) rates for the affected EGU units in the state.
- On July 11, 2013, the United States District Court, District of Maryland, filed a consent decree (Case 1:11-cv-01119-CCB) between the Holcim, Inc. plant in Hagerstown, Maryland and the U.S. government. In compliance, Holcim will be rebuilding its facility, replacing a long dry kiln with a low-NO_x preheater/precalciner kiln, and installing and continuously operating a lime injection system. These changes are expected to significantly reduce SO₂ emissions, accomplishing required reductions of SO₂ emissions to a 30-day rolling average SO₂ emissions rate of 1.6 lbs of SO₂ per ton of clinker. In 2013, Holcim produced an estimated 3.0 lbs SO₂/tons of clinker, which was an annual average. The new limit of 1.6 lbs of SO₂/ton of clinker, as a 30-day rolling average, is more stringent than the annual average particularly in terms of the averaging time.
- Maryland submitted its Regional Haze State Implementation Plan to EPA on February 13, 2012, and EPA gave final approval to the plan on July 6, 2012 (77 FR 39938), effective date August 6, 2012. Implementation of this SIP is reducing SO₂ from Maryland’s Best Available Retrofit Technology (BART) sources.

In addition, given the following factors which are described in greater detail in the next section, Maryland emissions do not significantly contribute to nonattainment in, or interfere with maintenance by, any other area with respect to the 2010 SO₂ NAAQS:

1. The 1-hour SO₂ NAAQS is considered to be a "source-oriented" NAAQS rather than a "regional" one, and the highest concentration is often only 6-12 miles (10-20 kilometers) from the source, and a maximum of 31 miles (50 km) away.
2. Relative to Maryland, the nearest area that EPA has already designated nonattainment is the Allegheny, Pennsylvania area. This nonattainment area is geographically upwind of Maryland,¹⁵ 49 miles from the closest Maryland border, and farther from any Maryland source.
3. The potential new nonattainment area closest to Maryland is 142 miles away from the Maryland border in Cheshire, Ohio. This is based on EPA documentation following the March 2015 consent decree and is related to the EPA’s second round of SO₂ designations, the finalization of which is required by July 2, 2016.¹⁶
4. The only potential new nonattainment area that EPA has identified to date in Maryland is located in the area of the Herbert A. Wagner Generating Station in Curtis Bay, Anne Arundel County. This is

¹⁵ The prominent wind direction is from Allegheny, PA to Maryland, and not the converse.

¹⁶ *Sierra Club v. McCarthy*, Consent Decree, Case No. 3:13-cv-3953-SI, Document 163, Approved 03/02/15, <http://www.epa.gov/airquality/sulfurdioxide/designations/pdfs/201503FinalCourtOrder.pdf>, accessed June 25, 2015.

39 miles from Maryland's nearest state border, in Pennsylvania, and at a farther distance from any Pennsylvania source or nonattainment area. The area of the Wagner plant will not impact any neighboring state's nonattainment or maintenance areas.

Detailed descriptions of the above points:

1. "Source-oriented" nature of the 1-hour SO₂ NAAQS and proximity of any transported SO₂:

The 2010 SO₂ NAAQS focuses on the localized, source-specific impacts of SO₂. In EPA's February 5, 2013 strategy paper, "Next Steps for Area Designations and Implementation of the Sulfur Dioxide National Ambient Air Quality Standard,"¹⁷ EPA defines the 'source-oriented' nature of the 1-hour SO₂ NAAQS. EPA states the following (emphasis added):

The reaction of SO₂ with other pollutants in the atmosphere and the contribution of SO₂ to regional air pollution problems such as fine particle formation and acidic deposition are well-understood. However, the highest ambient concentrations of gaseous SO₂ emissions generally occur relatively close to one or a few key SO₂ sources in an area, often within 10-20 kilometers of that parent source or sources. Thus, from an air quality management perspective, the SO₂ NAAQS is considered to be a "source-oriented" NAAQS rather than a "regional" one (i.e., more similar to the lead NAAQS than the ozone NAAQS). Strategies to attain the SO₂ NAAQS are expected to be focused on key point sources. The largest sources of SO₂ include coal-fired electric utilities and industrial boilers, refineries, pulp and paper related industries, and chemical manufacturing.

In the preamble to EPA's proposed Data Requirements Rule for the 1-Hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS),¹⁸ EPA also emphasizes the source-oriented nature of the 1-hour SO₂ NAAQS, highlighting the 1-hour averaging time and the health protections this provides:

The SO₂ standard was established with a 1-hour averaging time particularly to protect sensitive individuals from respiratory effects associated with short-term exposures to SO₂. Thus, from an air quality management perspective, the SO₂ NAAQS can be considered to be a largely 'source-oriented' NAAQS rather than a "regional" one (i.e., more similar to the lead NAAQS than to the ozone NAAQS). Strategies to attain the SO₂ NAAQS are expected to be focused on key point sources. The largest sources of SO₂ include coal-fired electric utilities, industrial boilers, refineries, pulp and paper-related industries and chemical manufacturing.

The American Meteorological Society (AMS)/EPA Regulatory Model (AERMOD) is EPA's recommended tool for modeling the dispersion and transport of SO₂ under the 1-hour SO₂ NAAQS. EPA states, "For area designations under the 1-hour SO₂ primary NAAQS, AERMOD should be used unless use of an alternative model can be justified (Section 3.2, Appendix W)."¹⁹ In 40 CFR Part 51, Appendix W, "Guideline on Air Quality Models," EPA indicates that AERMOD is appropriate for various applications including "Transport distances over which steady-state assumptions are

¹⁷ See <http://www.epa.gov/airquality/sulfurdioxide/pdfs/20130207SO2StrategyPaper.pdf>.

¹⁸ See 79 Fed. Reg. at 27448, May 13, 2014

¹⁹ SO₂ NAAQS Designations Modeling Technical Assistance Document, U.S. EPA, Office of Air and Radiation, December 2013, draft, <http://www.epa.gov/airquality/sulfurdioxide/pdfs/SO2ModelingTAD.pdf>, accessed June 25, 2015.

appropriate, up to 50 km.”²⁰ This indicates that SO₂ transport is expected to be within 50 km, equal to 31 miles.

2. The nearest area, to Maryland, that EPA has designated nonattainment, the Allegheny, Pennsylvania area:

On July 25, 2013,²¹ EPA designated parts of 16 states nonattainment based on 3-year design values showing air monitoring violations of the 1-hour SO₂ NAAQS. Of the 29 areas still nonattainment as of April 22, 2016, four nonattainment areas (NAAs) are within closer range of their states’ border with Maryland; however, they are not located nearby enough to be affected by Maryland SO₂ sources.

Using Google Maps’ “measure distance” feature, MDE mapped the shortest route between the violating monitoring sites in each of these four NAAs, located in West Virginia and Pennsylvania, and their closest Maryland borders. The distance from these violating monitoring sites in West Virginia and Pennsylvania would be even farther from any Maryland SO₂ source.

Below are the results of this analysis. Please see Appendix A for more details.

Nonattainment Area in State Adjacent to Maryland	Violating Monitor that Maryland is Closest To	Distance from Maryland Border to Violating Monitor
Allegheny, PA	Liberty, PA	49 miles
Indiana, PA	Strongstown, PA	59 miles
Marshall, WV	Moundsville, WV	69 miles
Weirton-Steubenville, OH-WV	Follansbee, WV	78 miles

The closest of the 29 nonattainment areas to the border of Maryland is the Allegheny, Pennsylvania nonattainment area (see map below and Appendix A). Based on the distance from the Liberty air monitoring site Pennsylvania to the far northwest corner of Maryland, the Allegheny, PA nonattainment area is approximately 49 miles from the nearest Maryland border and farther from Maryland sources. This is beyond the range of concern for transport of SO₂ from Maryland under the source-oriented 1-hour SO₂ NAAQS.

²⁰ 40 CFR Chapter 1 (7-1-14 Edition), Part 51, Appendix W, page 594.

²¹ Note that this is the EPA Administrator’s signature date on the final Federal Register notice, not the Federal Register notice date. The notice is found at 78 Fed. Reg. at 47191, August 5, 2013.



3. The potential new nonattainment area closest to Maryland: Cheshire, Ohio:

The potential new nonattainment area closest to the border with Maryland is 142 miles away, adjacent to the American Electric Power General James M. Gavin Power Plant in Cheshire, Gallia County, Ohio (see map below and Appendix C). As with the Allegheny, PA nonattainment area, this area in Ohio is beyond the range of concern for SO₂ transport from Maryland under the source-oriented 1-hour SO₂ NAAQS. Also note that all other plants listed in Appendix C of this document are farther away from Maryland than the Gavin Power plant. For example, the W.H. Zimmer Generating Station in Clermont County, Ohio is 258 miles away, in southwestern Ohio.

Distance from Gavin Power Plant in Cheshire, Ohio to the Maryland Border: 142 miles



From www.google.com, accessed 6/24/2015

Maryland conducted the above analysis by reviewing maps and the documents below. EPA published the two documents below in follow up to the March 2, 2015, “Order Granting Joint Motion to Approve and Enter Consent Decree and Denying Other Motions as Moot,” Case Number 13-cv-03953-SI.

- “Ambient Air Quality Monitors for Sulfur Dioxide (SO₂) Recording Preliminary Violations of the 2010 Primary SO₂ National Ambient Air Quality Standard (NAAQS) as of March 18, 2015” (see Appendix B)

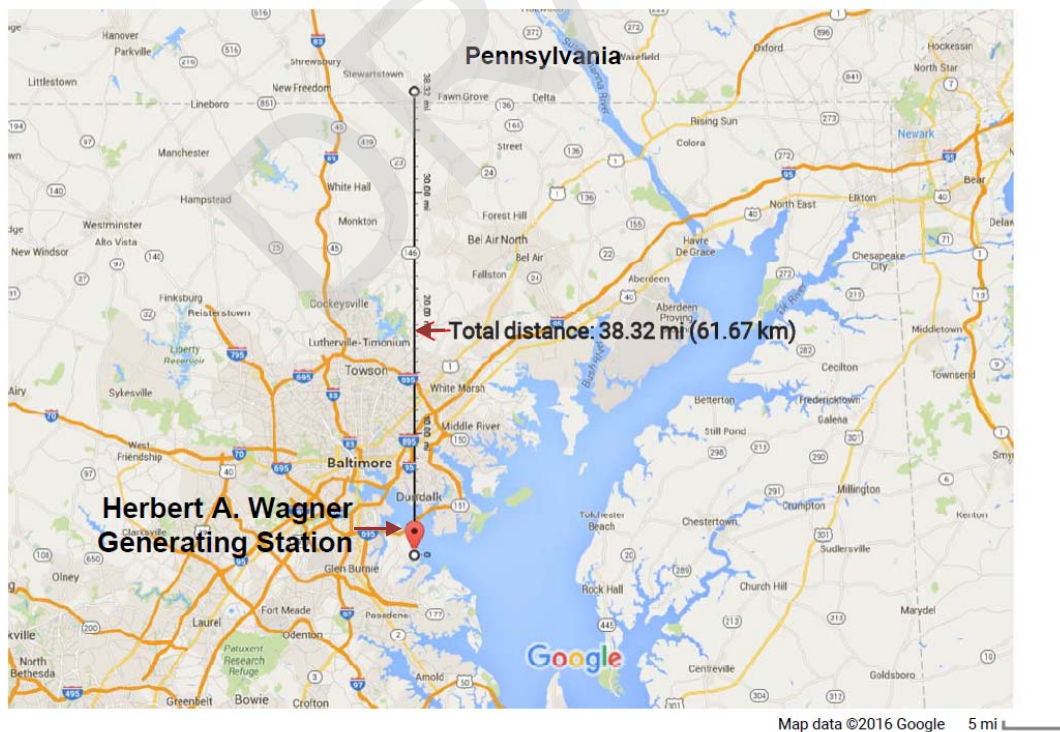
- “Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016: Electric Power Plant Sources Exceeding the Emissions Thresholds Established by Court Order of: 16,000 Tons of SO₂ Emitted in 2012 or 2,600 Tons of SO₂ Emitted in 2012 with an Average Emission Rate of at least 0.45 pounds (lbs) SO₂ per mmBtu” (see Appendix C)

4. The only potential new nonattainment area in Maryland that EPA has identified to date: the area of the Herbert A. Wagner Generating Station:

Another element of ensuring that Maryland sources do not impact downwind nonattainment and maintenance areas via transport of SO₂ is ensuring that Maryland sources themselves attain the 1-hour SO₂ NAAQS and do not contribute emissions to their local area, including any nearby states. Maryland currently has only one potential nonattainment area, Herbert A. Wagner Generating Station in Anne Arundel County. This site was named in the document, “Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016,” in the second bullet above and shown in Appendix C.

- The Herbert A. Wagner plant is located approximately 38 miles from the nearest state border, in Pennsylvania. This site is outside the range of concern for transport of SO₂ from Maryland under the source-oriented 1-hour SO₂ NAAQS. See Appendix D for analysis of the distance of the Wagner Station from Delaware as well as Pennsylvania.

Distance from the Herbert A. Wagner Generating Station in Maryland to Pennsylvania



Clean Air Act § 110(a)(2)(D)(i)

“Each such plan shall—

(D) contain adequate provisions – (i) prohibiting... any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will:

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility.”

(D)(i)(II) Visibility and Prevention of Significant Deterioration (PSD)

As indicated below, Maryland is addressing the visibility and PSD requirements under CAA Sec. 110(a)(2)(D)(i)(II) with fully SIP-approved provisions:

- Maryland’s procedures for obtaining approvals of PSD sources and NSR sources, certain permits to construct, and case-by-case MACT determinations are found in COMAR 26.11.02.12.
- Maryland's PSD requirements are found in COMAR 26.11.06.14 and additional provisions implementing the EPA’s final PSD and Title V Greenhouse Gas Tailoring Rule (75 FR 31514, June 3, 2010) are under COMAR 26.11.01.01, COMAR 26.11.02.01, and COMAR 26.11.02.12.
- Maryland’s PSD sources regulations are in COMAR 26.11.06.14 and COMAR 26.11.01.01B(37) and they refer to any new or modified source subject to the provisions of 40 CFR 52.21, as amended.
- COMAR 20.79, “Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines,” particularly the EPA SIP-approved portions of this chapter, regulate construction and modification of electric generating stations, including consideration of related air quality impacts.
- The statutory provisions below establish requirements for construction and modification of generating stations, including consideration of related air quality impacts. See the EPA SIP-approved portions of the following sections of the Public Utilities Article, Annotated Code of Maryland:

§ 7-205, Electric Companies—Modification of Power Plant

§ 7-207, Generating Stations or Transmission Lines—General Certification Procedure

§ 7-208, Generating Stations or Transmission Lines—Joint Construction of Station and Associated Lines

- Maryland submitted its Regional Haze State Implementation Plan to EPA on February 13, 2012, and EPA gave final approval to the plan on July 6, 2012 (77 FR 39938), effective date August 6, 2012. As

per EPA's guidance, the approved regional haze plan meets visibility requirements for this portion of D(i)(II).

(D)(ii): 126 and 115 Plans: Insure compliance with the applicable requirements of Clean Air Act §§ 126 and 115 (interstate and international pollution abatement).

Sec. 126.²² Interstate Pollution Abatement

(a) Written notice to all nearby States Each applicable implementation plan shall—(1) require each major proposed new (or modified) source—(A) subject to part C of this subchapter (relating to significant deterioration of air quality) or (B) which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the State in which such source intends to locate (or make such modification), to provide written notice to all nearby States the air pollution levels of which may be affected by such source at least sixty days prior to the date on which commencement of construction is to be permitted by the State providing notice, and (2) identify all major existing stationary sources which may have the impact described in paragraph (1) with respect to new or modified sources and provide notice to all nearby States of the identity of such sources not later than three months after August 7, 1977.²³

(b) Petition for finding that major sources emit or would emit prohibited air pollutants Any State or political subdivision may petition the Administrator for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of section 7410(a)(2)(D)(ii) of this title or this section. Within 60 days after receipt of any petition under this subsection and after public hearing, the Administrator shall make such a finding or deny the petition.

(c) Violations; allowable continued operation Notwithstanding any permit which may have been granted by the State in which the source is located (or intends to locate), it shall be a violation of [this section and] the applicable implementation plan in such State—(1) for any major proposed new (or modified) source with respect to which a finding has been made under subsection (b) of this section to be constructed or to operate in violation of the prohibition of section 7410(a)(2)(D)(ii) of this title or this section, or (2) for any major existing source to operate more than three months after such finding has been made with respect to it.

The Administrator may permit the continued operation of a source referred to in paragraph (2) beyond the expiration of such three-month period if such source complies with such emission limitations and compliance schedules (containing increments of progress) as may be provided by the Administrator to bring about compliance with the requirements contained in section 7410(a)(2)(D)(ii) of this title or this section as expeditiously as practicable, but in no case later than three years after the date of such finding. Nothing in the preceding sentence shall be construed to preclude any such source from being eligible for an enforcement order under section 7413(d) after the expiration of such period during which the Administrator has permitted continuous

²² See 42 U.S. Code Sec. 7426, which is the U.S. Code section number equivalent to Section 126 of the Clean Air Act.

²³ August 7, 1977 was the date of enactment of the Clean Air Act Amendments of 1977.

operation

§ 115.²⁴ International air pollution.

(a) Endangerment of public health or welfare in foreign countries from pollution emitted in United States Whenever the Administrator, upon receipt of reports, surveys or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.

(b) Prevention or elimination of endangerment The notice of the Administrator shall be deemed to be a finding under section 7410(a)(2)(H)(ii) of this title which requires a plan revision with respect to so much of the applicable implementation plan as is inadequate to prevent or eliminate the endangerment referred to in subsection (a) of this section. Any foreign country so affected by such emission of pollutant or pollutants shall be invited to appear at any public hearing associated with any revision of the appropriate portion of the applicable implementation plan.

Section 126(a): Written notice to all nearby States

- In COMAR 26.11.02.12F, Maryland requires applicants for approval of PSD sources, new source review (NSR) sources, and certain permits to construct to publish a notice of the opportunity to submit public comments and to request a public hearing.
- Maryland's PSD requirements are in COMAR 26.11.06.14. Maryland confirms that new major sources and major modifications in the state are subject to PSD under COMAR 26.11.06.14. COMAR 26.11.01.01B(37) refers to any new or modified source subject to the provisions of 40 CFR 52.21, as amended. In COMAR 26.11.06.14, "B. General Requirements," Maryland identifies the sections of the Code of Regulations relevant to the control of PSD sources:
 - (1) A person may not construct, modify, or operate, or cause to be constructed, modified, or operated, a Prevention of Significant Deterioration (PSD) source, as defined in COMAR 26.11.01.01B(37), which will result in violation of any provision of 40 CFR §52.21, as amended.
 - (2) The reviewing authority is the Department instead of the Administrator unless otherwise specified in 40 CFR §52.1116, and the applicable procedures are those set forth in COMAR 26.11.02.

²⁴ See 42 U.S. Code Sec. 7415, which is the U.S. Code section number equivalent to Section 115 of the Clean Air Act.

- Additional provisions implementing the EPA’s final PSD and Title V Greenhouse Gas Tailoring Rule (75 FR 31514, June 3, 2010) are in COMAR 26.11.01.01, COMAR 26.11.02.01, and COMAR 26.11.02.12.
- COMAR 20.79, “Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines,” particularly the EPA SIP-approved portions of this chapter, regulate construction and modification of electric generating stations, including consideration of related air quality impacts. This chapter also incorporates by reference Maryland’s PSD regulations found in COMAR 26.11. See COMAR 20.79.01.06.
- Statutory provisions also establish requirements for construction and modification of generating stations. See the EPA SIP-approved portions of the following sections of the Public Utilities Article, Annotated Code of Maryland:
 - o § 7-205, Electric companies – Modification of Power Plant
 - o § 7-207, Generating Stations or Transmission Lines -- General Certification Procedure
 - o § 7-208, Generating stations or Transmission lines -- Joint Construction of Station and Associated Lines

Section 126(b) and (c): Petition for finding that major sources emit or would emit prohibited air pollutants; and Violations; allowable continued operation

- No source within Maryland is subject to an active finding under section 126 of the Clean Air Act with respect to the particular NAAQS at issue.²⁵

Section 115: International air pollution

There are no final findings under section 115 of the Clean Air Act against Maryland with respect to the particular NAAQS at issue.²⁶

²⁵ See U.S. Environmental Protection Agency, “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Sections 110(a)(1) and 110(a)(2)” for the 2008 Ozone NAAQS, the 2010 Nitrogen Dioxide NAAQS, the 2010 Sulfur Dioxide NAAQS, and the 2012 Fine Particulate Matter (PM_{2.5}) NAAQS Memorandum from Stephen D. Page, Office of Air Quality Planning and Standards (Washington, DC: U.S. Environmental Protection Agency, September 13, 2013), page 38.

²⁶ Ibid, page 39.

Clean Air Act §§ 110(a)(2)(E): Adequate resources, boards, & authority, including § 128, state boards

Clean Air Act § 110(a)(2)(E): Requires states to provide for adequate personnel, funding, and legal authority under state law to carry out its SIP-related issues. This section also requires that state boards meet requirements under § 128 and that the state shall remain responsible for any portions of the SIP carried out by other organizations, such as local agencies.

“Each such plan shall – (E) provide

- (i) 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 an provision of Federal or State law from carrying out such implementation plan or portion thereof),*
- (ii) requirements that the State comply with the requirements respecting State boards under section 128, and*
- (iii) 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.”²⁷*

(E)(i) Adequate resources (legal, personnel and funding)

Legal

- The following statutory provisions authorize MDE, along with the PSC, to develop and implement the Maryland SO₂ SIP. These statutory provisions, all of which are non-SIP approved, are included in Appendix G for reference.
 - o Authority for MDE to obtain federal and state funds available for purposes within the scope of Title 2, “Ambient Air Quality,” of the Environment Article of the Annotated Code of Maryland: §2-103(a), Environment Article.
 - o MDE’s jurisdiction over emissions into the air and ambient air quality in the State, responsibility for monitoring ambient air quality in the State, and coordinating all State agency programs on ambient air quality control: Environment Article, §§2-103(b)(1)-(3), Annotated Code of Maryland.
 - o Authority for MDE to advise the Governor when an air pollution emergency exists: Environment Article, §2-105, Annotated Code of Maryland.

²⁷ See 42 U.S. Code Sec. 7410(a)(2)(E)(i)

- o Authority for MDE to adopt regulations that establish standards and procedures to be followed whenever pollution of the air reaches an emergency condition: Environment Article, §2-301(a)(2), Annotated Code of Maryland.
- o Air Quality Control Advisory Council – which is used to provide consultation advice for MDE regarding proposed regulations: Environment Article, §§ 2-201—206, Annotated Code of Maryland.
- o Authority for MDE to adopt rules and regulations for the control of air pollution in the State, including testing, monitoring, record keeping, and reporting requirements: Environment Article, §2-301(a)(1), Annotated Code of Maryland.
- o Authority for MDE to set emission standards and ambient air quality standards for each air quality control area in the State: Environment Article, §2-302 (a)-(d), Annotated Code of Maryland.
- o Authority for MDE to enforce the standards and impose penalties: Environment Article, §§2-601—614, Annotated Code of Maryland.
- o Authority for the Public Service Commission to supervise and regulate public service companies (such as electric and gas companies), including consideration of the preservation of environmental quality: §§ 2-112, 2-113, 2-117, and 2-121 of the Public Utilities Article, Annotated Code of Maryland.
- o Authority for the Maryland Department of Natural Resources to establish the Power Plant Research Program; also establishes the purview of PPRP's work which includes, for example, research regarding the impacts of air pollutants from power plants on public health and welfare and related modeling, and an environmental evaluation of power plant sites proposed for future development and expansion: § 3-303 of the Natural Resources Article, Annotated Code of Maryland.

Personnel

MDE's Air and Radiation Management Administration (ARMA) currently has 43 personnel on staff in its air and support/operational services programs involved with carrying out various aspects of the SIP with respect to SO₂ requirements. This staff carries out various requirements of the SO₂ SIP.

Funding

Maryland's descriptions of resources needed to carry out the plan are detailed below. The projects below are the anticipated sources showing the extent to which resources will be accrued at one-, three-, and five-year intervals following the submission of this infrastructure SIP. The Maryland statutory provisions below are non-SIP approved and are included in Appendix G for reference.

- Maryland receives Section 105 and 103 grants annually. These grants include funds for implementation of the SO₂ SIP, including SIP development and SO₂ monitoring. The State and

EPA negotiate the 105 grants each year, and the state is required to carry out certain obligations for the 105 grant, including providing matching funds.

- Title V permit fees are collected under the authority of § 2-403 of the Environment Article, Annotated Code of Maryland, and pursuant to COMAR 26.11.02.16, .17, and .19. These fees are used to fund programs such as the permitting of new and existing sources of air pollution, compliance and enforcement of sources of air pollution, and monitoring of ambient air quality in the State. This includes program development and SO₂ plan implementation.
- MDE receives annual funding from the State of Maryland's Environmental Trust Fund via the Maryland Department of Natural Resources (DNR), which administers the fund. These funds are used if Maryland needs to conduct air quality modeling.
- The Power Plant Research Program (PPRP) at the Maryland DNR is financed by the Environmental Trust Fund, which is comprised of the revenues from an environmental surcharge that is assessed on all electricity consumers. PPRP conducts a technical review of applications for siting and modification of power plants and conducts research regarding the impacts of power plants on air quality.
- The Maryland Public Service Commission collects application fees for Certificates of Public Convenience and Necessity (CPCN) for power plants. These fees pay the cost of the PSC program to regulate the power plants.

(E)(ii) § 128, State Boards: Requires that the SIP provide, "requirements that the State comply with the requirements respecting State boards under § 128²⁸."

"§ 7428. State boards (a) Not later than the date one year after August 7, 1977, each applicable implementation plan shall contain requirements that—(1) any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this chapter, and (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraph (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan."

- Maryland does not have any board or body which approves air quality permits or enforcement orders; these are the sole responsibility of the Maryland Department of the Environment, except in the case of Certificates of Public Convenience and Necessity (CPCN). These are the pre-

²⁸ See 42 U.S. Code Sec. 7428.

construction permits for utility installations which are issued by the Maryland Public Service Commission, an independent agency of the State.

- Maryland’s SIP at 40 CFR Part 52 Subpart V meets the provisions of CAA §§ 110(a)(2)(E)(ii) and section 128. This relates to the disclosure of potential conflicts of interest of the officials who may issue permits and/or enforcement orders at the Maryland Department of the Environment and the Maryland Public Service Commission.

(E)(iii) Reliance on local units of government²⁹

- Maryland does not rely on local or regional government agencies or instrumentality for specific SIP implementation.

Clean Air Act § 110(a)(2)(F): Stationary source monitoring and reporting

Clean Air Act § 110(a)(2)(F)

“Each such plan shall – (F) require, as may be prescribed by the Administrator –

- (i) 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,*
- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and*
- (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Chapter, which reports shall be available at reasonable times for public inspection.”³⁰*

(F)(i) Stationary Source Monitoring Equipment

The following Maryland statutory provisions, referenced in Appendix G, give MDE authority for requiring air emissions monitoring by sources in the State of Maryland and adopting regulations to control air pollution, including testing, monitoring, record keeping, and emissions reporting requirements:

- §2-103(b) Environment Article, Annotated Code of Maryland.
- §2-301(a)(1) Environment Article, Annotated Code of Maryland.

The Maryland SIP regulations below (approved under 40 CFR 52.1070(c), unless otherwise noted) require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by stationary sources to monitor their emissions:

- COMAR 26.11.01.04B, “Testing and Monitoring,” which addresses requirements for monitoring

²⁹ See 42 U.S. Code Sec. 7410(a)(2)(E)(iii).

³⁰ See 42 U.S. Code Section [7410\(a\)\(2\)\(F\)](#).

- COMAR 26.11.01.10, “Continuous Emission Monitoring (CEM) Requirements”
- COMAR 26.11.09.07, “Control of Sulfur Oxides from Fuel Burning Equipment” and COMAR 26.11.09.05, “Visible Emissions”
- COMAR 26.11.10.03, “Visible Emissions,” and COMAR 26.11.10.07, “Testing and Observation Procedures,” under the chapter, “Control of Iron and Steel Production Installations.”
- COMAR 26.11.17.08, “Plantwide Applicability Limit (PAL) — Permits” and COMAR 26.11.17.09, “Plantwide Applicability Limit (PAL) — Monitoring, Record Keeping, and Reporting,” which indicate monitoring requirements.
- COMAR 26.11.27.05, “Monitoring and Reporting Requirements,” under the chapter, “Emission Limitations for Power Plants”

(F)(ii), Stationary Source Monitoring and Reporting

The Maryland SIP regulations below (approved under 40 CFR 52.1070(c), unless otherwise noted), include stationary source emissions monitoring and periodic emissions reports. These regulations address the requirements under 40 CFR Part 51.211, “Emissions reports and recordkeeping”; 40 CFR 51.212, “Testing, inspection, enforcement, and complaints”; and 40 CFR Part 51, subpart A, “Air Emissions Reporting Requirements.”

- COMAR 26.11.01.04, “Testing & Monitoring”
- 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 26.11.01.10, “Continuous Emission Monitoring (CEM) Requirements”
- COMAR 26.11.09.07, “Control of Sulfur Oxides from Fuel Burning Equipment” and COMAR 26.11.09.05, “Visible Emissions”
- COMAR 26.11.10.03, “Visible Emissions” under the chapter, “Control of Iron and Steel Production Installations.”
- COMAR 26.11.27.05, “Emission Limitations for Power Plants,” “Monitoring and Reporting Requirements”
- COMAR 26.11.03.03, “Information Required as Part of Application for a Part 70 Permit.” This regulation is not included in Maryland’s SIP-approved regulations but is included here for reference.

(F)(iii) Reports, State Role, and Public Notification

The Maryland provisions below address these requirements to make reports with emission limitations or standards available to the public. Note that EPA has SIP-approved the provisions below unless otherwise indicated.

- §2-103(b), Environment Article, Annotated Code of Maryland, gives MDE statutory authority over emissions into the air, ambient air quality, and ambient air quality monitoring. This statute has not been SIP approved and is mentioned here for reference purposes only. See Appendix G.
- COMAR 26.11.01.05, “Records and Information,” requires sources to establish and maintain records, for purposes such as allowing MDE to determine compliance with an emissions standard.
- COMAR 26.11.01.04, B(4), states, “All records and reports submitted to the Department or the control officer required under this regulation [regulation “Testing and Monitoring”] shall be available for public inspection.”
- Criteria pollutant emissions-related data in Maryland is available to the public for inspection upon request, in accordance with 40 CFR 51.116, “Data Availability.” This federal regulation states the following:

*(c) Each plan must provide for public availability of emission data reported by source owners or operators or otherwise obtained by a State or local agency. Such emission data must be correlated with applicable emission limitations or other measures. As used in this paragraph, correlated means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures.*³¹

³¹ See 40 U.S. Code of Federal Regulations (CFR) Section 51.116.

Clean Air Act § 110(a)(2)(G): Emergency powers

Clean Air Act § 110(a)(2)(G): Requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in the SIP.

“Each such plan shall – (G) provide for authority comparable to that in section 7603 of this title and adequate contingency plans to implement such authority;”³²

“§ 7603. Emergency powers

Notwithstanding any other provision of this chapter, the Administrator, upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to public health or welfare, or the environment, may bring suit on behalf of the United States in the appropriate United States district court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of air pollutants causing or contributing to such pollution or to take such other action as may be necessary. If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect public health or welfare or the environment. Prior to taking any action under this section, the Administrator shall consult with appropriate State and local authorities and attempt to confirm the accuracy of the information on which the action proposed to be taken is based. Any order issued by the Administrator under this section shall be effective upon issuance and shall remain in effect for a period of not more than 60 days, unless the Administrator brings an action pursuant to the first sentence of this section before the expiration of that period. Whenever the Administrator brings such an action within the 60-day period, such order shall remain in effect for an additional 14 days or for such longer period as may be authorized by the court in which such action is brought.”³³

Below are the statutory and regulatory provisions that provide Maryland with authority comparable to that of the EPA Administrator under section 303 of the Clean Air Act. Note that the statutory and regulatory provisions below are approved under 40 CFR 52.1070(c) unless otherwise noted.

- Environment Article, §2-105, Annotated Code of Maryland provides Maryland with the authority to address activities causing imminent and substantial endangerment to public health or welfare, or the environment. This has not been approved into the Maryland SIP and is included here for reference purposes only. See Appendix G.
- Environment Article, §2-301, Annotated Code of Maryland provides MDE with the authority to adopt rules and regulations in an air quality emergency condition. This has not been approved into the Maryland SIP and is included here for reference purposes only. See Appendix G.

³² See 42 U.S. Code Section 7410(a)(2)(G).

³³ See 42 U.S. Code Section 7603.

- COMAR 26.11.05.03 “Air Pollution Episode Criteria” provides MDE with the authority to activate emergency episode stages and includes provisions to prevent air quality concentrations of SO₂ from reaching the “significant harm level” (SHL) of 2.620 µg/m³ (1.0 ppm) 24-hour average, cited in 40 CFR Sec. 51.151. This regulation also includes the review of meteorological conditions for atmospheric stagnation conditions in conjunctions with each level of air pollution episode, from Standby Watch through Emergency.
- COMAR 26.11.05.04 “Standby Emissions Reduction Plan,” provides MDE with authority to initiate standby emission reduction plans.
- COMAR 26.11.05.05 “Control Requirements and Standby Orders,” and COMAR 26.11.05.06 “Tables,” include Maryland’s state-wide contingency plan, which implements MDE’s emergency episode authority for SO₂.
- Environment Article, § 2-602, “Show-cause and corrective orders”; § 2-604 “Requirements of corrective orders, hearings on orders”; and § 2-609 (a) “Enforcement,” Annotated Code of Maryland provide MDE with authority to address accidental or other releases that are not authorized by statute, regulation or permit or occur in conjunction with violations of existing regulatory requirements. Note that these provisions are not part of the Maryland SIP and are mentioned here for reference purposes only. See Appendix G.

Clean Air Act § 110(a)(2)(H): Future SIP revisions

Clean Air Act § 110(a)(2)(H): Requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate.

*“Each such plan shall— (H) provide for revision of such plan—
(i) from time to time as may be 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), whenever the Administrator finds on the basis of information available to the [EPA] 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;”³⁴*

- Maryland's SIP is essentially a compilation of regulations, source-specific provisions and plans to meet the National Ambient Air Quality Standards (NAAQS). The authority to develop or revise a SIP is based on the authority to adopt new regulations and revise existing regulations to meet the NAAQS. See §2-301(a)(1) Environment Article, Annotated Code of Maryland. Also, §2-302 of the Environment Article, Annotated Code of Maryland, provides the authority to set emission

³⁴ See 42 U.S. Code Section 7410(a)(2)(H).

standards and air quality control areas, as well as ambient air quality standards. See Appendix G for these statutory provisions, which are provided for reference only.

- Nothing in Maryland's statutory or regulatory authority prohibits the State from revising the SIP when the NAAQS are revised by EPA.

Clean Air Act § 110(a)(2)(I): Plan Revisions for Nonattainment Areas

Clean Air Act § 110(a)(2)(I):

“Each such plan shall – (I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas).”

Section 110(a)(2)(I) is not being addressed in this SIP. According to the EPA’s interpretation of the Clean Air Act, this element does not need to be addressed in the context of an infrastructure SIP submission.

Clean Air Act § 110(a)(2)(J): Consultation, public notification, PSD and visibility

Clean Air Act § 110(a)(2)(J): Requires states’ SIPs to **(1)** provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to § 121 consultation requirements; **(2)** to notify the public if NAAQS are exceeded in an area, to advise the public of health hazards and to enhance public awareness of measures to prevent exceedances and ways that they can participate in regulatory and other efforts to improve air quality. (§ 127 public notification), and **(3)** to meet applicable requirements of Part C [of Title I of the Clean Air Act] related to prevention of significant deterioration and visibility protection.

*“Each such plan shall— (J) meet the applicable requirements of section 7421 of this title (relating to consultation), section 7427 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection);”*³⁵

(J) Consultation with identified officials on certain actions

§ 121.³⁶

“In carrying out requirements for plans to contain - (1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of pollution, or (2) any measure referred to - (A) in part D, or (B) in part C, and in carrying out the requirements of § 113(d), the State shall provide a

³⁵ See 42 U.S. Code Section 7410(a)(2)(J).

³⁶ See 42 U.S. Code Section 7421.

satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any FLM having authority over Federal land to which the State plan applies. Such process shall be in accordance with regulations promulgated by EPA. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of EPA approving any portion of a plan may petition for judicial review.”

Maryland has formal consultation procedures in place that are adapted to serve multiple pollutants and processes. These processes address the consultation requirements for the purposes of §121 of the Clean Air Act.

- COMAR 26.11.26 provides the structure for a consultation process between the Maryland Department of the Environment (MDE), Maryland Department of Transportation (MDOT), and Metropolitan Planning Organizations (MPOs). This consultation process is for analyzing the conformity of transportation plans and projects with the State Implementation Plan, and for giving transportation agencies the opportunity to provide comment on the SIP. Overall, the MPOs provide a forum for consultation with local governments. Maryland's MPOs located in nonattainment and maintenance areas are as follows:
 - o Baltimore Regional Transportation Board (BRTB)
 - o National Capital Transportation Planning Board (TPB) for the Washington, D.C. region
 - o Wilmington (Delaware) Area Planning Council (WILMAPCO)
 - o Hagerstown (Maryland)/Eastern Panhandle (West Virginia) Metropolitan Planning Organization (HEPMPO)
- Maryland also addresses the consultation requirements of CAA §121 through the regulatory and statutory provisions listed under “(J) Public notification,” below, as addressing CAA §127. This includes the provisions shown below for public hearings, public notices, and public notifications of air quality alerts and warnings.

(J): Public notification

§ 127.³⁷

“(a) Each plan shall contain measures to regularly notify the public of when any NAAQS is exceeded or was exceeded during the preceding year, to advise the public of health hazards associated with such pollution, and to enhance awareness of measures which can be taken to prevent the standards from being exceeded and ways in which the public can participate in regulatory and other efforts to improve air quality.”

- Public hearings on proposed Maryland regulations are held in accordance with the following statutory provisions, not in the Maryland SIP:

³⁷ See 42 U.S. Code Section 7427.

- o Section 2-303(b), Environment Article, Annotated Code of Maryland; this requires public hearings to be held before adopting air quality regulations. See Appendix G.
- o Subtitle 1 of Title 10, State Government Article, Annotated Code of Maryland; particularly §§ 10-101, 10-109—10-118; this sets forth the administrative procedure requirements for adopting or modifying regulations, including public notification and participation requirements. See Appendix G.
- o Public hearings on proposed Maryland regulations are also held in accordance with EPA requirements under 40 CFR §51.102, “Public hearings.”
- Public notice is addressed in the EPA SIP-approved portions of the following regulations in COMAR 26.11.02, “Permits, Approvals, and Registration”:
 - o COMAR 26.11.02.11, “Procedures for Obtaining Permits to Construct Certain Significant Sources”
 - o COMAR 26.11.02.12, “Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permit to Construct MACT Determinations On a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources”
- The EPA SIP-approved portions of the Annotated Code of Maryland, Public Utilities Article statutory provisions, § 7-207, “Generating Stations or Transmission Lines -- General Certification Procedure,” and § 7-208, “Generating Stations or Transmission Lines -- Joint Construction of Station and Associated Lines”
 - These establish requirements for construction and modification of generating stations. This includes consideration of related air quality impacts, including requirements for the Commission to provide public notices.
- Public notification of air quality alerts and warnings is provided in the following regulations:
 - o 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
 - o COMAR 26.11.05.03, “Air Pollution Episode Criteria,” in the chapter “Air Pollution Episode System”

(J): PSD and visibility

“Each such plan shall— (J) meet the applicable requirements of... part C of [Title I of the Clean Air Act] (relating to prevention of significant deterioration of air quality and visibility protection);”³⁸

³⁸ See 42 U.S. Code Section 7410(a)(2)(J).

- Maryland's PSD requirements are found in COMAR 26.11.06.14. Additional provisions implementing the EPA's final PSD and Title V Greenhouse Gas Tailoring Rule (75 FR 31514, June 3, 2010, amending 40 CFR Parts 51, 52, 70, and 71) are under COMAR 26.11.01.01, COMAR 26.11.02.01, and COMAR 26.11.02.12.
- In 2013, Maryland revised its "PSD sources" regulations in COMAR 26.11.06.14 and COMAR 26.11.01.01B(37) to refer to any new or modified source subject to the provisions of 40 CFR 52.21, as amended.
- COMAR 20.79, "Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines," particularly the EPA SIP-approved portions of this chapter, regulate construction and modification of electric generating stations, including consideration of related air quality impacts. This chapter also incorporates by reference Maryland's PSD regulations found in COMAR 26.11. See COMAR 20.79.01.06.
- The statutory provisions below establish requirements for construction and modification of generating stations, including consideration of related air quality impacts. See the EPA SIP-approved portions of the following sections of the Public Utilities Article, Annotated Code of Maryland:
 - o § 7-205, Electric Companies – Modification of Power Plant
 - o § 7-207, Generating Stations or Transmission Lines -- General Certification Procedure
 - o § 7-208, Generating Stations or Transmission Lines -- Joint Construction of Station and Associated Lines

Based on the EPA's infrastructure SIP guidance,³⁹ the EPA believes that there are no new visibility protection requirements under CAA title I, part C as a result of a revised NAAQS. Therefore, no new visibility protection obligations occur under Clean Air Act § 110(a)(2)(J) following the promulgation of a new or revised NAAQS. Accordingly, MDE does not need to address the visibility sub-element of CAA § 110(a)(2)(J) in this or other infrastructure SIPs.

Clean Air Act § 110(a)(2)(K): Air quality modeling/data

Clean Air Act § 110(a)(2)(K): Requires that SIPs provide for performing air quality modeling for predicting effects on ambient air quality of emissions from any NAAQS pollutant and submission of such data (relating to the modeling) to EPA upon request.

"Each such plan shall— (K) provide for—

³⁹ See "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," U.S. Environmental Protection Agency (EPA) for the 2008 Ozone NAAQS, the 2010 Nitrogen Dioxide NAAQS, the 2010 Sulfur Dioxide NAAQS, and the 2012 Fine Particulate Matter (PM_{2.5}) NAAQS, accompanying the Memorandum from Stephen D. Page, Office of Air Quality Planning and Standards (Washington, DC: U.S. Environmental Protection Agency, September 13, 2013), p. 55.

(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;”⁴⁰

Air Quality Modeling and Data:

- Authority under § 2-103 and § 2-302 of the Environment Article, Annotated Code of Maryland. Section 2-103 addresses the powers and duties of MDE, while § 2-302 addresses air quality control areas. Note that these statutes are not EPA SIP-approved. See Appendix G.
- Authority under EPA SIP-approved portions of the following sections of the Public Utilities Article, Annotated Code of Maryland:
 - o § 7-205, Electric Companies – Modification of Power Plant
 - o § 7-207, Generating Stations or Transmission Lines -- General Certification Procedure
 - o § 7-207.1, Generating Stations or Transmission Lines—Onsite Generated Electricity; Approval Process
 - o § 7-208, Generating Stations or Transmission Lines -- Joint Construction of Station and Associated Lines
- COMAR 26.11.06.14, “Control of PSD Sources,” Maryland’s PSD program, is consistent with the federal PSD requirements and accordingly, addresses the PSD modeling requirements under § 110(a)(2)(K).
- The EPA SIP-approved portions of COMAR 20.79.01, .02, and .03, in the subtitle, “Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines.” These include, for example, establishing requirements for the calculation of increases in air emissions related to modifications of facilities at power plants. COMAR 20.79.01.06 incorporates by reference Maryland’s PSD regulations found in COMAR 26.11.06.14 and COMAR 26.11.17. COMAR 20.79.03.02 establishes requirements for applications, regarding construction and modification of generating stations, to demonstrate compliance with environmental restrictions. This includes providing the following information to show the impact on air quality: (1) ability of the generating station to comply with PSD and NSR provisions; and (2) the impact on PSD areas.
- As Maryland has done in the past, it can provide a modeling analysis to assess the effect of the state's air emissions on the NAAQS. Past examples include modeling for 8-hour ozone and PM_{2.5} SIPs.

⁴⁰ See U.S. Code Section 7410(a)(2)(K).

Clean Air Act § 110(a)(2)(L): Permitting fees

Clean Air Act § 110(a)(2)(L): SIPs must require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing, and enforcing a permit.

“Each such plan shall— (L) require the owner or operator of each major stationary source to pay to 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;”⁴¹

- Maryland's Title V program is found under COMAR 26.11.03, with regulations on the collection of fees located under COMAR 26.11.02.16, “Permit Fees” in the chapter “Permits, Approvals, and Registration Authority.” EPA approved Maryland’s Title V program, effective February 14, 2003 (see 68 Fed. Reg. 1974, January 15, 2003). Maryland’s Title V program fulfills the requirements of § 110(a)(2)(L), including addressing § 110(a)(2)(L)(i) and (ii), above. The Title V program fees cover reasonable costs to review and act on permits and enforce terms and conditions of these permits. Note that COMAR 26.11.03 is not part of Maryland’s EPA-approved SIP and is mentioned here for reference purposes only.
- The Annotated Code of Maryland, Environment Article § 2-403 – “Permits or registration—Fees,” also addresses the requirements § 110(a)(2)(L). See Appendix G.

Clean Air Act § 110(a)(2)(M): Consultation/participation by local entities

Clean Air Act §110(a)(2)(M): Requires SIPs to “provide for consultation and participation by local political subdivisions affected by the plan.”

“Each such plan shall— (M) provide for consultation and participation by local political subdivisions affected by the plan.”⁴²

- The statutory authority is located under §2-103 and §2-302 of the Environment Article, Annotated Code of Maryland. Note that these statutory provisions are not currently part of the Maryland SIP and are mentioned here for reference purposes only. See Appendix G.

⁴¹ See 42 USC Sec. 7410(a)(2)(L)

⁴² See 42 USC Sec. 7410(a)(2)(M)

Maryland has formal consultation procedures in place that are adapted to serve multiple pollutants and processes. These processes address the consultation requirements for the purposes of §121 of the Clean Air Act.

- COMAR 26.11.26 provides the structure for a consultation process between the Maryland Department of the Environment (MDE), Maryland Department of Transportation (MDOT), and Metropolitan Planning Organizations (MPOs). This consultation process is for analyzing the conformity of transportation plans and projects with the State Implementation Plan, and for giving transportation agencies the opportunity to provide comment on the SIP. Overall, the MPOs provide a forum for consultation with local governments. Maryland's MPOs located in nonattainment and maintenance areas are as follows:
 - o Baltimore Regional Transportation Board (BRTB)
 - o National Capital Transportation Planning Board (TPB) for the Washington, D.C. region
 - o Wilmington (Delaware) Area Planning Council (WILMAPCO)
 - o Hagerstown (Maryland)/Eastern Panhandle (West Virginia) Metropolitan Planning Organization (HEPMPO)
- Public hearings on proposed Maryland regulations are held in accordance with the Maryland statutory provisions (not currently in the Maryland SIP) and the federal regulations below.
 - o Section 2-303(b), Environment Article, Annotated Code of Maryland; this requires public hearings to be held before adopting air quality regulations. See Appendix G.
 - o Subtitle 1 of Title 10, State Government Article, Annotated Code of Maryland; particularly §§ 10-101, 10-109—10-118. This sets forth the administrative procedure requirements for adopting or modifying regulations, including public notification and participation requirements. See Appendix G.
 - o Public hearings on proposed Maryland regulations are also held in accordance with EPA requirements under 40 CFR §51.102.
- Public notice is addressed in the following regulatory and statutory provisions:
 - o COMAR 26.11.02, “Permits, Approvals, and Registration”:
 - The EPA SIP-approved portions of COMAR 26.11.02.11, “Procedures for Obtaining Permits to Construct Certain Significant Sources.”
 - COMAR 26.11.02.12, “Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permit to Construct MACT Determinations On a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources.”
 - o The EPA SIP-approved portions of the statutory provisions, § 7-207, “Generating Stations or Transmission Lines -- General Certification Procedure,” and § 7-208, “Generating Stations or Transmission Lines -- Joint Construction of Station and Associated Lines,” Public Utilities

Article, Annotated Code of Maryland, establish requirements for construction and modification of generating stations. This includes consideration of related air quality impacts, and including requirements for the Commission to provide public notices.

- o The regulations below, under the chapter “Permits, Approvals, and Registration — Title V Permits,” COMAR 26.11.03. Note that these regulations are cited here for reference purposes only. They are not included in Maryland’s SIP-approved regulations.
 - .01, “Applicability and General Requirements”
 - .07, “Public Participation Procedures”
 - .08, “Review by Affected States of Part 70 Permits”
 - .17, “Significant Permit Modifications”
- Public notification of air quality alerts and warnings is provided in the following:
 - o 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
 - o COMAR 26.11.05.03, “Air Pollution Episode Criteria,” in the chapter “Air Pollution Episode System.”
 - o Maryland also provides public access to all air monitoring data via the Internet, as required under Section 2-103.2(b), Environment Article, Annotated Code of Maryland. See Appendix G for reference.

Conclusion

Based on the information provided above, Maryland fully complies with the applicable requirements of §110(a)(2)(A) through §110(a)(2)(M). As a result, no Maryland implementation plan is needed to correct deficiencies.

APPENDICES

Please note: all of the appendices that follow are for reference only and are not part of the Maryland State Implementation Plan.

Appendix A: Maryland's Proximity to 1-Hour SO₂ Nonattainment Areas in Other States

1. Green Book Nonattainment Areas, Sulfur Dioxide (2010)..... Page 1
2. Monitoring Site Design Value History, Site Level, for Sulfur Dioxide 1 Hour NAAQS, 2009-2014, in Maryland and Its Neighboring States..... Pages 2-5
3. Pennsylvania SO₂ Nonattainment Areas (2010 Standard) Map..... Page 6
4. West Virginia SO₂ Nonattainment Areas (2010 Standard) Map..... Page 7
5. Ohio SO₂ Nonattainment Areas (2010 Standard) Map..... Page 8
6. SO₂ Nonattainment Areas (2010 Standard) in States Neighboring Maryland, and the Proximity to Maryland..... Page 9
7. Mapped Distances Between MD & Four Nearest Neighboring 1-Hour SO₂ NAAs..... Pages 10-16

(See the attached document package, the first page of which is pictured below.)

 Green Book Nonattainment Areas Sulfur Dioxide (2010) Nonattainment Areas					
As of April 22, 2016 * Design Value (DV) notes					
Current and historical design value data can be found at https://www.epa.gov/airtrends/values.html					
Areas Listed Alphabetically	Design Values at Designation (ppb)	No. Counties NAA	2010 Population	EPA Region	State
Allegheny, PA	146	1	126,934	3	PA
Beaver, PA	158	1	14,780	3	PA
Billings, MT	79	1	2,621	8	MT
Campbell-Clermont Counties, KY-OH	89	2	31,920	4-5	KY-OH
Central New Hampshire, NH	221	3	124,453	1	NH
Detroit, MI	90	1	254,079	5	MI
Havden, AZ	259	2	4,630	9	AZ
Hillsborough County, FL	103	1	17,477	4	FL
Indiana, PA	82	2	92,778	3	PA
Indianapolis, IN	80	1	388,587	5	IN
Jackson County, MO	159	1	57,293	7	MO
Jefferson County, KY	112	1	3,185	4	KY
Jefferson County, MO	289	1	61,933	7	MO
Lake County, OH	157	1	230,041	5	OH
Lemont, IL	98	2	168,916	5	IL
Marshall, WV	80	1	20,365	3	WV
Miami, AZ	111	1	14,995	9	AZ
Morgan County, IN	100	1	21,365	5	IN
Muscatine, IA	127	1	30,329	7	IA
Muskingum River, OH	180	2	4,456	5	OH
Nassau County, FL	129	1	6,217	4	FL
Pekin, IL	211	2	41,194	5	IL
Rhineland, WI	151	1	18,054	5	WI
Southwest Indiana, IN	175	2	5,555	5	IN
St. Bernard Parish, LA	287	1	35,897	6	LA
Steubenville, OH-WV	119	2	58,267	5-3	OH-WV
Sullivan County, TN	196	1	15,289	4	TN
Terre Haute, IN	150	1	53,902	5	IN
Warren, PA	105	1	18,056	3	PA
29 Total Areas		38	1,923,568		

Note: The yellow-highlighted areas are the four 1-hour SO₂ nonattainment areas closest to Maryland's borders. Still, they are too far away from Maryland for Maryland's SO₂ source areas to influence these out of state areas' attainment or maintenance of the 1-hour SO₂ standard.

Green Book Nonattainment Areas

Sulfur Dioxide (2010) Nonattainment Areas

As of April 22, 2016 | * [Design Value \(DV\) notes](#)

Current and historical design value data can be found at <https://www.epa.gov/airtrends/values.html>

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Detroit, MI	90	1	254,079	5	MI
Hayden, AZ	259	2	4,630	9	AZ
Hillsborough County, FL	103	1	17,477	4	FL
Indiana, PA	82	2	92,778	3	PA
Indianapolis, IN	80	1	388,587	5	IN
Jackson County, MO	159	1	57,293	7	MO
Jefferson County, KY	112	1	3,185	4	KY
Jefferson County, MO	289	1	61,933	7	MO
Lake County, OH	157	1	230,041	5	OH
Lemont, IL	98	2	168,916	5	IL
Marshall, WV	80	1	20,365	3	WV
Miami, AZ	111	1	14,995	9	AZ
Morgan County, IN	100	1	21,365	5	IN
Muscatine, IA	127	1	30,329	7	IA
Muskingum River, OH	180	2	4,456	5	OH
Nassau County, FL	129	1	6,217	4	FL
Pekin, IL	211	2	41,194	5	IL
Rhineland, WI	151	1	18,054	5	WI
Southwest Indiana, IN	175	2	5,555	5	IN
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Steubenville, OH-WV	119	2	58,267	5-3	OH-WV
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Note: The yellow-highlighted areas are the four 1-hour SO₂ nonattainment areas closest to Maryland's borders. Still, they are too far away from Maryland for Maryland's SO₂ source areas to influence these out of state areas' attainment or maintenance of the 1-hour SO₂ standard.

**Monitoring Site Design Value History Site level for Sulfur Dioxide 1 Hour NAAQS for
2009 through 2014 in Maryland and Its Neighboring States
May 11, 2016**

Site	State	County	CBSA	Address	2009-2011 Design Value (ppb) ^{1,2,3,5}	2010-2012 Design Value (ppb) ^{1,2,3,5}	2011-2013 Design Value (ppb) ^{1,2,3,5}	2012-2014 Design Value (ppb) ^{1,2,3,5}	Non- regulatory site?
100032004	DE	New Castle	Philadelphia-Camden- Wilmington, PA-NJ-DE-MD	MLK BLVD AND JUSTISON ST.	25	18	4	4	
110010041	DC	District of Columbia	Washington-Arlington- Alexandria, DC-VA-MD-WV	420 34TH ST N.E., Washington, DC 20019	27	17	13	4	
240053001	MD	Baltimore	Baltimore-Towson, MD	600 DORSEY AVE	34	22	22	22	
240230002	MD	Garrett	N/A (research monitor)	PINEY RUN, FROSTBURG RESERVOIR, FINZEL	31	19	4	4	Y
240330030	MD	Prince George's	Washington-Arlington- Alexandria, DC-VA-MD-WV	HOWARD UNIVERSITY'S BELTSVILLE LABORATORY, 12003 OLD BALTIMORE PIKE	15	11	10	11	
420030002	PA	Allegheny	Pittsburgh, PA	520 ORCHARD AVE, AVALON	51	45	40	37	
420030008	PA	Allegheny	Pittsburgh, PA	301 39TH ST, BLDG #7, LAWRENCEVILLE	4	4	26	21	
420030010	PA	Allegheny	Pittsburgh, PA	CARNEGIE SCIENCE CENTER - 1 ALLEGHENY RD	40	27	24	4	
420030064	PA	Allegheny	Pittsburgh, PA	2743 WASHINGTON BLVD, LIBERTY	142	137	117	101	
420030067	PA	Allegheny	Pittsburgh, PA	3640 OLD OAKDALE RD, SOUTH FAYETTE	40	29	22	20	
420070002	PA	Beaver	Pittsburgh, PA	ROUTE 168 & TOMLINSON ROAD	80	57	40	31	
420070005	PA	Beaver	Pittsburgh, PA	1015 SEBRING ROAD	158	180		4	
420110011	PA	Berks	Reading, PA	1059 ARNOLD ROAD	36	4	4	4	
420130801	PA	Blair	Altoona, PA	2ND AVE & 7TH ST	40	32	31	35	
420170012	PA	Bucks	Philadelphia-Camden- Wilmington, PA-NJ-DE-MD	ROCKVIEW LANE	26	20	18	15	

**Monitoring Site Design Value History Site level for Sulfur Dioxide 1 Hour NAAQS for
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420210011	PA	Cambria	Johnstown, PA	MILLER AUTO SHOP 1 MESSENGER ST	54	49	41	46	
420270100	PA	Centre	State College, PA	PENN STATE UNIVERSITY - ARBORETUM SITE	25		4	4	
420450002	PA	Delaware	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	FRONT ST & NORRIS ST	26	21	14	4	
420490003	PA	Erie	Erie, PA	10TH AND MARNE STREETS	28	22	17	14	
420630004	PA	Indiana	Indiana, PA	PA. DEPT. OF TRANSPORTATION - RT.403 - STRONGSTOWN	82	78	68	4	
420730015	PA	Lawrence	New Castle, PA	CROTON ST & JEFFERSON ST.	60		4	4	
420791101	PA	Luzerne	Scranton--Wilkes-Barre, PA	CHILWICK & WASHINGTON STS	19	13	9	8	
420910013	PA	Montgomery	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	STATE ARMORY - 1046 BELVOIR RD	18	12	9	7	
420958000	PA	Northampton	Allentown-Bethlehem-Easton, PA-NJ	17TH AND SPRING GARDEN STREETS	44	36	4	4	
420990301	PA	Perry	Harrisburg-Carlisle, PA	ROUTE 34 LITTLE BUFFALO STATE PARK	18	12	9	4	
421010004	PA	Philadelphia	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	1501 E. LYCOMING AVE.	23	13	9	4	
421010055	PA	Philadelphia	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	24TH & RITNER STREETS	24	18	13	4	
421230004	PA	Warren	Warren, PA	OVERLOOK SITE - NEAR STONE HILL ROAD	105	107	112	120	
421250005	PA	Washington	Pittsburgh, PA	CHARLER01 WASTE TREATMENT PLANT	49	21	20	26	
421255001	PA	Washington	Pittsburgh, PA	HILLMAN STATE PARK - KINGS CREEK ROAD	53	33	24	17	

**Monitoring Site Design Value History Site level for Sulfur Dioxide 1 Hour NAAQS for
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421330008	PA	York	York-Hanover, PA	HILL ST.	50	27	24	20	
510360002	VA	Charles	Richmond, VA	SHIRLEY PLANTATION, ROUTE 5	43	34	29	27	
510870014	VA	Henrico	Richmond, VA	2401 HARTMAN STREET MATH & SCIENCE CTR	⁴	⁴	11	7	
511611004	VA	Roanoke	Roanoke, VA	EAST VINTON ELEMENTARY SCHOOL or HERMAN HORN ELEMENTARY SCHOOL	10	8	⁴	⁴	
511650003	VA	Rockingham	Harrisonburg, VA	VDOT RESIDENCY SHOP, 3536 NORTH VALLEY PIKE, HARRISONBURG, VA	9	6	5	5	
515100009	VA	Alexandria City	Washington-Arlington- Alexandria, DC-VA-MD-WV	517 N SAINT ASAPH ST, ALEXANDRIA HEALTH	22	⁴	⁴	⁴	
516500008	VA	Hampton City	Virginia Beach-Norfolk- Newport News, VA-NC	ADJACENT TO BUILDING 1196, WYTHE LANDING LOOP, NASA- LANGLEY RESEARCH CENTER	⁴	⁴	37	37	
517100024	VA	Norfolk City	Virginia Beach-Norfolk- Newport News, VA-NC	181-A1, NOAA LOT, 2ND ST & WOODIS AVE.	⁴	⁴	54	48	
517600024	VA	Richmond City	Richmond, VA	158-W, SCIENCE MUSEUM OF VA, DMV & LEIGH STREETS	35	25	⁴	⁴	
540090005	WV	Brooke	Weirton-Steubenville, WV-OH	FOLLANSBEE - MAHAN LANE	<u>119</u>	<u>115</u>	<u>88</u>	51	
540090007	WV	Brooke	Weirton-Steubenville, WV-OH	MCKIMS RIDGE ROAD - CROSS CREEK DISTRICT - P O BOX 3280	<u>83</u>	<u>79</u>	59	45	
540096000	WV	Brooke	Weirton-Steubenville, WV-OH	STATE TOUTE 2, BOX27A, BEECH BOTTOM, WVA	⁴	⁴	32	23	
540110006	WV	Cabell	Huntington-Ashland, WV-KY- OH	HUNTINGTON - MARSHALL UNIVERSITY	33	30	⁴	⁴	Y
540290005	WV	Hancock	Weirton-Steubenville, WV-OH	NEW MANCHESTER - NEW MANCHESTER ELEM SCHOOL	<u>86</u>	47	29	29	
540290007	WV	Hancock	Weirton-Steubenville, WV-OH	NEW CUMBERLAND - R D #1, CROTHERS ROAD	66	40	31	29	

Monitoring Site Design Value History Site level for Sulfur Dioxide 1 Hour NAAQS for 2009 through 2014 in Maryland and Its Neighboring States
May 11, 2016

Site	State	County	CBSA	Address	2009-2011 Design Value (ppb) ^{1,2,3,5}	2010-2012 Design Value (ppb) ^{1,2,3,5}	2011-2013 Design Value (ppb) ^{1,2,3,5}	2012-2014 Design Value (ppb) ^{1,2,3,5}	Non- regulatory site?
540290008	WV	Hancock	Weirton-Steubenville, WV-OH	CHESTER - ALLISON ELEMENTARY SCHOOL, 647 RAILROAD STREET	69	35	28	26	
540290009	WV	Hancock	Weirton-Steubenville, WV-OH	WEIRTON - SUMMIT CIRCLE	88	59	44	31	
540290015	WV	Hancock	Weirton-Steubenville, WV-OH	LAWRENCEVILLE - COMMUNITY PARK AND TYRONE ROAD	68	43	34	34	
540291004	WV	Hancock	Weirton-Steubenville, WV-OH	WEIRTON - OAK ST AND OWINGS ST (BETWEEN DEAD ENDS)	70	53	45	33	
540390010	WV	Kanawha	Charleston, WV	CHARLESTON - 209 MORRIS STREET	53	45	42	42	
540511002	WV	Marshall	Wheeling, WV-OH	MOUNDSVILLE - NG ARMORY, 1501 NINTH STREET	80	78	59	47	
540610003	WV	Monongalia	Morgantown, WV	MORGANTOWN - AIRPORT US 119&AIRPORT BLVD.	76	21	17	15	
541071002	WV	Wood	Parkersburg-Marietta-Vienna, WV-OH	VIENNA - NEALE ELEM SCHOOL	84	52	33	27	

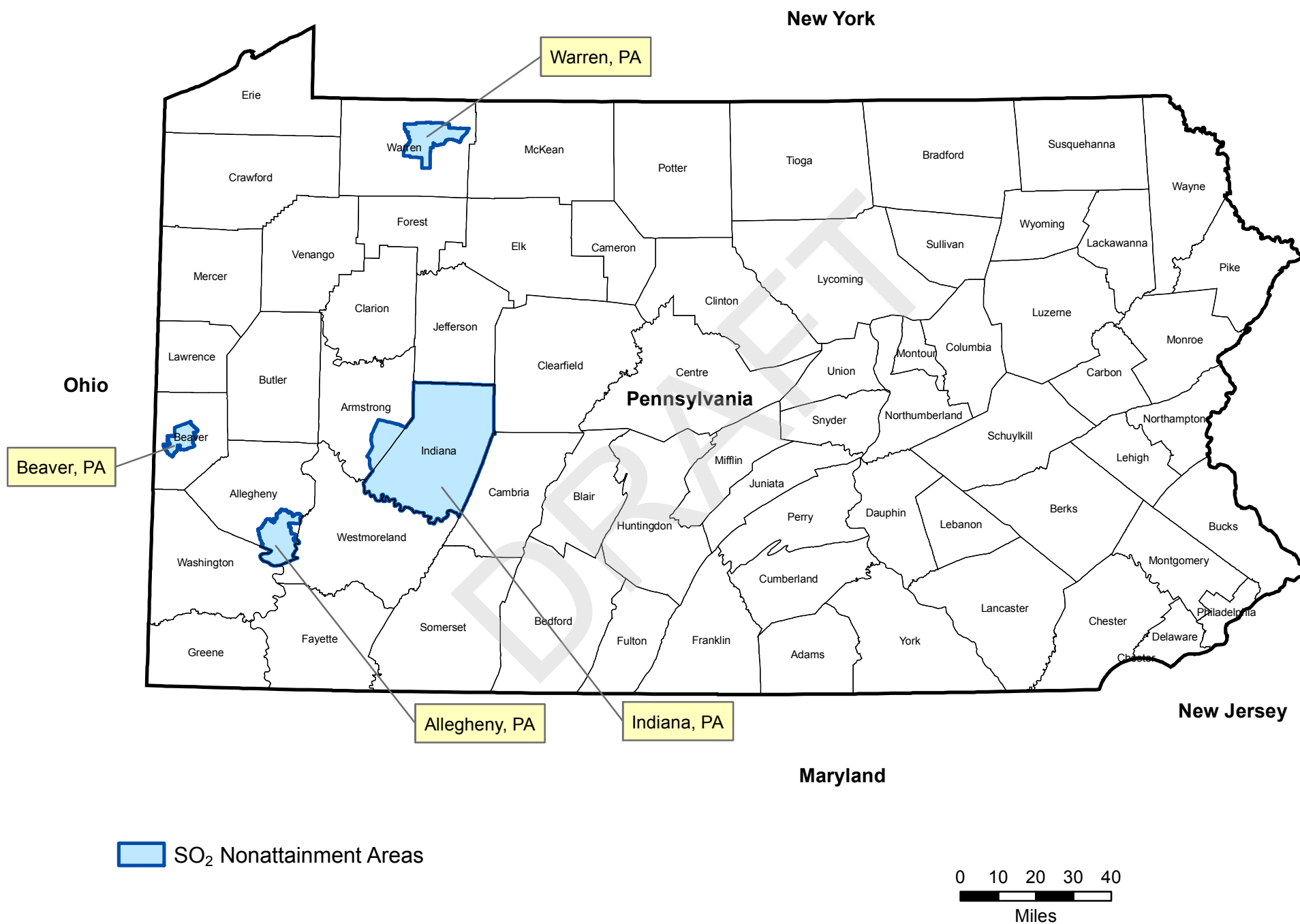
Source: Data from <http://www.epa.gov/airtrends/values.html>, downloaded 6/17/2015 and 5/11/2016 - EPA, Air Trends, Design Values page, 2014 and 2013 Design Value Reports, Sulfur Dioxide Detailed Information. Table based on EPA's "Table 6c: Monitoring Site Design Value History Site level for Sulfur Dioxide 1 Hr NAAQS for 2009 through 2013," with added information from other parts of the cited reports.

Notes:

1. The level of the 1-hour NAAQS for sulfur dioxide is 75 parts per billion (ppb) calculated as the 3-year average of the 99th percentile of the annual distribution of daily maximum 1-hour average concentrations
2. The design values shown here are computed for the latest design value period from data collected using Federal Reference Methods or Federal Equivalent Methods reported by States, Tribes, and local agencies to EPA's Air Quality System (AQS) as of 7/6/2015. Concentrations flagged by States, Tribes, and local agencies as exceptional events (e.g., high winds, wildfires, volcanic eruptions) and concurred by the associated EPA Regional Office are not included in the calculation of these design values.
3. This table does not include those SO₂ air quality monitoring sites with incomplete data for three or more of the design values in the table.
4. These years did not have complete data to calculate valid design values.
5. The yellow-highlighted cells show design values of 75 ppb or greater in the four 1-hour SO₂ nonattainment areas closed to Maryland (see related maps in this appendix). The gray-highlighted cells show design values of 75 ppb or greater in the nonattainment areas farther away from Maryland.

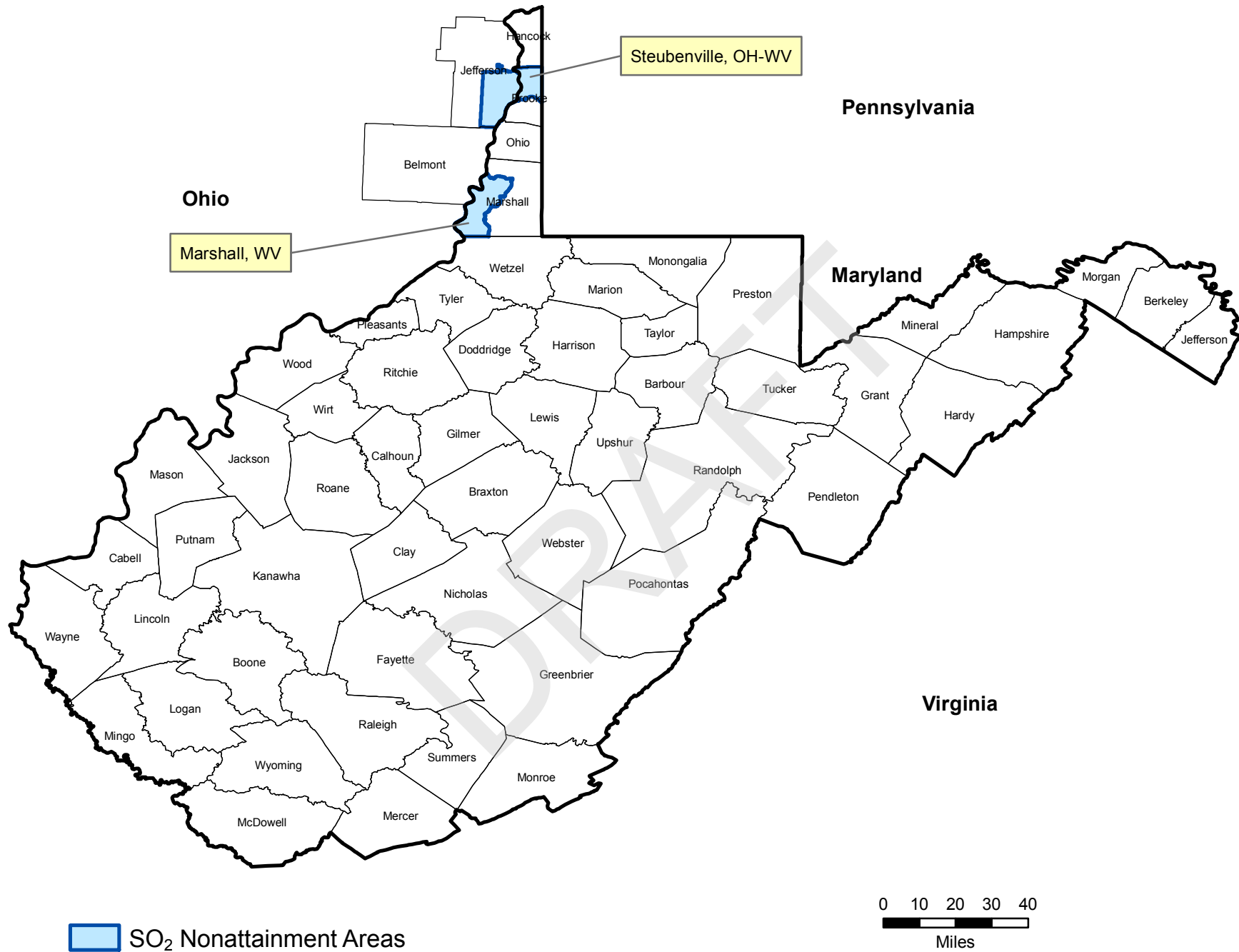
Pennsylvania SO₂ Nonattainment Areas (2010 Standard)

1/30/2015



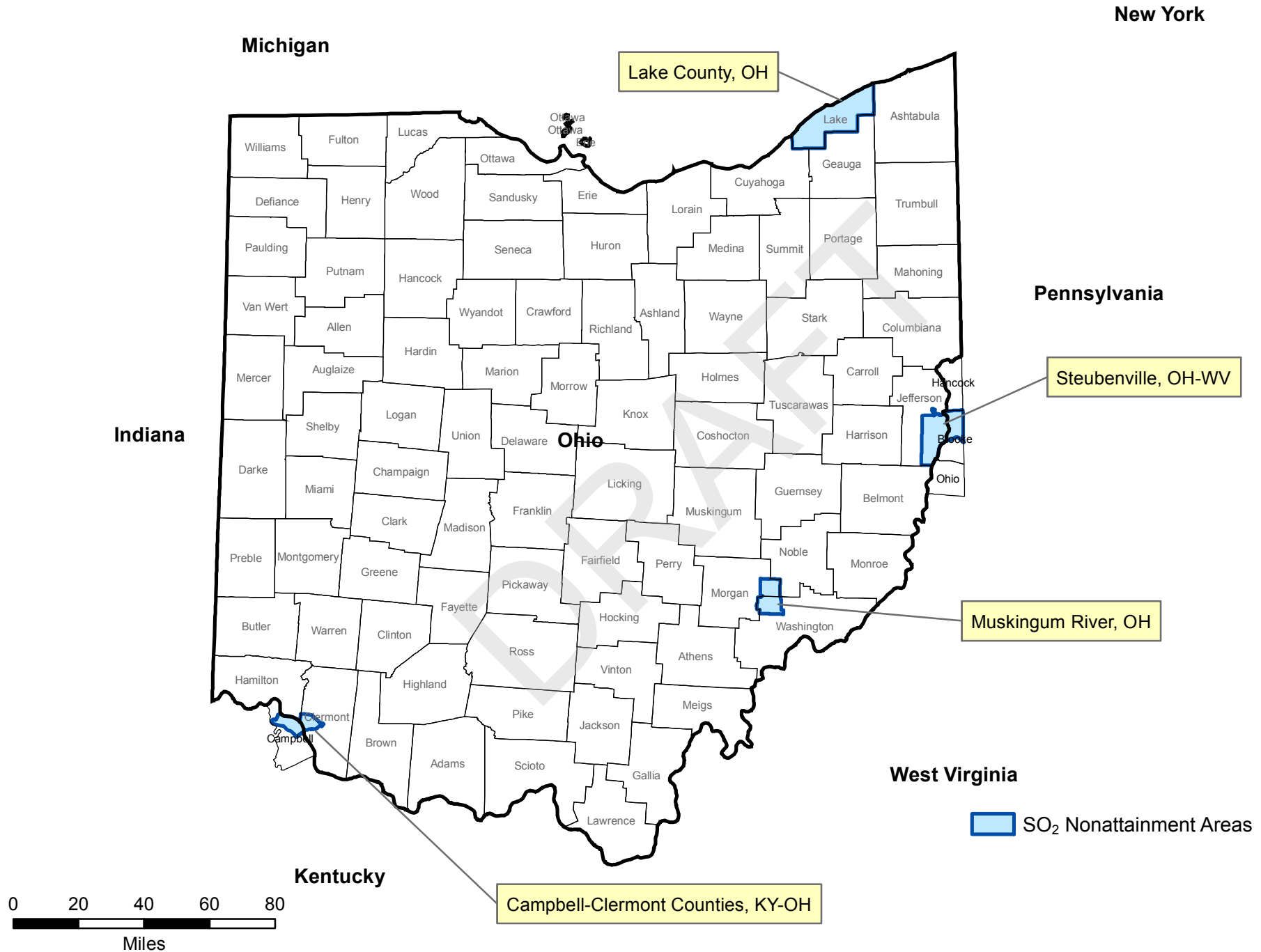
West Virginia SO₂ Nonattainment Areas (2010 Standard)

1/30/2015

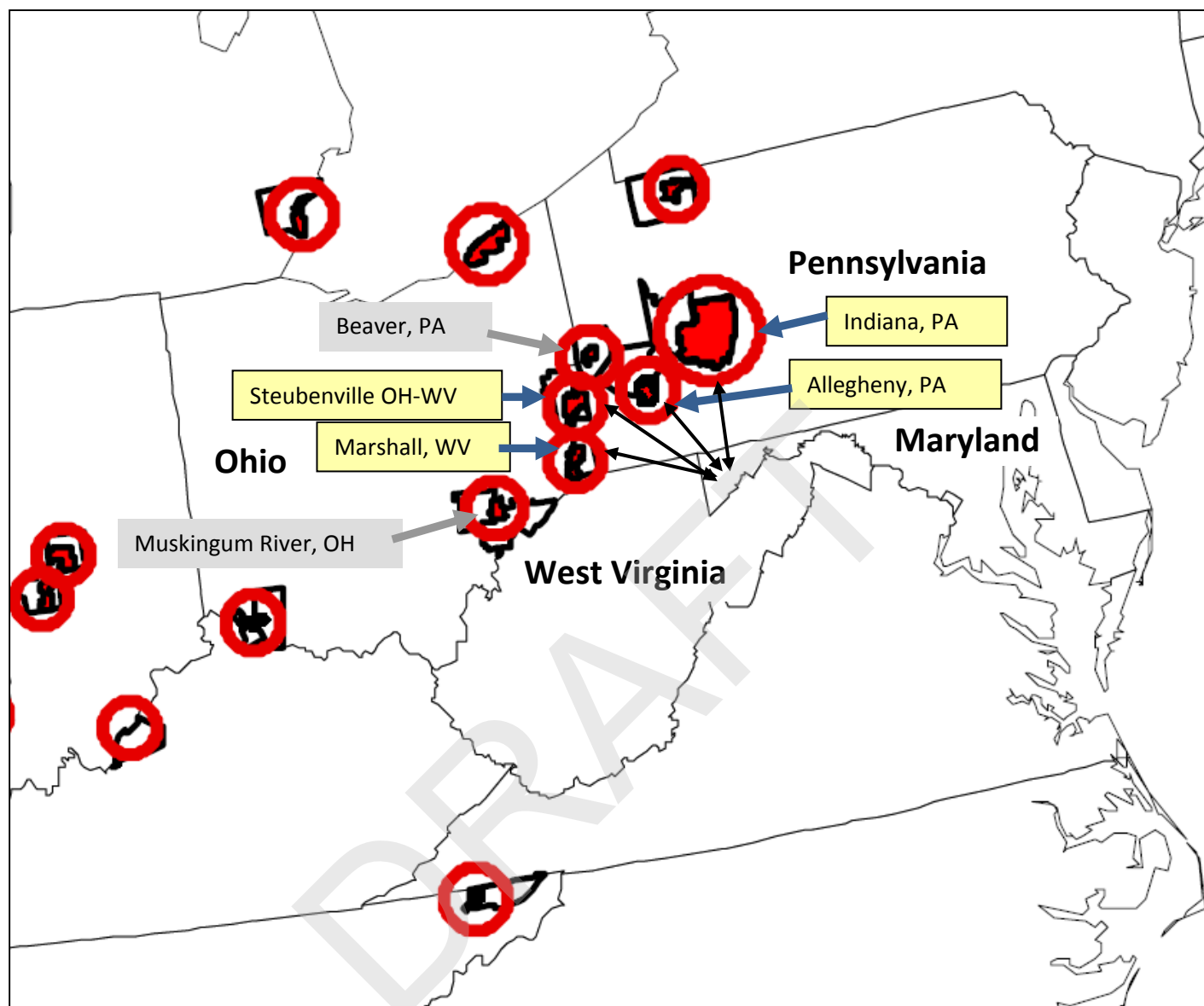


Ohio SO₂ Nonattainment Areas (2010 Standard)

04/22/2016



SO₂ Nonattainment Areas (2010 Standard) in States Neighboring Maryland, and the Proximity to Maryland



Distances between 1-hour SO₂ violating monitors in nearest out-of-state nonattainment areas and the Maryland state border nearest to them:

1. Between Allegheny, PA and MD: 49 miles
2. Between Indiana, PA and MD: 59 miles
3. Between Marshall, WV and MD: 69 miles
4. Between Steubenville, OH-WV and MD: 78 miles

Map Key:

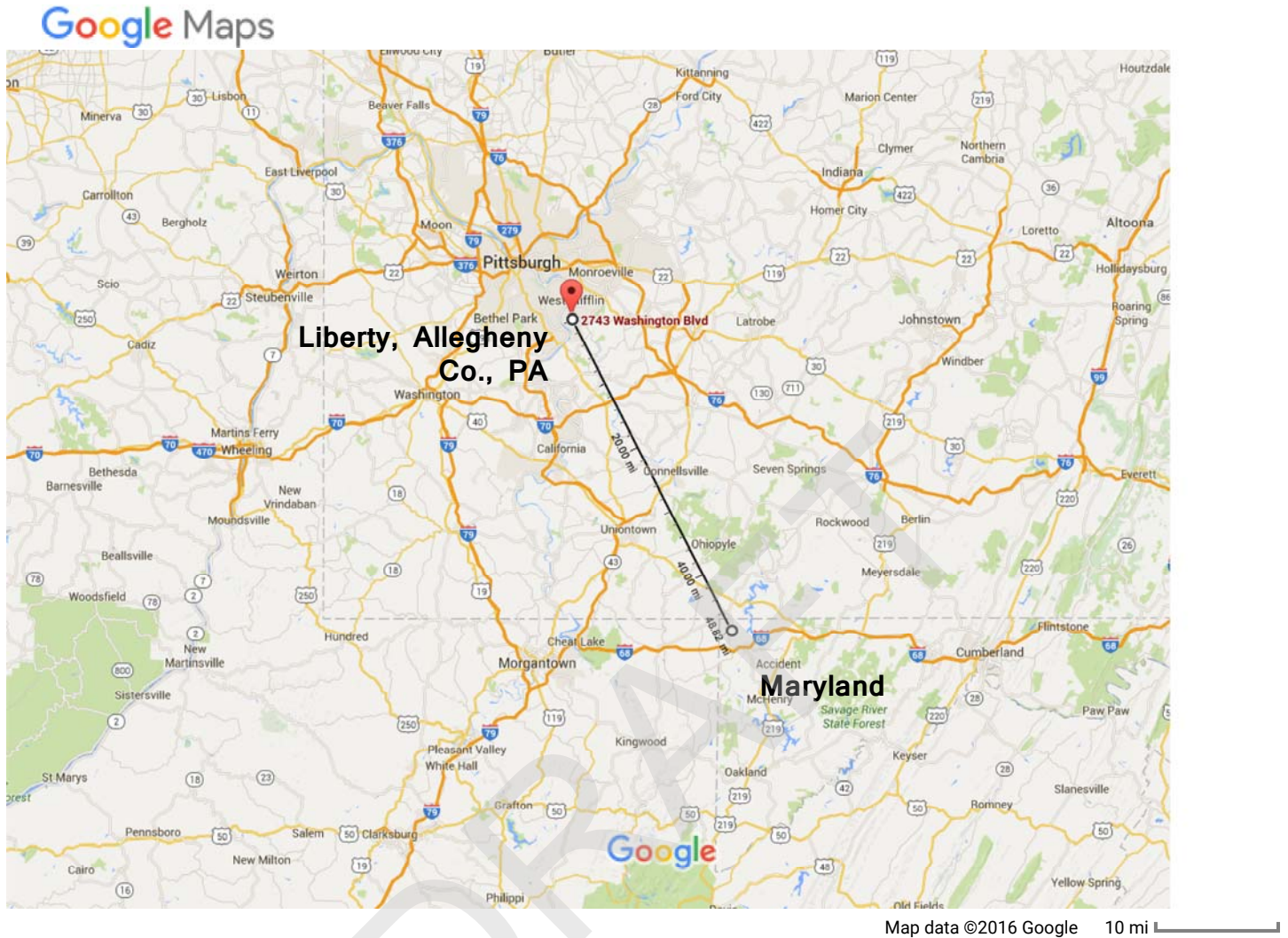
SO₂ nonattainment areas are indicated by red shading.

When only a portion of a county is shown in color, it indicates that only part of the county is within a nonattainment area boundary.

Adapted from the U.S. EPA, Green Book Nonattainment Areas, 2010 Sulfur Dioxide (SO₂) Area Map, April 22, 2016, https://www3.epa.gov/airquality/greenbook/map/mapso2_2010.pdf, accessed May 11, 2016.

Mapped Distances Between MD & Four Nearest Neighboring 1-Hour SO₂ NAAs

Distance from Maryland to 2743 Washington Blvd, Liberty, Allegheny County, PA --
Site ID 420030064



2743 Washington Blvd

McKeesport, PA 15133

Measure distance

Total distance: 48.82 mi (78.56 km)



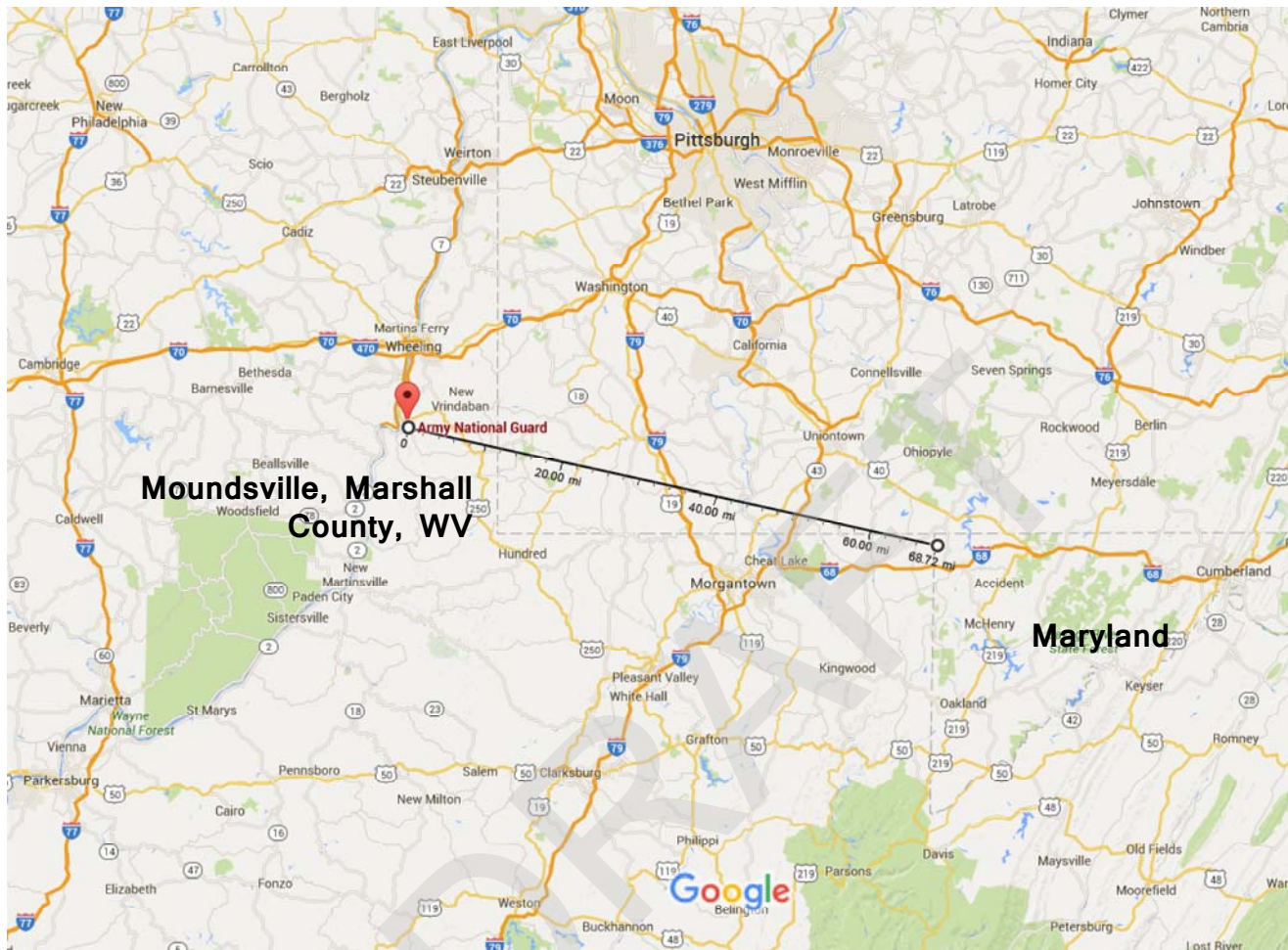
40°33'48.0"N 78°55'11.9"W

Measure distance

Total distance: 58.91 mi (94.80 km)

Google Maps

**Distance from Moundsville, WV - NG Armory, 1501 Ninth Street,
Site ID 540511002, Marshall County, WV to Maryland**



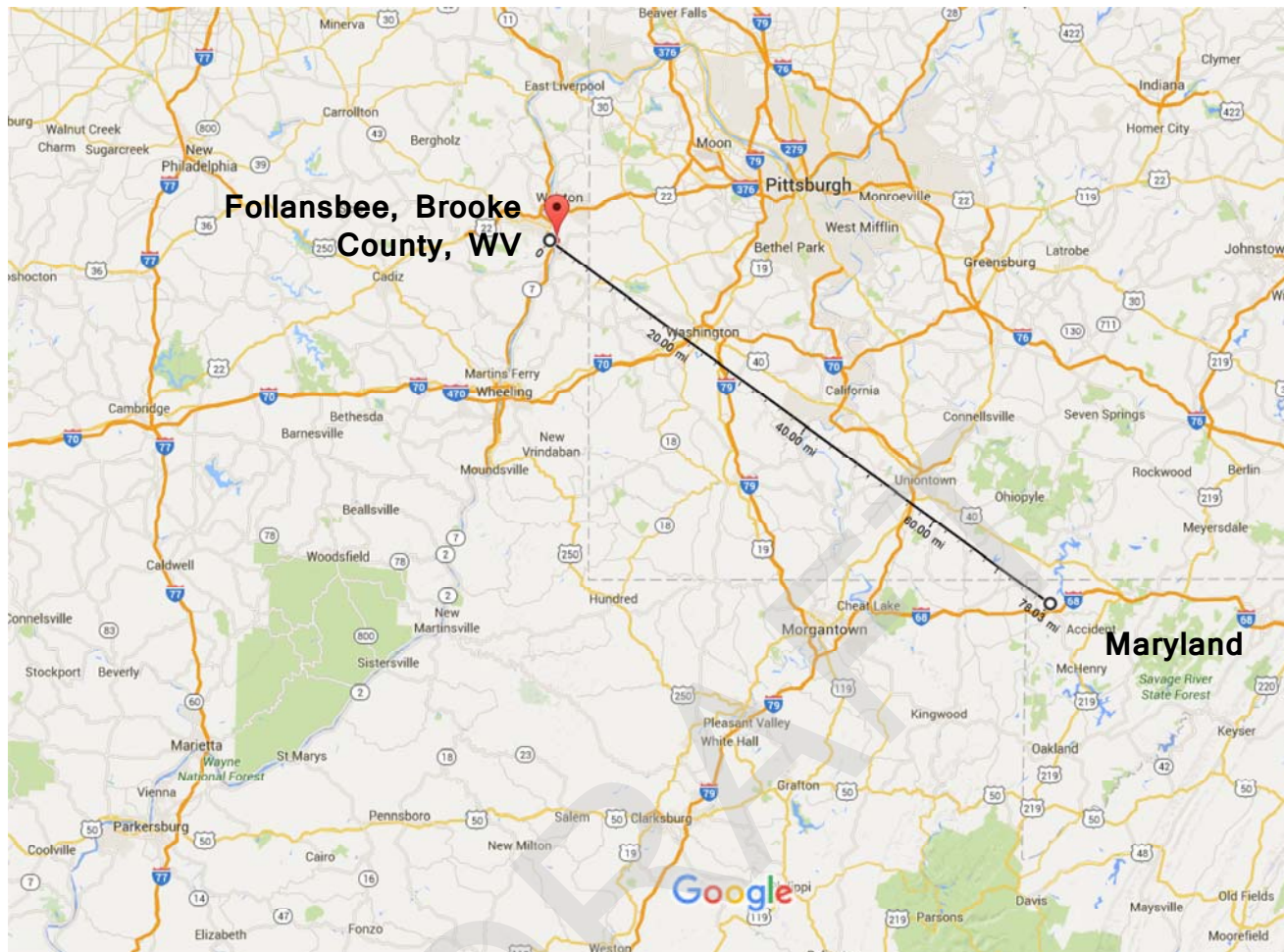
Map data ©2016 Google 10 mi

Army National Guard

Measure distance

Total distance: 68.72 mi (110.59 km)

Google Maps



Map data ©2016 Google 10 mi

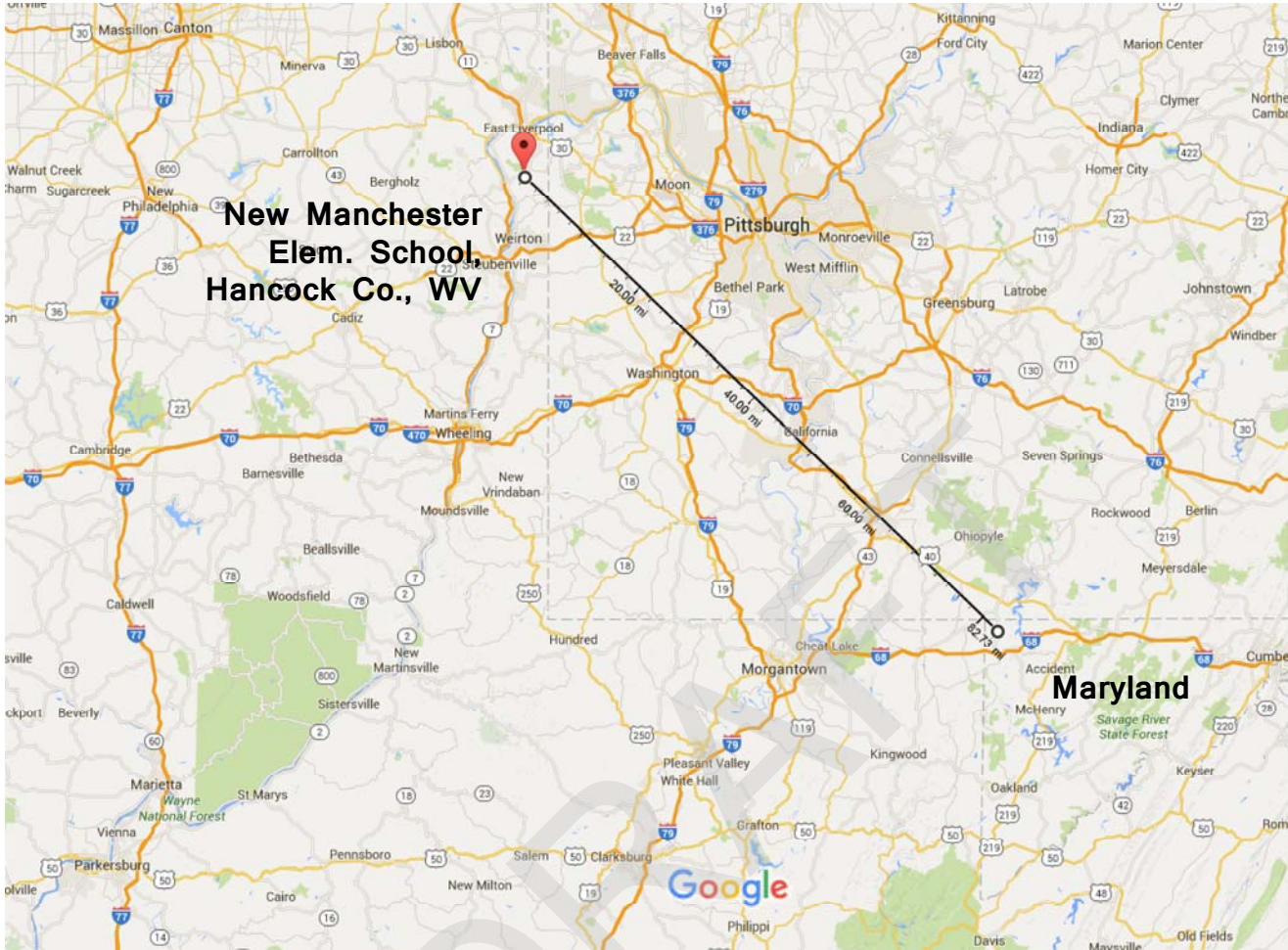
40°20'27.7"N 80°35'47.9"W

Measure distance

Total distance: 78.03 mi (125.58 km)

Google Maps

**Distance between Maryland and New Manchester Elementary School
Monitoring Location, Site # 540290005, in Hancock County,
Weirton-Steubenville WV-OH Area**



Map data ©2016 Google 10 mi

40°31'44.5"N 80°34'33.8"W

Measure distance

Total distance: 82.73 mi (133.14 km)

Google Maps

**Distance from Maryland to McKims Ridge Road - Cross Creek
District P.O. BOX 3280, Brooke County, Site # 540090007,
Weirton-Steubenville, WV-OH Area**

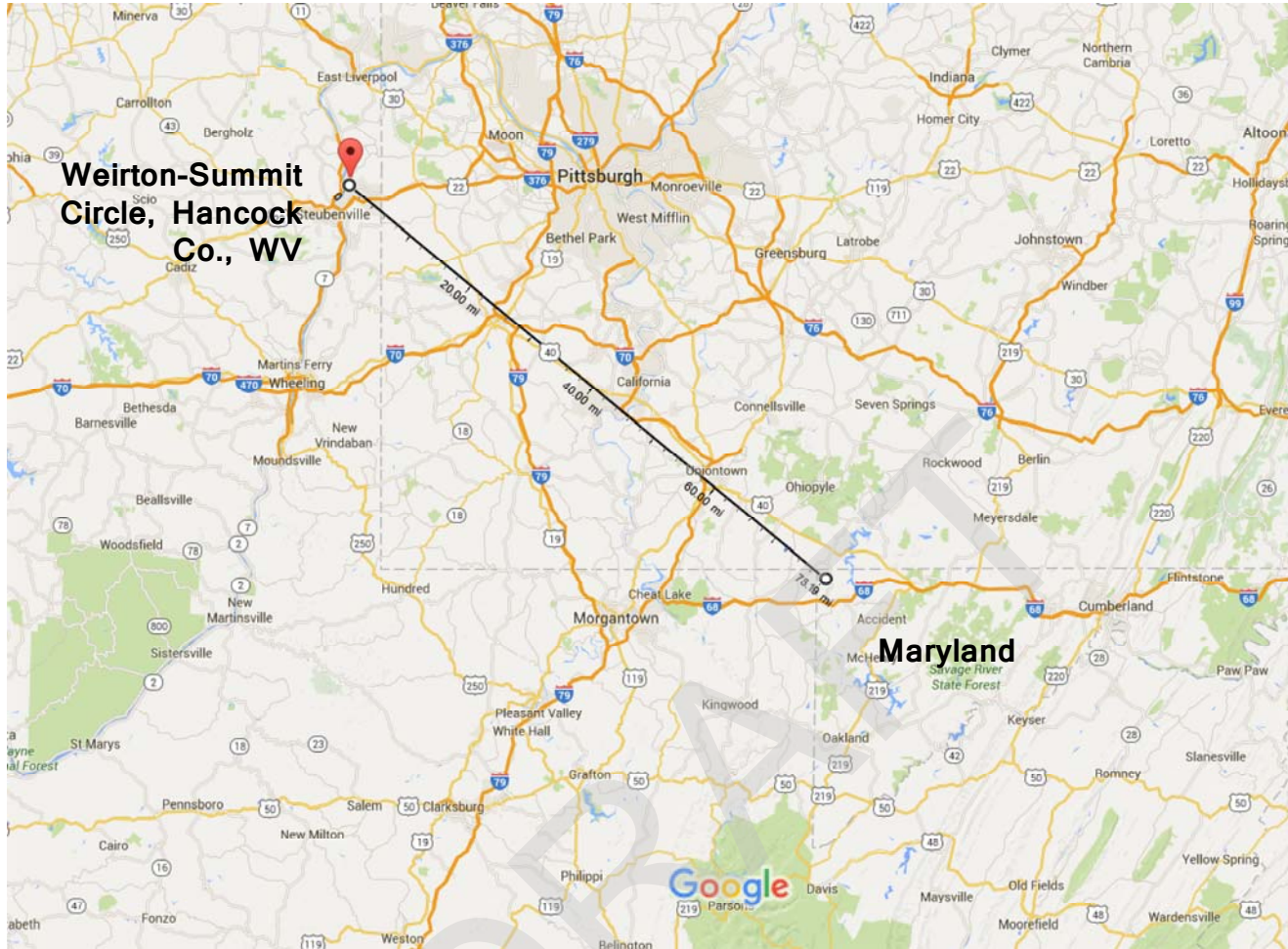


40°23'22.8"N 80°35'10.4"W

Measure distance

Total distance: 78.35 mi (126.09 km)

Google Maps



Map data ©2016 Google 10 mi

40°25'38.5"N 80°35'32.3"W

Measure distance

Total distance: 78.19 mi (125.84 km)

Google Maps

Appendix B: Preliminary Monitored Violations of SO₂ Standard Nationwide

Ambient Air Quality Monitors for SO₂ Recording Preliminary Violations of the 2010 Primary SO₂ NAAQS as of March 18, 2015

Ambient Air Quality Monitors for Sulfur Dioxide (SO₂) Recording Preliminary Violations* of the
2010 Primary SO₂ National Ambient Air Quality Standard (NAAQS) as of March 18, 2015

*A violation occurs when the validated "design value" for SO₂ monitoring data collected in calendar years 2012-2014 exceeds 75 parts per billion (ppb). Note that the 2012 – 2014 design values listed below are preliminary and are based on data that are not yet complete for 2014. Data for the 4th Quarter of 2014 is due to be submitted to the EPA by March 31, 2015. Final 2012-2014 design values will be published after the 2014 data is certified on May 1, 2015. Final 2012-2014 design values may change from these preliminary 2012-2014 design values, including decreasing to a level that would not constitute a violation.

State	County	Air Quality Systems Monitor Identification Number	Monitor Location	2012 – 2014 Preliminary SO ₂ Design Value (ppb)
GA	Chatham	13-051-1002	Pumping Station: Intersection of W. Lathrop and August Ave; Savannah, GA 31415	78
HI	Hawaii	15-001-0005	Hawaii Volcanoes National Park	1196
HI	Hawaii	15-001-0007	Hawaii Volcanoes National Park	1403
HI	Hawaii	15-001-1006	1099 Waianuenue Avenue; Hilo, HI	175
HI	Hawaii	15-001-2016	96-3150 Pikake St; Pahala, HI	712
HI	Hawaii	15-001-2020	Orchid Parkway, Hawaiian Ocean View Estates; Ocean View, HI	553
HI	Hawaii	15-001-2023	18-1235 Volcano Rd; Mountain View, HI	240
MO	Iron	29-093-0034	347 Power Lane; Bixby, MO 65439	76
ND	Williams	38-105-0105	Amerada Hess #3	202
WI	Brown	55-009-0005	East High, 1415 E. Walnut Green Bay, WI 54301	76
WY	Carbon	56-007-0852	Sinclair SO ₂ Station	123

Appendix C: Sulfur Dioxide Area Designations Due July 2, 2016

Area Designations for the 2010 SO₂ National Ambient Air Quality Standard To Be Completed by July 2, 2016

(See the attached document, the first page of which is pictured below.)

Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016

Electric Power Plant Sources Exceeding the Emissions Thresholds Established by Court Order* of:

16,000 Tons of SO₂ Emitted in 2012 or

2,600 Tons of SO₂ Emitted in 2012 with an Average Emission Rate

of at least 0.45 pounds (lbs) SO₂ per mmBtu

*Sources meeting the emissions thresholds that have announced units for retirement by March 2, 2015, are excluded from this round of designations.

EPA Region	State	County	Facility Name	2012 SO ₂ Emissions (Tons)	2012 Average SO ₂ Emissions Rate (lbs/mmBtu)
4	AL	Greene	Greene County Electric Generating Plant	32,461	2.68
6	AR	Independence	Independence Power Plant	32,974	0.59
6	AR	Jefferson	White Bluff Power Plant	31,687	0.59
8	CO	El Paso	Martin Drake Power Plant	4,792	0.56
8	CO	Morgan	Pawnee Generating station	13,510	0.76
4	GA	Bartow	Robert W Scherer Power Plant (Plant Scherer)	42,349	0.37
7	IA	Des Moines	Burlington Generating Station	4,697	0.67
7	IA	Wapello	Ottumwa Generating Station	11,985	0.67
7	IA	Woodbury	George Neal Station South	14,273	0.64
5	IL	Jasper	Newton Power Station	16,519	0.59
5	IL	Madison	Wood River Power Station	6,756	0.48
5	IL	Massac	Joppa Steam Coal Power Plant	16,991	0.47
5	IL	Putnam	Hennepin Power Station	5,906	0.50
5	IL	Williamson	Marion Power Station	5,850	0.49
5	IN	Gibson	Gibson Generating Station	22,447	0.25
5	IN	Jefferson	Clifty Creek Power Plant	52,839	1.77
5	IN	LaPorte	Michigan City Generating Station	11,584	1.01
5	IN	Posey	A B Brown Generating Station	7,091	0.52
5	IN	Spencer	Rockport Power Plant/Rockport Generating Station	54,390	0.58
7	KS	Linn	La Cygne Generating Station	16,235	0.36
7	KS	Shawnee	Tecumseh Energy Center	3,979	0.58
7	KS	Wyandotte	Nearman Creek Power Station	4,612	0.64

Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016

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6	AR	Jefferson	White Bluff Power Plant	31,687	0.59
8	CO	El Paso	Martin Drake Power Plant	4,792	0.56
8	CO	Morgan	Pawnee Generating station	13,510	0.76
4	GA	Bartow	Robert W Scherer Power Plant (Plant Scherer)	42,349	0.37
7	IA	Des Moines	Burlington Generating Station	4,697	0.67
7	IA	Wapello	Ottumwa Generating Station	11,985	0.67
7	IA	Woodbury	George Neal Station South	14,273	0.64
5	IL	Jasper	Newton Power Station	16,519	0.59
5	IL	Madison	Wood River Power Station	6,756	0.48
5	IL	Massac	Joppa Steam Coal Power Plant	16,991	0.47
5	IL	Putnam	Hennepin Power Station	5,906	0.50
5	IL	Williamson	Marion Power Station	5,850	0.49
5	IN	Gibson	Gibson Generating Station	22,447	0.25
5	IN	Jefferson	Clifty Creek Power Plant	52,839	1.77
5	IN	LaPorte	Michigan City Generating Station	11,584	1.01
5	IN	Posey	A B Brown Generating Station	7,091	0.52
5	IN	Spencer	Rockport Power Plant/Rockport Generating Station	54,390	0.58
7	KS	Linn	La Cygne Generating Station	16,235	0.36
7	KS	Shawnee	Tecumseh Energy Center	3,979	0.58
7	KS	Wyandotte	Nearman Creek Power Station	4,612	0.64

Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016

Electric Power Plant Sources Exceeding the Emissions Thresholds Established by Court Order* of:

16,000 Tons of SO₂ Emitted in 2012 *or*

2,600 Tons of SO₂ Emitted in 2012 with an Average Emission Rate

of at least 0.45 pounds (lbs) SO₂ per mmBtu

*Sources meeting the emissions thresholds that have announced units for retirement by March 2, 2015, are excluded from this round of designations.

EPA Region	State	County	Facility Name	2012 SO ₂ Emissions (Tons)	2012 Average SO ₂ Emissions Rate (lbs/mmBtu)
4	KY	Ohio	D B Wilson Generating Station	7,387	0.45
4	KY	Pulaski	John S Cooper Power Station	7,428	1.07
6	LA	Mansfield/ De Soto Parish	Dolet Hills Power Station	20,887	0.80
6	LA	Westlake/ Calcasieu Parish	Nelson Industrial Steam Company	6,706	0.69
6	LA	Westlake/ Calcasieu Parish	R S Nelson Generating Plant	12,513	0.46
3	MD	Anne Arundel	Herbert A Wagner Generating Station	7,514	1.10
5	MI	Bay	Dan E Karn/JC Weadock Generating Complex	6,853	0.54
5	MI	Eaton	Erickson Power Plant	2,685	0.64
5	MI	Ingham	Eckert Power Station	3,677	0.58
5	MI	Marquette	Presque Isle	6,028	0.51
5	MI	Monroe	Monroe Power Plant	49,151	0.62
5	MI	Ottawa	J H Campbell Generating Complex	21,501	0.52
5	MI	St Clair	Belle River Power Plant	24,869	0.62
5	MI	St Clair	St. Clair Power Plant	28,208	0.94
7	MO	Franklin	Labadie Power Plant	42,235	0.57
7	MO	Jackson	Sibley Generating Station	6,095	0.55
7	MO	Scott	Sikeston Power station	5,243	0.62
4	MS	Lamar	R D Morrow Senior Generating Plant	3,948	0.63
4	NC	Brunswick	CPI USA North Carolina Southport	2,923	0.74
8	ND	McLean	Coal Creek Station	16,273	0.34

Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016

Electric Power Plant Sources Exceeding the Emissions Thresholds Established by Court Order* of:

16,000 Tons of SO₂ Emitted in 2012 or

2,600 Tons of SO₂ Emitted in 2012 with an Average Emission Rate

of at least 0.45 pounds (lbs) SO₂ per mmBtu

*Sources meeting the emissions thresholds that have announced units for retirement by March 2, 2015, are excluded from this round of designations.

EPA Region	State	County	Facility Name	2012 SO ₂ Emissions (Tons)	2012 Average SO ₂ Emissions Rate (lbs/mmBtu)
8	ND	Mercer	Coyote Station	10,639	0.79
8	ND	Mercer	Leland Olds Power Plant	38,323	2.06
7	NE	Lancaster	Sheldon Station	2,760	0.46
7	NE	Lincoln	Gerald Gentleman Station	26,438	0.59
7	NE	Otoe	Nebraska City Station	16,766	0.35
2	NY	Erie	NRG Huntley Generation Station	2,716	0.70
2	NY	Niagara	Kintigh Generating Station (AES Somerset LLC)	5,653	0.53
5	OH	Clermont	W H Zimmer Generating Station	11,975	0.53
5	OH	Gallia	General James M Gavin	31,269	0.36
6	OK	Choctaw	Hugo Plant	8,066	0.60
6	OK	Muskogee	Muskogee Generating Station	22,647	0.50
6	OK	Noble	Sooner Generating Station	15,029	0.50
8	SD	Grant	Big Stone Plant - Otter Tail Power Company	12,290	0.81
4	TN	Sumner	TVA: Gallatin Fossil Plant	21,732	0.62
6	TX	Atascosa	San Miguel Electric	10,950	0.63
6	TX	Fort Bend	W A Parish Electric Generating Station	37,861	0.49
6	TX	Freestone	Big Brown Power Plant	60,681	1.59
6	TX	Goliad	Coleto Creek Power Station	16,218	0.62
6	TX	Lamb	Tolk Generating Station	19,168	0.52
6	TX	Leon	Limestone Generating Station	20,671	0.36
6	TX	McLennan	Sandy Creek Energy Station	4,955	1.14
6	TX	Milam	Luminant Sandow Yorktown Power Plant	22,511	1.00

Area Designations for the 2010 SO₂ National Ambient Air Quality Standard to be Completed by July 2, 2016

Electric Power Plant Sources Exceeding the Emissions Thresholds Established by Court Order* of:

16,000 Tons of SO₂ Emitted in 2012 or

2,600 Tons of SO₂ Emitted in 2012 with an Average Emission Rate

of at least 0.45 pounds (lbs) SO₂ per mmBtu

***Sources meeting the emissions thresholds that have announced units for retirement by March 2, 2015, are excluded from this round of designations.**

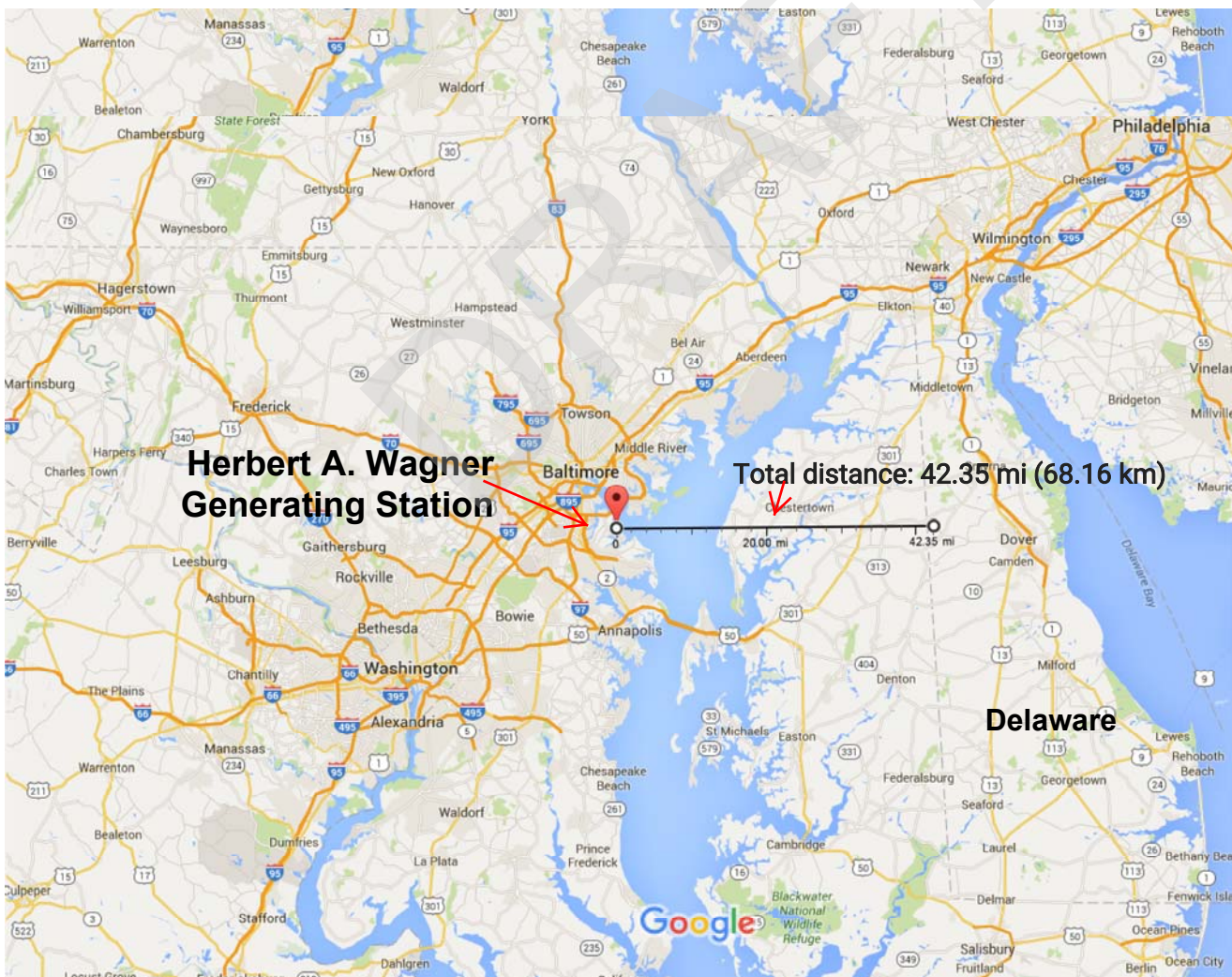
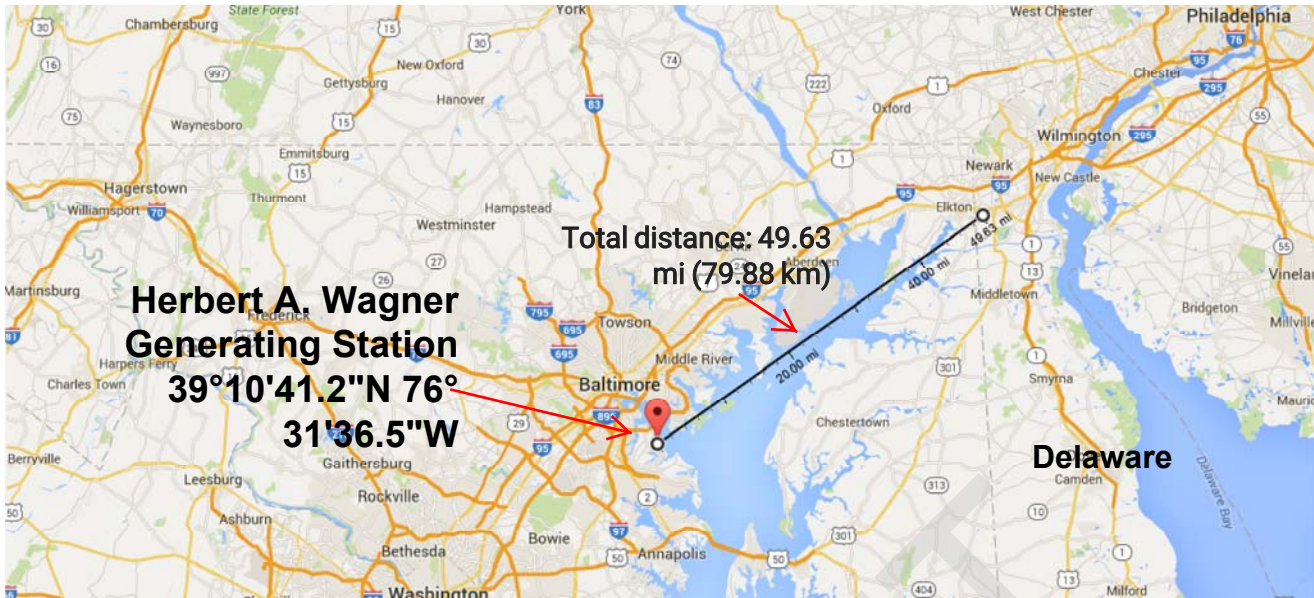
EPA Region	State	County	Facility Name	2012 SO ₂ Emissions (Tons)	2012 Average SO ₂ Emissions Rate (lbs/mmBtu)
6	TX	Potter	Harrington Generating Station	15,383	0.46
6	TX	Robertson	Optim Energy Twin Oaks Power Station	4,038	0.51
6	TX	Rusk	Luminant Power Plant at Martin Lake	43,093	0.55
6	TX	Titus	Monticello Steam Electric Station	31,447	0.78
5	WI	Columbia	Columbia Energy Center	24,599	0.60

Appendix D: Distance from the Wagner Station in Maryland to Closest Neighboring States

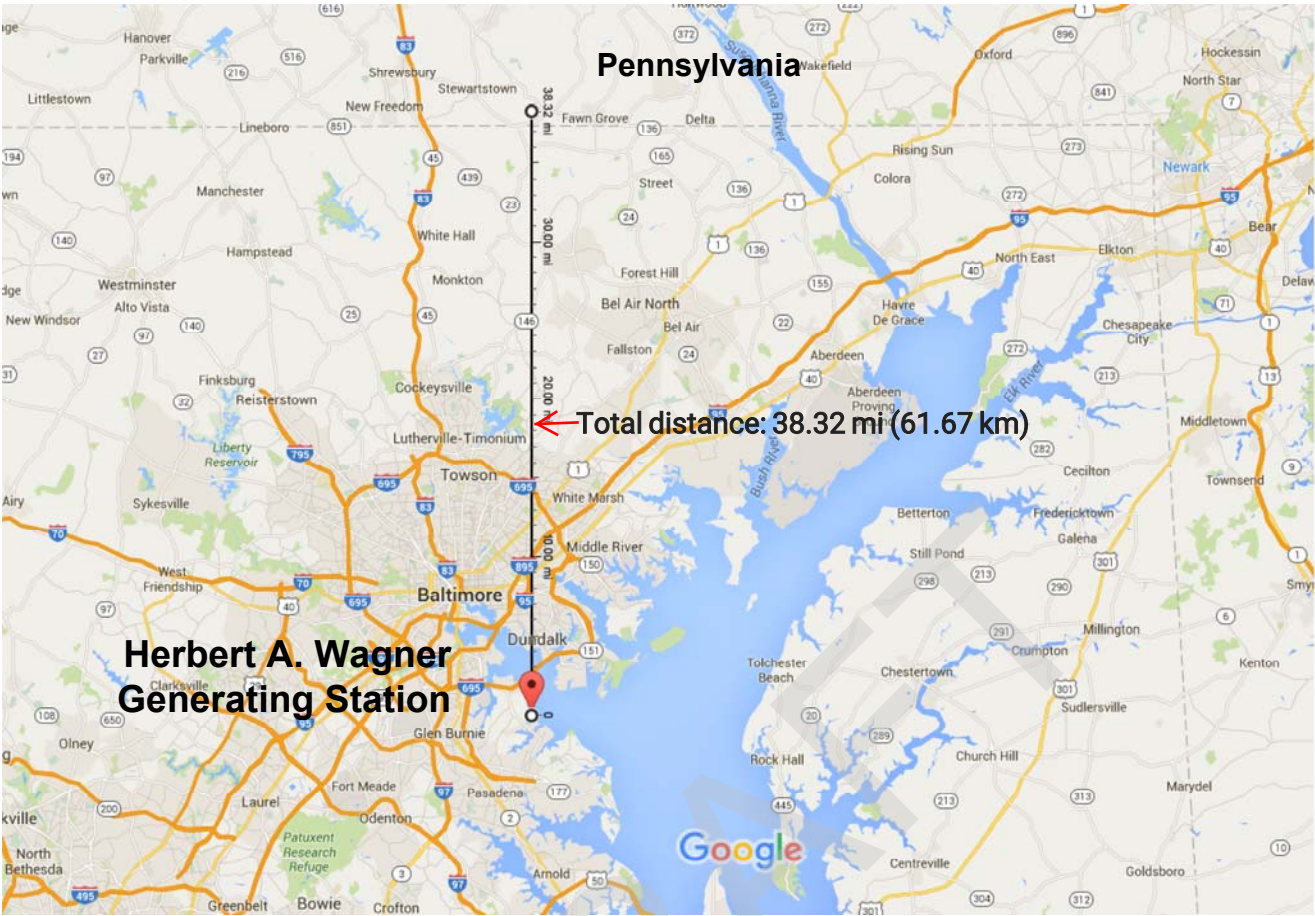
(See the attached document, the first page of which is pictured below.)



Distance from the Herbert A. Wagner Generating Station in Anne Arundel County, Maryland to Delaware from the Southwest & West



Distance from the Herbert A. Wagner Generating Station in Maryland to Pennsylvania

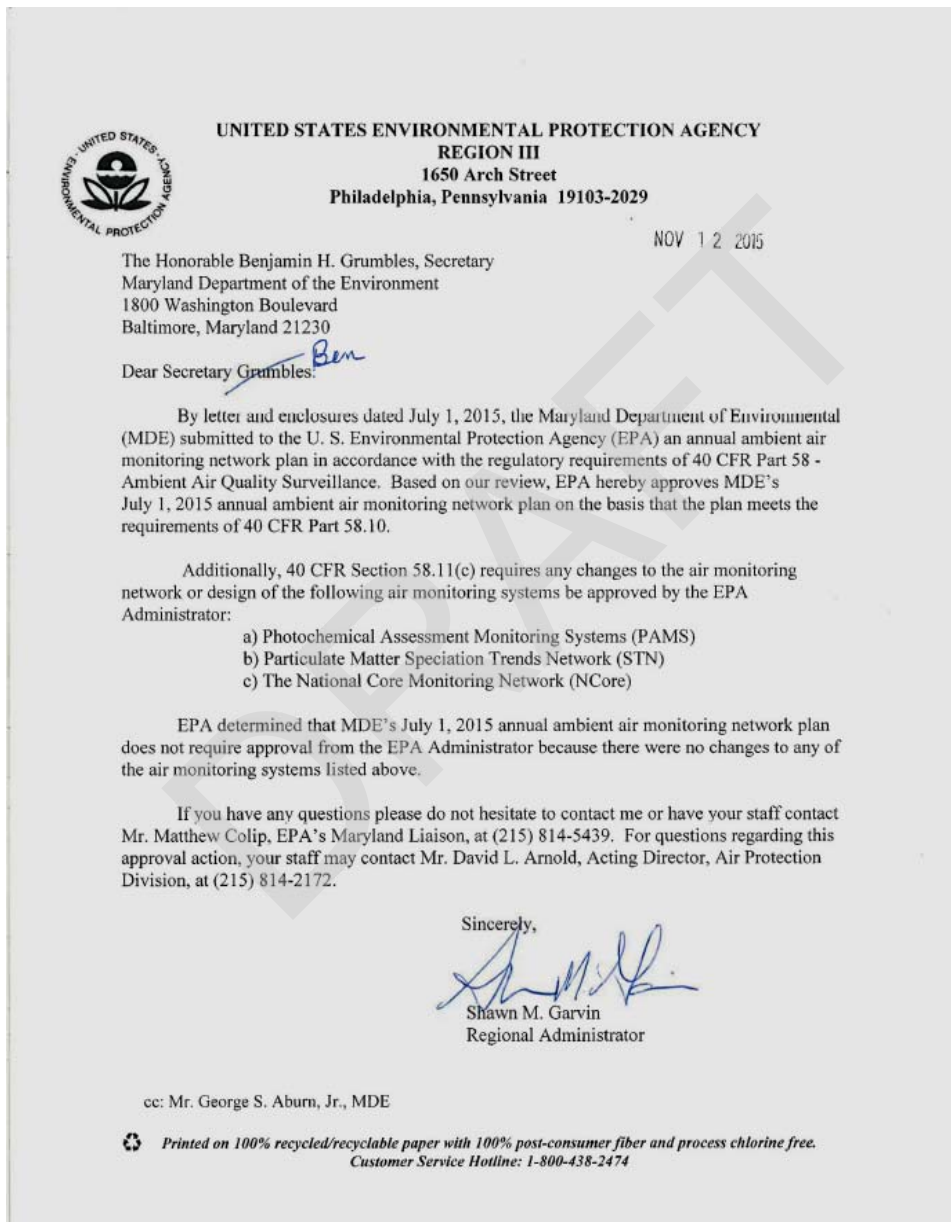


Map data ©2016 Google 5 mi

Appendix E: EPA Approval of MDE's Monitoring Network Plan

Letter from EPA Regional Administrator Shawn Garvin to MDE Approving MDE's July 1, 2015 Annual Ambient Air Monitoring Network Plan

(See the attached document, pictured below.)





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

NOV 12 2015

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 July 1, 2015, 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 - Ambient Air Quality Surveillance. Based on our review, EPA hereby approves MDE's July 1, 2015 annual ambient air monitoring network plan on the basis that the plan meets the requirements of 40 CFR Part 58.10.

Additionally, 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) Photochemical Assessment Monitoring Systems (PAMS)
- b) Particulate Matter Speciation Trends Network (STN)
- c) The National Core Monitoring Network (NCore)

EPA determined that MDE's July 1, 2015 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 Mr. Matthew Colip, EPA's Maryland Liaison, at (215) 814-5439. For questions regarding this approval action, your staff may contact Mr. David L. Arnold, Acting Director, Air Protection Division, at (215) 814-2172.

Sincerely,

Shawn M. Garvin
Regional Administrator

cc: Mr. George S. Aburn, Jr., MDE



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Appendix F: Maryland's Current Sulfur Dioxide (SO₂) Monitoring Requirements

Information excerpted from Maryland's *Ambient Air Monitoring Network Plan for Calendar Year 2016*, June 30, 2015, page 33 is shown in the table below. This reflects monitoring required in all Maryland Core-Based Statistical Areas (CBSA's) due to the revisions to the SO₂ ambient air monitoring regulations in EPA's final rule, the Primary National Ambient Air Quality Standard for Sulfur Dioxide (75 Fed. Reg. 35519, June 22, 2010). Also, Maryland has seen a decrease in the Population Weighted Emissions Index (PWEI) in the Washington, DC area. This is reflected in the table.

Note: This table is provided for reference purposes only and is not intended to become part of Maryland's SIP.

MSA Name	Population	2011 NEI SO ₂ (tons/year)	PWEI (millions of people-tons per year)	Monitors Required	Monitors Active in MD/Total ^A
Baltimore-Towson, MD	2,753,149	25,933	71,398	1	1/1
Hagerstown-Martinsburg, MD-WV	256,278	3,306	847	0	0/0
Washington-Arlington-Alexandria, DC-VA-MD-WV	5,860,342	21,513	126,074	2	1/5
Salisbury, MD-DE	381,868	10,772	4,114	0	0/0
Philadelphia-Camden-Wilmington- Newark, PA-DE-MD	6,018,800	22,647	136,310	2	0/11

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(See the attached document.)

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¹ From Matthew Bender and Company, Inc., a member of the LexisNexis Group, Copyright 2016, providing free public access to the Code of Maryland laws, <http://www.lexisnexis.com/hottopics/mdcode/>, accessed March 2016. All statutes in this document are current through 2015 legislation in the Maryland General Assembly.

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ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. ENVIRONMENT Code Ann. § 2-103 (2015)

§ 2-103. Powers and duties of Department

(a) Authority to obtain funds. -- 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) Duties. -- 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) Use of monitoring facilities. -- 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.

HISTORY: An. Code 1957, art. 43, §§ 690, 693, 694, 702; 1982, ch. 240, § 2.

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SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. ENVIRONMENT Code Ann. § 2-103.2 (2015)

§ 2-103.2. Access of information via Internet

(a) "Ambient air monitoring data" defined. -- In this section, "ambient air monitoring data" means measured concentrations of air pollutants, including air pollutants for which there are no established ambient air quality standards or emission standards, obtained from an ambient air monitor established by the Department.

(b) In general. -- On or before January 1, 2000, and each year thereafter, the Department shall provide public access to all air monitoring data in the State through the Internet.

(c) Form and content of data. -- Ambient air monitoring data provided under this section:

- (1) May be in summary form; and
- (2) Shall include all validated ambient air monitoring data for the 2 most recent calendar years for which data are available.

HISTORY: 1999, ch. 426; 2006, ch. 44, § 6.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. ENVIRONMENT Code Ann. § 2-104 (2015)

§ 2-104. Powers of political subdivisions

(a) Adopting ordinances, rules, or regulations. --

(1) Except as provided in this section, this title does not limit the power of a political subdivision to adopt ordinances, rules, or regulations that set emission standards or ambient air quality standards.

(2) A political subdivision may not adopt any ordinance, rule, or regulation that sets an emission standard or ambient air quality standard less stringent than the standards set by the Department under this title.

(b) Requesting rules or regulations. -- The governing body of any political subdivision may ask the Department to adopt rules and regulations that set more restrictive emission standards or ambient air quality standards in that political subdivision.

HISTORY: An. Code 1957, art. 43, §§ 693, 705; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. ENVIRONMENT Code Ann. § 2-105 (2015)

§ 2-105. Air pollution emergency

(a) Secretary to advise Governor; executive order. --

(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) Enforcement of executive order by Attorney General. -- 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.

HISTORY: An. Code 1957, art. 43, § 696; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 2. AIR QUALITY CONTROL ADVISORY COUNCIL

Md. ENVIRONMENT Code Ann. § 2-201 (2015)

§ 2-201. Council established

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

HISTORY: An. Code 1957, art. 43, § 695; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 2. AIR QUALITY CONTROL ADVISORY COUNCIL

Md. ENVIRONMENT Code Ann. § 2-202 (2015)

§ 2-202. Membership

(a) Composition; appointment of members. --

(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.

(b) Tenure; vacancies. --

(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.

HISTORY: An. Code 1957, art. 43, § 695; 1982, ch. 240, § 2; 1986, ch. 789; 1988, ch. 246, § 2; 1989, ch. 236, § 2; 1997, ch. 114, § 1; 2000, ch. 585; 2014, ch. 45.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 2. AIR QUALITY CONTROL ADVISORY COUNCIL

Md. ENVIRONMENT Code Ann. § 2-203 (2015)

§ 2-203. Officers

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

HISTORY: An. Code 1957, art. 43, § 695; 1982, ch. 240, § 2.

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SUBTITLE 2. AIR QUALITY CONTROL ADVISORY COUNCIL

Md. ENVIRONMENT Code Ann. § 2-204 (2015)

§ 2-204. Secretary of Council

(a) Appointment. -- The Secretary of the Environment shall appoint a secretary of the Council.

(b) Council membership not required. -- The secretary of the Council need not be a member of the Council.

HISTORY: An. Code 1957, art. 43, § 695; 1982, ch. 240, § 2; 1987, ch. 306, § 16; 1988, ch. 6, § 11.

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ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 2. AIR QUALITY CONTROL ADVISORY COUNCIL

Md. ENVIRONMENT Code Ann. § 2-205 (2015)

§ 2-205. Meetings; compensation

(a) Meetings. -- The Council shall meet at the times and places that the Secretary of the Environment or the chairman determines.

(b) Compensation and reimbursement for expenses. -- 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.

HISTORY: An. Code 1957, art. 43, § 695; 1982, ch. 240, § 2; 1987, ch. 306, § 16; 1988, ch. 6, § 11.

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SUBTITLE 2. AIR QUALITY CONTROL ADVISORY COUNCIL

Md. ENVIRONMENT Code Ann. § 2-206 (2015)

§ 2-206. Advisory role of Council

(a) Department to submit rule or regulation to Council. -- 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) Council to make recommendation without 30 days. -- 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.

HISTORY: An. Code 1957, art. 43, § 695; 1982, ch. 240, § 2; 2000, ch. 585.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 3. RULEMAKING

Md. ENVIRONMENT Code Ann. § 2-301 (2015)

§ 2-301. Air quality rules and regulations -- Adoption

(a) In general. -- 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) Required considerations. -- 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;

(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) Grain drying operations. -- 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.

HISTORY: An. Code 1957, art. 43, §§ 693, 696, 697; 1982, ch. 240, § 2; 2006, ch. 44, § 6

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 3. RULEMAKING

Md. ENVIRONMENT Code Ann. § 2-302 (2015)

§ 2-302. Air quality rules and regulations -- Air quality control areas

(a) Determination of air quality control areas. -- The Department shall determine and may alter air quality control areas into which this State is divided.

(b) Standards in air quality control areas. -- 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) Ambient air quality standards. --

(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) Emission standards. --

(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.

HISTORY: An. Code 1957, art. 43, § 693; 1982, ch. 240, § 2.

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TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 3. RULEMAKING

Md. ENVIRONMENT Code Ann. § 2-303 (2015)

§ 2-303. Air quality rules and regulations -- Procedures for adoption

(a) Compliance with Administrative Procedure Act. -- 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) Public hearing. -- Before adopting any rule or regulation under this title, the Department shall announce and hold a public hearing on the subject.

(c) Notice. --

(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;

(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) Publication of public notices; contact information. -- 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) Action after hearing. -- After the public hearing, the Department may adopt the rule or regulation with or without modification.

HISTORY: An. Code 1957, art. 43, §§ 697, 700; 1982, ch. 240, § 2; 1991, ch. 13; 2013, ch. 12.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 4. PERMITS AND REGISTRATION

Md. ENVIRONMENT Code Ann. § 2-403 (2015)

§ 2-403. Permits or registration -- Fees

(a) In general. --

(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) Uses. --

(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) Amount. --

(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).

HISTORY: An. Code 1957, art. 43, § 706; 1982, ch. 240, § 2; 1988, ch. 539; 1993, ch. 358, § 2; 1994, ch. 3, § 1; 2005, ch. 25, § 13; 2008, ch. 36, § 6; ch. 141; 2009, ch. 60; 2013, ch. 43, § 5.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-601 (2015)

§ 2-601. Use of agency facilities and services for enforcement

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.

HISTORY: An. Code 1957, art. 43, § 693; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-602 (2015)

§ 2-602. Orders -- In general

(a) Issuance. -- 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) Order not prerequisite to other action. -- 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.

HISTORY: An. Code 1957, art. 43, §§ 697, 698; 1982, ch. 240, § 2; 2013, ch. 43, § 5.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-603 (2015)

§ 2-603. Orders -- Show-cause orders

(a) Contents. -- 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) Service. -- 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.

HISTORY: An. Code 1957, art. 43, § 698; 1982, ch. 240, § 2; 1998, ch. 21, § 1; 2013, ch. 43, § 5.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-604 (2015)

§ 2-604. Orders -- Corrective orders

(a) Contents. -- 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) Service. -- 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) Final order; request for hearing. -- Unless the person charged with a corrective order requests a hearing within 10 days after service, the corrective order becomes a final order.

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

- (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.

HISTORY: An. Code 1957, art. 43, § 698; 1982, ch. 240, § 2; 1998, ch. 21, § 1.

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TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-605 (2015)

§ 2-605. Orders -- Hearings

(a) Application of Administrative Procedure Act. -- 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) Examination of information. -- 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) Right to counsel. -- The person charged may be represented at the hearing by counsel.

(d) Confidential information. -- 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. -- Testimony taken at the hearing shall be under oath and recorded.

(f) Copies of transcript or record. -- 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) Subpoenas; oaths. --

(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.

HISTORY: An. Code 1957, art. 43, §§ 698, 700; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-606 (2015)

§ 2-606. Orders -- Action after hearing

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.

HISTORY: An. Code 1957, art. 43, § 698; 1982, ch. 240, § 2.

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TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-607 (2015)

§ 2-607. Orders -- Judicial review

(a) Right to appeal. --

(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) Stay of order. -- An appeal under this section does not stay automatically the order from which the appeal is taken.

HISTORY: An. Code 1957, art. 43, § 698; 1982, ch. 240, § 2; 1988, ch. 6, § 1; 2013, ch. 43, § 5.

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TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-608 (2015)

§ 2-608. Department to secure compliance

(a) Action required within 1 year. -- 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) Action permitted within 1 year. -- 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.

HISTORY: An. Code 1957, art. 43, § 698; 1982, ch. 240, § 2; 2013, ch. 43, § 5.

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SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-609 (2015)

§ 2-609. Enforcement actions

(a) In general. -- 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) Action not exclusive. -- 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) Judicial extension. -- 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.

HISTORY: An. Code 1957, art. 43, §§ 698, 703; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-609.1 (2015)

§ 2-609.1. Criminal penalty

(a) "Approval" defined. -- In this section, "approval" means approval for prevention of significant deterioration or approval of new sources in nonattainment areas.

(b) Knowing violations under this title; penalties. --

(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) Additional knowing violations; penalties. -- 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.

HISTORY: 1991, ch. 137; 2006, ch. 44, § 6.

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TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-610 (2015)

§ 2-610. Civil penalty

(a) In general. -- 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) Compromise. -- If the Attorney General concurs, the Secretary may compromise and settle any claim for a civil penalty under this section.

(c) Remission of penalty. -- 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.

HISTORY: An. Code 1957, art. 43, § 703; 1982, ch. 240, § 2; ch. 353; 1991, ch. 15.

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TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-610.1 (2015)

§ 2-610.1. Additional civil penalties

(a) Authority of Department to impose. -- 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) Notice to alleged violators. -- 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) Amount of penalty. --

(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.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-610.2 (2015)

§ 2-610.2. Criminal prosecution

Repealed by Acts 2008, chs. 193 and 194, § 1, effective October 1, 2008.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-611 (2015)

§ 2-611. Plan for compliance

(a) Submission and effect. -- 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) Duty of Secretary to act. -- The Secretary shall act on any plan for compliance within 90 days after the plan for compliance is submitted to the Secretary.

HISTORY: An. Code 1957, art. 43, § 703; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-612 (2015)

§ 2-612. Noncompliance penalty

(a) Rules and regulations. -- 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) Quarterly nonpayment penalty. --

(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) Judicial enforcement. -- 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) Action not exclusive. -- 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.

HISTORY: An. Code 1957, art. 43, § 706A; 1982, ch. 240, § 2; 1988, ch. 539.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-613 (2015)

§ 2-613. Conditions not violations

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.

HISTORY: An. Code 1957, art. 43, § 703; 1982, ch. 240, § 2.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 6. ENFORCEMENT; PENALTIES

Md. ENVIRONMENT Code Ann. § 2-614 (2015)

§ 2-614. Attorney General responsible for cases arising under provisions of subtitle

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.

HISTORY: 1991, ch. 137.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 10. HEALTHY AIR ACT.

Md. ENVIRONMENT Code Ann. § 2-1001 (2015)

§ 2-1001. Definitions.

(a) In general. -- In this subtitle the following words have the meanings indicated.

(b) Affected facility. --

(1) "Affected facility" means an electricity generating unit in the State that includes a coal fired boiler or indirect heat exchanger that was exempted from the Prevention of Significant Deterioration review under Title 1 of the 1977 federal Clean Air Act.

(2) "Affected facility" includes:

- (i) H.A. Wagner, units 2 and 3;
- (ii) Subject to § 2-1003(c) of this subtitle, R.P. Smith, units 3 and 4;
- (iii) Morgantown Generating Station, units 1 and 2;
- (iv) Dickerson, units 1, 2, and 3;
- (v) C.P. Crane, units 1 and 2;
- (vi) Chalk Point Generating Station, units 1 and 2; and
- (vii) Brandon Shores, units 1 and 2.

(3) "Affected facility" does not include any electricity generating unit:

(i) That operates in combination with equipment used to recover useful thermal energy for industrial, commercial, heating, or cooling purposes through sequential use of energy; or

(ii) That supplies in any calendar year less than one-half of the electricity generated by such unit to any utility power distribution system for sale.

(c) Allowance. -- "Allowance" means:

(1) One ton of sulfur dioxide that may be bought, sold, traded, or banked for use under the acid rain program in the U.S. Environmental Protection Agency; or

(2) One ton of oxides of nitrogen that may be bought, sold, traded, or banked for use under the nitrogen oxides budget trading program in the U.S. Environmental Protection Agency.

(d) PJM Region. -- "PJM Region" has the meaning stated under § 7-701 of the Public Utilities Article.

HISTORY: 2006, chs. 23, 301; 2010, ch. 52.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 10. HEALTHY AIR ACT.

Md. ENVIRONMENT Code Ann. § 2-1002 (2015)

§ 2-1002. Emission standards.

(a) 2009 standards for nitrogen oxides. -- On or after January 1, 2009, affected facilities collectively may not emit more than 20,216 tons of oxides of nitrogen per year.

(b) 2010 standards for sulfur dioxide. --

(1) On or after January 1, 2010, affected facilities collectively may not emit more than 48,618 tons of sulfur dioxide per year.

(2) The Department may set an interim stage reduction for sulfur dioxide.

(c) 2012 standards for nitrogen oxides. -- On or after January 1, 2012, affected facilities collectively may not emit more than 16,667 tons of oxides of nitrogen per year.

(d) 2013 standards for sulfur dioxide. -- On or after January 1, 2013, affected facilities collectively may not emit more than 37,235 tons of sulfur dioxide per year.

(e) Emissions budgets for implementation. --

(1) The Department shall set emissions budgets for each affected facility to implement the emissions limitations in subsections (a), (b), (c), and (d) of this section.

(2) (i) This paragraph applies to an affected facility that is owned, leased, operated, or controlled by a person that owns, leases, operates, or controls more than one affected facility.

(ii) An affected facility may emit more than the emissions budget set for the facility under paragraph (1) of this subsection as long as the person owning, leasing, operating, or controlling the affected facility does not exceed the cumulative emissions budget for all of the affected facilities that the person owns, leases, operates, or controls.

(3) If an affected facility permanently ceases operation, the Department:

(i) Shall subtract the emissions budget for that affected facility from the emissions limitations established in subsections (a), (b), (c), and (d) of this section; and

(ii) May not increase existing emissions budgets for all other affected facilities.

(f) Mercury standards. --

(1) On or after January 1, 2010, a person that owns, leases, operates, or controls an affected facility shall achieve a minimum 80% capture of mercury for each affected facility, calculated as a rolling 12-month average.

(2) On or after January 1, 2013, a person that owns, leases, operates, or controls an affected facility shall achieve a minimum 90% capture of mercury for each affected facility, calculated as a rolling 12-

month average.

(3) A person that owns, leases, operates, or controls an affected facility shall demonstrate compliance with this subsection through the direct monitoring of mercury emissions on a continuous basis, according to the requirements of 40 C.F.R. Part 60, Subpart UUUUU.

(4) The Department shall adopt regulations that establish a procedure to be used to determine a baseline amount of mercury at each affected facility for purposes of calculating the capture rate required under this subsection.

(g) Participation in the Regional Greenhouse Gas Initiative. --

(1) In this subsection, "allowance" means one ton of carbon dioxide that may be bought, sold, traded, or banked for use under the Regional Greenhouse Gas Initiative.

(2) Not later than June 30, 2007, the Governor shall include the State as a full participant in the Regional Greenhouse Gas Initiative among Mid-Atlantic and Northeast states.

(3) The State may withdraw from the Initiative, as provided in the December 20, 2005 memorandum of understanding of the Initiative, at any time after January 1, 2009.

(4) If the Regional Greenhouse Gas Initiative expires and there is a successor organization with the same purposes and goals, the Governor is encouraged to join the State in the successor organization.

(5) Notwithstanding § 2-107 of this title, all of the proceeds from the sale of Maryland allowances under the Regional Greenhouse Gas Initiative shall be deposited in the Maryland Strategic Energy Investment Fund under § 9-20B-05 of the State Government Article.

(6) If the State's participation in the Regional Greenhouse Gas Initiative ceases for any reason, the Governor shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding:

(i) Why participation ceased; and

(ii) A plan to reduce carbon dioxide emissions from power plants in the State that considers the use of Maryland grown, native, warm season grasses as a possible method of reducing carbon emissions.

(h) Construction with existing standards. -- The provisions of this section may not be construed to affect existing or future emissions requirements, standards, or limitations imposed on electricity generators by any other existing or future provision of law that would result in emissions reductions in addition to those required under this section.

(i) Achievement of emission standards. --

(1) A person that owns, leases, operates, or controls an affected facility that is subject to the requirements of this section may determine how best to achieve the collective emissions requirements under subsections (a), (b), (c), and (d) of this section.

(2) (i) If a person that owns, leases, operates, or controls an affected facility can demonstrate, with clear and convincing evidence, that the pollution control equipment that is necessary to achieve compliance with the requirements of this section is unattainable, due to a lack of available supply, the Department may reduce or waive any penalty due to the failure to attain compliance until the pollution control equipment becomes attainable.

(ii) If a person that owns, leases, operates, or controls an affected facility can demonstrate, with clear and convincing evidence, that the pollution control equipment that is necessary to achieve compliance with the requirements of this section has significantly increased in cost due to the limited amount of supply and, as a result, may significantly increase electric rates, the Department may reduce or waive any penalty due to the failure to attain compliance until the supply of pollution control equipment becomes available so as to reasonably lower the cost of the pollution control equipment.

(iii) In determining whether to reduce or waive any penalty under this paragraph, the Department shall consult with the Public Service Commission as to the availability and cost of the pollution control equipment.

(3) (i) A decision by the Department to reduce or waive any penalty under paragraph (2) of this subsection shall be subject to judicial review by any person who meets the threshold standing requirements under federal constitutional law.

(ii) Any action to reduce or waive any penalty under paragraph (2) of this subsection shall remain in effect until judicial review is final.

(j) Treatment of EPA allowances. --

(1) If the U.S. Environmental Protection Agency allocates emission allowances for mercury, sulfur dioxide, or oxides of nitrogen to the State, the allowances shall be treated as provided in this subsection.

(2) The Department:

(i) May not allow the application of allowances to the compliance of any affected facility with the emissions limitations established under subsections (a) through (d) of this section; but

(ii) May allow the allowances to be sold or traded to facilities outside the State in accordance with allowance trading programs of the U.S. Environmental Protection Agency.

HISTORY: 2006, chs. 23, 301; 2008, chs. 127, 128; 2013, ch. 389; 2014, ch. 45.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 10. HEALTHY AIR ACT.

Md. ENVIRONMENT Code Ann. § 2-1003 (2015)

§ 2-1003. Report.

(a) Required; contents. -- Beginning December 1, 2007, and each year thereafter, a person that owns, leases, operates, or controls an affected facility shall submit to the Department, the Department of Natural Resources, and the Public Service Commission, a report that includes:

(1) Emissions performance results related to compliance with the emissions requirements under § 2-1002 of this subtitle;

(2) The number of pounds of oxides of nitrogen, sulfur dioxide, mercury, and carbon dioxide emitted during the previous calendar year from the affected facility;

(3) A current compliance plan; and

(4) Any other information requested by the Department.

(b) Review. -- The Department shall review the information submitted under this section to determine whether the actual and proposed modifications and permit and construction schedules are adequate to achieve the emissions requirements under this subtitle and shall make these determinations publicly available on an annual basis.

(c) Exception. --

(1) Notwithstanding any other provision of law and subject to paragraph (2) of this subsection, the Department shall allow the R.P. Smith facility, units 3 and 4, to operate without complying with the emissions requirements under this subtitle if PJM Interconnection, Inc. determines that the termination of operation of the facility will adversely affect the reliability of electrical service in the PJM region.

(2) If the Department allows the R.P. Smith facility, units 3 and 4, to operate without complying with the emissions requirements under this subtitle in accordance with this subsection:

(i) The facility may not operate at emissions levels greater than the highest level measured at the facility during the calendar years 2000 through 2004; and

(ii) The Department shall review the operations of the facility and adopt regulations to establish an alternative emissions requirement for the facility.

HISTORY: 2006, chs. 23, 301.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 10. HEALTHY AIR ACT.
Md. ENVIRONMENT Code Ann. § 2-1004 (2015)
Md. ENVIRONMENT Code Ann. § 2-1005

§ 2-1004. Regulations.

By June 30, 2007, the Department shall adopt regulations to implement the provisions of this subtitle.

HISTORY: 2006, chs. 23, 301.

ENVIRONMENT
TITLE 2. AMBIENT AIR QUALITY CONTROL
SUBTITLE 10. HEALTHY AIR ACT.
Md. ENVIRONMENT Code Ann. § 2-1005 (2015)

§ 2-1005. Penalties.

(a) In general. --

(1) The allowance penalty provisions of this section are in addition to the administrative and civil penalty provisions provided under §§ 2-604, 2-609, 2-610, and 2-610.1 of this title.

(2) Each one-half ounce of mercury and each ton of sulfur dioxide or nitrogen oxides emitted in excess of the limitations set forth or imposed in accordance with § 2-1002 of this subtitle shall be a separate violation under §§ 2-610 and 2-610.1 of this title.

(b) Failure to meet 2010 to 2012 emission standards. -- If, in any calendar year during the period from January 1, 2010 through December 31, 2012, a person fails to achieve and maintain full compliance with the emissions limitations established by the Department under § 2-1002(e) of this subtitle, the person shall surrender:

(1) One sulfur dioxide allowance for each ton of sulfur dioxide emitted in excess of the emission rate limitation; and

(2) One oxide of nitrogen allowance for every 2 tons of sulfur dioxide emitted in excess of the emission rate limitation.

(c) Failure to meet 2009 to 2011 emission standards. -- If, in any calendar year, during the period from January 1, 2009 through December 31, 2011, a person fails to achieve full compliance with the oxides of nitrogen emission limitations in § 2-1002(e) of this subtitle, the person shall surrender one oxide of nitrogen allowance for each ton of oxides of nitrogen emitted in excess of the required emission rate limitation.

(d) Surrender of allowances. -- A person that surrenders allowances in accordance with subsection (b) or (c) of this section shall surrender the allowances to the Department's surrender account by March 1 of the year following the year in which the person failed to achieve and maintain compliance with the applicable emission limitation.

HISTORY: 2006, ch. 23; ch. 44, § 6; ch. 301.
MD SO2 110(a)(2) SIP, Appendix G

PUBLIC UTILITIES
DIVISION I. PUBLIC SERVICES AND UTILITIES
TITLE 2. PUBLIC SERVICE COMMISSION AND PEOPLE'S COUNSEL
SUBTITLE 1. PUBLIC SERVICE COMMISSION

Md. PUBLIC UTILITIES Code Ann. § 2-112 (2015)

§ 2-112. Jurisdiction; general powers

(a) Jurisdiction. -- To the full extent that the Constitution and laws of the United States allow, the Commission has jurisdiction over each public service company that engages in or operates a utility business in the State and over motor carrier companies as provided in Title 9 of this article.

(b) General powers. --

(1) The Commission has the powers specifically conferred by law.

(2) The Commission has the implied and incidental powers needed or proper to carry out its functions under this division.

(c) Liberal construction. -- The powers of the Commission shall be construed liberally.

HISTORY: An. Code 1957, art. 78, § 1; 1998, ch. 8, § 2; 2010, ch. 52.

PUBLIC UTILITIES
DIVISION I. PUBLIC SERVICES AND UTILITIES
TITLE 2. PUBLIC SERVICE COMMISSION AND PEOPLE'S COUNSEL
SUBTITLE 1. PUBLIC SERVICE COMMISSION

Md. PUBLIC UTILITIES Code Ann. § 2-113 (2015)

§ 2-113. Supervisory and regulatory power

(a) In general. --

(1) The Commission shall:

(i) supervise and regulate the public service companies subject to the jurisdiction of the Commission to:

1. ensure their operation in the interest of the public; and

2. promote adequate, economical, and efficient delivery of utility services in the State without unjust discrimination; and

(ii) enforce compliance with the requirements of law by public service companies, including requirements with respect to financial condition, capitalization, franchises, plant, manner of operation, rates, and service.

(2) In supervising and regulating public service companies, the Commission shall consider the public safety, the economy of the State, the conservation of natural resources, and the preservation of environmental quality.

(b) Construction. -- The powers and duties listed in this title do not limit the scope of the general powers and duties of the Commission provided for by this division.

HISTORY: An. Code 1957, art. 78, § 56; 1998, ch. 8, § 2; 2006 Sp. Sess., ch. 5, § 1; 2010, ch. 52.

PUBLIC UTILITIES
DIVISION I. PUBLIC SERVICES AND UTILITIES
TITLE 2. PUBLIC SERVICE COMMISSION AND PEOPLE'S COUNSEL
SUBTITLE 1. PUBLIC SERVICE COMMISSION

Md. PUBLIC UTILITIES Code Ann. § 2-117 (2015)

§ 2-117. Enforcement power

(a) Action for enforcement. --

(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:

(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) Action against vehicle registration. --

(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.

HISTORY: An. Code 1957, art. 78, §§ 99-100A; 1998, ch. 8, § 2; 2005, ch. 133; 2010, ch. 52.

PUBLIC UTILITIES
DIVISION I. PUBLIC SERVICES AND UTILITIES
TITLE 2. PUBLIC SERVICE COMMISSION AND PEOPLE'S COUNSEL
SUBTITLE 1. PUBLIC SERVICE COMMISSION

Md. PUBLIC UTILITIES Code Ann. § 2-121 (2015)

§ 2-121. Regulations

The Commission may adopt reasonable regulations as necessary to carry out any law that relates to the Commission.

HISTORY: An. Code 1957, art. 78, § 64; 1998, ch. 8, § 2.

NATURAL RESOURCES
TITLE 3. ENVIRONMENTAL PROGRAMS
SUBTITLE 3. POWER PLANT RESEARCH PROGRAM

Md. NATURAL RESOURCES Code Ann. § 3-303 (2015)

§ 3-303. Power plant environmental research program

(a) Implementation; effective coordination of assignments; reimbursement of electric companies. -- 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. The Secretary shall seek from additional sources recommendations for related research to be included in the program. The additional sources shall include appropriate federal and State agencies, electric companies and technical, scientific or educational institutions or organizations. 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. 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) Components. -- 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 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) 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; and

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

HISTORY: An. Code 1957, art. 66C, § 767; 1973, 1st Sp. Sess., ch. 4, § 1; 1974, ch. 842; 1976, ch. 178, § 1; 1987, ch. 306, § 3; ch. 311; 1989, ch. 540, § 1; 1991, ch. 468; 1995, ch. 120, § 19; 2015, ch. 141, § 7.

DRAFT

STATE GOVERNMENT
TITLE 10. GOVERNMENTAL PROCEDURES
SUBTITLE 1. ADMINISTRATIVE PROCEDURE ACT -- REGULATIONS
PART I. DEFINITIONS; GENERAL PROVISIONS

Md. STATE GOVERNMENT Code Ann. § 10-101 (2015)

§ 10-101. Definitions

- (a) In general. -- In this subtitle the following words have the meanings indicated.
- (b) Administrator. -- "Administrator" means the Administrator of the Division of State Documents.
- (c) Advisory Council. -- "Advisory Council" means the Advisory Council on the Impact of Regulations on Small Businesses established under § 3-502 of the Economic Development Article.
- (d) Committee. -- "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.
- (e) Local government unit. -- "Local government unit" means:
- (1) a county;
 - (2) a municipal corporation;
 - (3) a special district that is established by State law and that operates within a single county;
 - (4) a special district that is established by a county pursuant to public general law; or
 - (5) an office, board, or department that is established in each county under State law and that is funded, pursuant to State law, at least in part by the county governing body.
- (f) Mandate. -- "Mandate" means a directive in a regulation that requires a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.
- (g) Register. -- "Register" means the Maryland Register.
- (h) Regulation. --
- (1) "Regulation" means a statement or an amendment or repeal of a statement that:
 - (i) has general application;
 - (ii) has future effect;

(iii) is adopted by a unit to:

1. detail or carry out a law that the unit administers;
2. govern organization of the unit;
3. govern the procedure of the unit; or
4. govern practice before the unit; and

(iv) is in any form, including:

1. a guideline;
2. a rule;
3. a standard;
4. a statement of interpretation; or
5. a statement of policy.

(2) "Regulation" does not include:

(i) a statement that:

1. concerns only internal management of the unit; and
2. does not affect directly the rights of the public or the procedures available to the public;

(ii) a response of the unit to a petition for adoption of a regulation, under § 10-123 of this subtitle; or

(iii) a declaratory ruling of the unit as to a regulation, order, or statute, under Subtitle 3 of this title.

(3) "Regulation", as used in §§ 10-110 and 10-111.1 of this subtitle, means all or any portion of a regulation.

(i) Significant small business impact. --

(1) "Significant small business impact" means a determination by the Advisory Council that a proposed regulation is likely to have a meaningful effect on the revenues or profits of a significant number of small businesses or a significant percentage of small businesses within a single industry in the State.

(2) "Significant small business impact" does not include an impact resulting from a proposed regulation that is necessary to comply with federal law, unless the Advisory Council determines that the regulation is more stringent than federal law, in accordance with § 3-505 of the Economic Development Article.

(j) Small business. -- "Small business" has the meaning stated in § 2-1505.2 of this article.

(k) Substantively. -- "Substantively" means in a manner substantially affecting the rights, duties, or obligations of:

- (1) a member of a regulated group or profession; or
- (2) a member of the public.

(l) Unit. -- "Unit" means an officer or unit authorized by law to adopt regulations.

HISTORY: An. Code 1957, art. 41, §§ 244, 256B; 1984, ch. 284, § 1; 1985, ch. 783, § 1; 1986, ch. 654; 1987, ch. 641; 1995, ch. 388; 1997, ch. 334; 2009, ch. 60, § 5; 2012, ch. 201; 2015, ch. 137.

STATE GOVERNMENT
TITLE 10. GOVERNMENTAL PROCEDURES
SUBTITLE 1. ADMINISTRATIVE PROCEDURE ACT -- REGULATIONS
PART III. PROPOSAL AND ADOPTION

Md. STATE GOVERNMENT Code Ann. § 10-109 (2015)

§ 10-109. Scope of part

This Part III of this subtitle applies only to a unit in the Executive Branch of the State government.

HISTORY: An. Code 1957, art. 41, § 256B; 1984, ch. 284, § 1; 1985, ch. 783, § 2; 1995, ch. 388; 2012, ch. 201.

STATE GOVERNMENT
TITLE 10. GOVERNMENTAL PROCEDURES
SUBTITLE 1. ADMINISTRATIVE PROCEDURE ACT -- REGULATIONS
PART III. PROPOSAL AND ADOPTION

Md. STATE GOVERNMENT Code Ann. § 10-110 (2015)

§ 10-110. Preliminary review

(a) Scope of section. -- Except for subsection (d) of this section, this section does not apply to a regulation adopted under § 10-111(b) of this subtitle.

(b) Preliminary review -- State Children's Environmental Health and Protection Advisory Council. -- At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit to the State Children's Environmental Health and Protection Advisory Council established under § 13-1503 of the Health - General Article for review any proposed regulations identified by the promulgating unit as having an impact on environmental hazards affecting the health of children.

(c) Preliminary review -- Advisory Council on the Impact of Regulations on Small Businesses. -- At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit to the Advisory Council on the Impact of Regulations on Small Businesses established under § 3-502 of the Economic Development Article for review each proposed regulation and the estimated impact of the proposed regulation on small businesses identified by the promulgating unit.

(d) Preliminary review -- In general. --

(1) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee and the Department of Legislative Services.

(2) (i) If the proposed regulation, either in whole or in part, submitted to the Committee and the Department of Legislative Services in accordance with paragraph (1) of this subsection includes an increase or decrease in a fee for a license to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, the promulgating unit shall include clearly written explanatory reasons that justify the increase or decrease in the fee.

(ii) If a regulation submitted under subparagraph (i) of this paragraph proposes an increase in a fee for a license, the written justification also shall include information about:

1. the amount of money needed by the promulgating unit to operate effectively or to eliminate an imbalance between the revenues and expenditures of the unit;

2. the most recent year in which the promulgating unit had last increased its fees;

3. the structure of the promulgating unit as to whether it is one that retains the license fees it receives or passes them through to a national organization or association that creates and administers a uniform licensing examination that is taken by anyone in the United States who is seeking a license to practice a particular occupation or profession or business activity issued by the promulgating unit;

4. measures taken by the promulgating unit to avoid or mitigate the necessity of a fee increase and

the results of those measures;

5. special circumstances about the activities and responsibilities of the promulgating unit, including investigations of individuals licensed by the unit, that have had an adverse impact on the unit's operating expenses;

6. consideration given by the promulgating unit to the hardship a license fee increase may have on individuals and trainees licensed or regulated by the unit; and

7. actions taken by the promulgating unit to elicit the opinions of the individuals who are licensed by the promulgating unit and the members of the public as to the effectiveness and performance of the promulgating unit.

(3) If the promulgating unit estimates that the proposed regulation will have a significant small business impact, the unit shall:

(i) identify each provision in the proposed regulation that will have a significant small business impact;

(ii) quantify or describe the range of potential costs of the proposed regulation on small businesses in the State;

(iii) identify how many small businesses may be impacted by the proposed regulation;

(iv) identify any alternative provisions the unit considered that may have a less significant impact on small businesses in the State and the reason the alternative was not proposed;

(v) identify the beneficial impacts of the regulation, including to public health, safety, and welfare, or to the environment; and

(vi) coordinate with the Advisory Council not later than the date the proposed regulation is submitted to the Committee, the Department of Legislative Services, and the Advisory Council in accordance with this section.

(e) Preliminary review -- Action by Committee. --

(1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection (d) of this section.

(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection (d) of this section may not be construed to mean that the Committee approves or disapproves the proposed regulation.

(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10-111.1 and 10-112 of this subtitle.

(4) (i) If the Advisory Council submits to the Committee and the Department of Legislative Services a written statement of its findings that a proposed regulation will have a significant small business impact as required by § 3-505 of the Economic Development Article, the Committee and the Department of Legislative Services shall review the findings.

(ii) After notification that a proposed regulation will have a significant small business impact, any member of the Committee may request a hearing on the proposed regulation.

(iii) If a member requests a hearing, the Committee:

1. shall hold a hearing; and

2. may request that the promulgating unit delay adoption of the regulation.

(f) Preliminary review -- Consultation with Committee and with Advisory Council. -- Prior to the date

specified in subsection (d) of this section, the promulgating unit is encouraged to:

(1) submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation; and

(2) submit the proposed regulation to the Advisory Council and to consult with the Advisory Council concerning the estimated small business impact of the regulation and ways to reduce the small business impact.

HISTORY: 1985, ch. 783, § 3; 1986, ch. 5, § 1; 2000, ch. 585; 2002, ch. 19, § 1; 2004 Sp. Sess., chs. 2, 8; 2006, ch. 44; 2010, chs. 300, 301; 2015, ch. 137.

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Md. STATE GOVERNMENT Code Ann. § 10-111 (2015)

§ 10-111. Time limitations; public hearings

(a) In general. --

(1) Except as provided in subsection (b) of this section, a unit may not adopt a proposed regulation until:

(i) after submission of the proposed regulation to the Committee for preliminary review under § 10-110 of this subtitle; and

(ii) at least 45 days after its first publication in the Register.

(2) (i) If the Committee determines that an appropriate review cannot reasonably be conducted within 45 days and that an additional period of review is required, it may delay the adoption of the regulation by so notifying the promulgating unit and the Division of State Documents, in writing, prior to the expiration of the 45-day period.

(ii) If notice is provided to the promulgating unit pursuant to subparagraph (i) of this paragraph, the promulgating unit may not adopt the regulation until it notifies the Committee, in writing, of its intention to adopt the regulation and provides the Committee with a further period of review of the regulation that terminates not earlier than the later of the following:

1. the 30th day following the notice provided by the promulgating unit under this subparagraph; or
2. the 105th day following the initial publication of the regulation in the Register.

(3) The promulgating unit shall permit public comment for at least 30 days of the 45-day period under paragraph (1)(ii) of this subsection.

(b) Emergency adoptions. --

(1) The unit may adopt a proposed regulation immediately if the unit:

(i) declares that the emergency adoption is necessary;

(ii) submits the proposed regulation to the Committee and the Department of Legislative Services, together with the fiscal impact statement required under subsection (c) of this section; and

(iii) has the approval of the Committee for the emergency adoption.

(2) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the approval of the Committee may be given:

1. by a majority of its members who are present and voting at a public hearing or meeting of the Committee; or

2. if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, by its presiding Chairman or, if its presiding Chairman is unavailable, by its cochair.

(ii) If a member of the Committee requests a public hearing on the emergency adoption of a regulation, the Committee shall hold a public hearing.

(iii) 1. If a public hearing is held on the emergency adoption of a regulation, the Committee may not approve the emergency adoption except by a majority vote of the members present and voting at the hearing or at a meeting of the Committee subsequent to the hearing.

2. If a vote on the emergency regulation is not taken at the public hearing or immediately thereafter, the Committee members shall be provided at least 1 week's notice of the scheduling of any subsequent meeting to vote on the regulation.

(iv) Unless the Governor declares that immediate adoption is necessary to protect the public health or safety, the Committee may not approve the emergency adoption of a regulation earlier than 10 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(3) If there is no request for a public hearing, the staff of the Committee may poll, in person, by telephone, or in writing:

(i) the members of the Committee; or

(ii) if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, the presiding Chairman or the cochair.

(4) (i) The Committee may impose, as part of its approval, any condition.

(ii) The Committee shall impose, as part of its approval, a time limit not to exceed 180 days on each request for emergency status.

(iii) If the unit does not adopt the regulation finally before the time limit expires, the status of the regulation reverts to its status before the emergency adoption.

(5) The Committee may rescind its approval by a majority of its members present and voting at a public hearing or meeting of the Committee.

(c) Fiscal impact statement. --

(1) The fiscal impact statement, prepared by the unit and submitted under subsection (b) of this section, shall state:

(i) an estimate of the impact of the emergency regulation on the revenues and expenditures of the State;

(ii) whether the State budget for the fiscal year in which the regulation will become effective contains an appropriation of the funds necessary for the implementation of the emergency regulation;

(iii) if an appropriation is not contained in the State budget, the source of the funds necessary for the implementation of the emergency regulation; and

(iv) whether the emergency regulation imposes a mandate on a local government unit.

(2) If the emergency regulation imposes a mandate on a local government unit, the fiscal impact statement shall:

(i) indicate whether the regulation is required to comply with a federal statutory or regulatory mandate;

(ii) if the information may be practicably obtained given the emergency circumstances of the regulations, include an estimate of the impact of the emergency regulation on the revenues and expenditures of local government units; and

(iii) if applicable, and if the required data is available, include the estimated effect on local property tax rates.

HISTORY: An. Code 1957, art. 40, § 40A; art. 41, § 256-I; 1984, ch. 284, § 1; 1985, ch. 783, § 3; 1986, ch. 5, § 1; 1987, chs. 127, 356, 542; 1988, ch. 478; 1993, ch. 516; 1995, ch. 388; 1996, ch. 10, § 1; 1997, ch. 14, § 1; 2004, ch. 25, § 6; 2004 Sp. Sess., chs. 2, 8; 2009, ch. 60, § 5.

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Md. STATE GOVERNMENT Code Ann. § 10-111.1 (2015)

§ 10-111.1. Opposition to adoption

(a) In general. --

(1) Prior to the expiration of any period of review granted to or reserved by the Committee pursuant to § 10-111(a) of this subtitle, the Committee, by a majority vote, may oppose the adoption of any proposed regulation.

(2) Unless waived by both of the presiding officers, at least 2 weeks prior to acting pursuant to subsection (a)(1) of this section with respect to any proposed regulation, the Committee shall notify the presiding officers who shall notify the appropriate standing committees that the special procedure established by this section may be exercised.

(b) Factors considered. -- In its review of a proposed regulation pursuant to this section, the factors the Committee shall consider shall include whether the regulation:

(1) is in conformity with the statutory authority of the promulgating unit; and

(2) reasonably complies with the legislative intent of the statute under which the regulation was promulgated.

(c) Notice to Governor and promulgating unit. --

(1) Within 5 working days after the Committee votes to oppose the adoption of a proposed regulation, it shall provide written notice to the Governor and the promulgating unit of its action.

(2) Upon receipt of such notice, and with written notice to the Committee and as otherwise required by law, the promulgating unit may:

(i) withdraw the regulation;

(ii) modify the regulation, but only in accordance with § 10-113 of this subtitle; or

(iii) submit the regulation to the Governor with a statement of the justification for the unit's refusal to withdraw or modify the regulation.

(3) Following the receipt of notice under paragraph (2)(iii) above, the Governor may consult with the Committee and the unit in an effort to resolve the conflict. After written notice has been provided to the presiding officers and to the Committee, the Governor may:

(i) instruct the unit to withdraw the regulation;

(ii) instruct the unit to modify the regulation, but only in accordance with § 10-113 of this subtitle; or

(iii) approve the adoption of the regulation.

(d) Approval of Governor. -- A proposed regulation opposed by the Committee pursuant to this section may not be adopted, and is not effective unless approved, by the Governor pursuant to subsection (c)(3) of this section.

HISTORY: 1985, ch. 783, § 3.

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Md. STATE GOVERNMENT Code Ann. § 10-111.2 (2015)

§ 10-111.2. Proposed and emergency regulations -- Posting and notice.

(a) Web site list of emergency regulations. --

(1) The Web site of the General Assembly shall include a list of all emergency regulations the Committee has received but has not approved.

(2) For each regulation, the list shall include:

(i) the date the Committee received the regulation;

(ii) whether a member of the Committee has requested a public hearing;

(iii) the date of any public hearing scheduled;

(iv) the date and a summary of any action the Committee has taken; and

(v) the name and telephone number of a member of the Committee's staff who can provide further information.

(3) A regulation shall be added to the list within 3 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(b) Notice of proposed regulations; fees. --

(1) The Department of Legislative Services shall maintain a list of members of the public who have requested to receive notice when the Department of Legislative Services receives proposed regulations for which the promulgating unit has requested emergency adoption.

(2) A member of the public who requests notice under this subsection shall specify:

(i) whether the individual wants to receive notice by United States mail or electronic mail; and

(ii) which agencies' regulations the individual wants to receive notice of receipt.

(3) Within 2 business days of receipt of a proposed regulation, the Department of Legislative Services shall provide notice to members of the public who have requested notice, as specified in paragraph (2) of this subsection.

(4) The Department of Legislative Services:

(i) may impose a reasonable fee for sending notice under this subsection by United States mail; and

(ii) may not impose a fee for sending notice under this subsection by electronic mail.

(5) Upon request, a promulgating unit shall provide copies of emergency regulations to members of the public.

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Md. STATE GOVERNMENT Code Ann. § 10-112 (2015)

§ 10-112. Procedures for publication

(a) In general. --

(1) This subsection does not apply to the emergency adoption of a regulation.

(2) To have a proposed regulation published in the Register, a unit shall submit to the Administrator:

(i) the proposed regulation; and

(ii) a notice of the proposed adoption.

(3) The notice under this subsection shall:

(i) state the estimated economic impact of the proposed regulation on:

1. the revenues and expenditures of units of the State government and of local government units;
and

2. groups such as consumer, industry, taxpayer, or trade groups;

(ii) include a statement of purpose;

(iii) satisfy the requirements of § 2-1505.2 of this article;

(iv) comply with § 7-113(c) of the Human Services Article; and

(v) give persons an opportunity to comment before adoption of the proposed regulation, by:

1. setting a date, time, and place for a public hearing at which oral or written views and information may be submitted; or

2. giving a telephone number that a person may call to comment and an address to which a person may send comments.

(4) (i) The estimated economic impact statement required under paragraph (3)(i) of this subsection shall state whether the proposed regulation imposes a mandate on a local government unit.

(ii) If the proposed regulation imposes a mandate, the fiscal impact statement shall:

1. indicate whether the regulation is required to comply with a federal statutory or regulatory mandate; and

2. include, in addition to the estimate under paragraph (3)(i)1 of this subsection, the estimated effect on local property tax rates, if applicable, and if the required data is available.

(b) Emergency adoption. -- As soon as the Committee approves emergency adoption of a regulation, the Committee shall submit the regulation to the Administrator.

(c) Form. -- If a regulation under this section amends or repeals an adopted regulation, the text of the regulation under this section shall show the changes with the symbols that the Administrator requires.

HISTORY: An. Code 1957, art. 41, §§ 256F, 256-I; 1984, ch. 284, § 1; ch. 311, § 1; 1995, ch. 388; 2000, ch. 585; 2001, ch. 28; 2006, ch. 92; 2007, ch. 8, § 1; 2012, ch. 201.

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Md. STATE GOVERNMENT Code Ann. § 10-112.1 (2015)

§ 10-112.1. Publication time requirements for regulations.

(a) In general. -- Whenever a unit publishes a proposed regulation in the Register in accordance with § 10-112 of this subtitle, the unit shall publish the text of the proposed regulation on the unit's Web site not later than 3 business days after the date that the proposed regulation is published in the Register.

(b) Emergency regulations. -- Whenever a unit submits a regulation to the Committee for approval as an emergency adoption in accordance with § 10-111(b) of this subtitle, the unit shall publish the text of the regulation on the unit's Web site not later than 3 business days after the date that the regulation is submitted to the Committee for approval of emergency adoption.

(c) Compliance requirements. -- To comply with the publication requirement of this section, a unit shall:

(1) publish the text of the regulation on the unit's home page on its Web site; or

(2) provide a link on the unit's home page to the text of the regulation if the text of the regulation is available elsewhere on the unit's Web site.

(d) Effect of failure to publish. -- The failure of a unit to publish the text of a regulation in a timely manner under this section may not invalidate or otherwise affect the adoption of the regulation.

HISTORY: 2012, ch. 201.

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Md. STATE GOVERNMENT Code Ann. § 10-113 (2015)

§ 10-113. Changes in proposed regulations.

(a) "Unit counsel" defined. -- In this section, "unit counsel" has the meaning stated in § 10-107 of this subtitle.

(b) In general. -- If a unit wishes to change the text of a proposed regulation so that any part of the text differs substantively from the text previously published in the Register, the unit may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10-111 and 10-112 of this subtitle.

(c) Symbology. -- If the regulation is proposed anew, the changes in the text shall be shown with the symbols that the Administrator requires.

(d) Certification of Attorney General. --

(1) The Administrator shall refuse to publish the notice of adoption of a regulation that differs from the text previously published unless the notice is accompanied by a certification from the Attorney General or the unit counsel that the provisions of subsections (b) and (c) of this section are not applicable.

(2) The certification shall:

- (i) be prepared in the form and according to guidelines specified by the Administrator;
- (ii) contain a description of the nature of each change and the basis for the conclusion; and
- (iii) be published in the Register as part of the notice of adoption.

HISTORY: An. Code 1957, art. 41, § 256F; 1984, ch. 284, § 1; 1986, ch. 654; 2012, ch. 185.

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Md. STATE GOVERNMENT Code Ann. § 10-114 (2015)

§ 10-114. Notice of adoption

(a) Required. -- After adopting a regulation, a unit shall submit to the Administrator a notice of adoption, for publication in the Register.

(b) Contents. -- If the text of the adopted regulation is the same or substantially similar to the proposed regulation, the notice shall:

- (1) state that the texts are the same or substantially similar;
- (2) cite the date of the Register in which the proposed regulation was published; and
- (3) show each change in the text with the symbols that the Administrator requires.

HISTORY: An. Code 1957, art. 41, §§ 256D, 256F; 1984, ch. 284, § 1; 2006, ch. 92.

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Md. STATE GOVERNMENT Code Ann. § 10-115 (2015)

§ 10-115. Reprints

(a) Restricted. -- A unit may not reset or reprint a regulation in the Code of Maryland Regulations, the permanent supplements to the Code of Maryland Regulations, or the Register without the written permission of the Committee.

(b) Comparison of texts. -- Before reprinting a regulation under this section, a unit shall submit the proposed text of the regulation to the Division of State Documents for comparison with the official text.

HISTORY: An. Code 1957, art. 41, § 256J; 1984, ch. 284, § 1.

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Md. STATE GOVERNMENT Code Ann. § 10-116 (2015)

§ 10-116. Withdrawal of proposed regulation

(a) In general. -- A unit:

(1) may withdraw a proposed regulation at any time before its adoption; but

(2) may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10-111 and 10-112 of this subtitle.

(b) Failure to adopt. --

(1) The failure to adopt a proposed regulation within 1 year after its last publication in the Register constitutes withdrawal under this section.

(2) The Administrator shall publish in the Register notice of a withdrawal of a proposed regulation under this subsection.

HISTORY: An. Code 1957, art. 41, § 256F; 1984, ch. 284, § 1.

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Md. STATE GOVERNMENT Code Ann. § 10-117 (2015)

§ 10-117. Effective date of regulations

(a) In general. --

(1) Except as otherwise provided in subsection (b) of this section or in other law, the effective date of a regulation is:

(i) the 10th calendar day after notice of adoption is published in the Register; or

(ii) a later date that the notice sets.

(2) For calculation of the effective date under this subsection:

(i) § 1-302 of the General Provisions Article does not apply;

(ii) the issue date of the Register in which the notice is published is not counted; and

(iii) each other calendar day, including Saturdays, Sundays, and legal holidays, is counted.

(b) Emergency adoption. -- The effective date of a regulation after its emergency adoption is the date that the Committee sets.

HISTORY: An. Code 1957, art. 41, § 256-O; 1984, ch. 284, § 1; 1997, ch. 31, § 10; 2006, ch. 92; 2014, ch. 104, § 2.

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Md. STATE GOVERNMENT Code Ann. § 10-118 (2015)

§ 10-118. Committee powers over emergency or proposed regulations or portion thereof.

The Committee may exercise a power granted under this subtitle over an emergency or proposed regulation or a specific, distinct, and severable provision of an emergency or proposed regulation.

HISTORY: 2004 Sp. Sess., chs. 2, 8.

MD SO2 110(a)(2) SIP, Appendix G

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Md. STATE GOVERNMENT Code Ann. § 10-120 (2015)

§ 10-120. Scope of part

(a) General exclusions. -- This Part IV of this subtitle does not apply to:

- (1) the Governor;
- (2) the State Department of Assessments and Taxation;
- (3) the Board of Appeals of the Department of Labor, Licensing, and Regulation;
- (4) the Insurance Administration;
- (5) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;
- (6) the Public Service Commission;
- (7) the Maryland Tax Court; or
- (8) the State Workers' Compensation Commission.

(b) Maryland Automobile Insurance Fund. -- If the Insurance Commissioner states in writing that, as to a particular matter, the Maryland Automobile Insurance Fund need not comply with this Part IV of this subtitle, this Part IV does not apply to the Fund with respect to that matter.

(c) Applicability to property tax assessment appeals boards. -- This subtitle does apply to the property tax assessment appeals boards.

HISTORY: An. Code 1957, art. 41, § 244; 1984, ch. 284, § 1; 1986, ch. 567; 1987, ch. 311, § 1; 1989, ch. 5, § 1; 1990, ch. 71, § 3; 1991, ch. 8, § 3; ch. 21, § 3; 1995, ch. 120, §§ 5, 19; 1997, ch. 70, § 4; 2014, ch. 45, § 5.

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Md. STATE GOVERNMENT Code Ann. § 10-121 (2015)

§ 10-121. Political subdivisions and instrumentalities

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

HISTORY: An. Code 1957, art. 41, § 256A; 1984, ch. 284, § 1.

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Md. STATE GOVERNMENT Code Ann. § 10-122 (2015)

§ 10-122. Procedural regulations

(a) Required. -- Each unit shall adopt regulations to govern procedures under this Part IV of this subtitle, including the related forms that the unit requires and the instructions for completing the forms.

(b) Descriptive statement. -- To help persons deal with the unit, the unit shall supplement, so far as practicable, the regulations under this section with a description of the procedures of the unit.

HISTORY: An. Code 1957, art. 41, § 245; 1984, ch. 284, § 1.

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Md. STATE GOVERNMENT Code Ann. § 10-123 (2015)

§ 10-123. Petition for adoption of regulation

(a) Petition by interested person. -- An interested person may submit to a unit a petition for the adoption of a regulation.

(b) Response by unit. -- Within 60 days after the petition is submitted, the unit shall:

- (1) in writing, deny the petition and state the reasons for the denial; or
- (2) initiate the procedures for adoption of the regulation.

HISTORY: An. Code 1957, art. 41, § 248; 1984, ch. 284, § 1.

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Md. STATE GOVERNMENT Code Ann. § 10-124 (2015)

§ 10-124. Evaluation of impact

(a) "Business" defined. -- In this section, "business" means a trade, professional activity, or other business that is conducted for profit.

(b) Required. --

(1) Before a unit adopts a proposed regulation, the unit shall evaluate whether the proposed regulation has any impact on businesses.

(2) To evaluate the impact, the unit shall:

(i) on the basis of the sizes of the businesses that the proposed regulation might affect, divide those businesses into any classes that the unit considers appropriate for the proposed regulation; and

(ii) particularly consider:

1. the costs that the proposed regulation would impose on each class; and
2. the difficulty of compliance for each class.

(c) Action after evaluation. -- On the basis of the evaluation, the unit may adopt 1 or more regulations that apply differently to classes of businesses.

HISTORY: An. Code 1957, art. 41, §§ 244, 245A; 1984, ch. 284, § 1.
MD SO2 110(a)(2) SIP, Appendix G

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Md. STATE GOVERNMENT Code Ann. § 10-125 (2015)

§ 10-125. Declaratory judgment

(a) Petition authorized. --

(1) A person may file a petition for a declaratory judgment on the validity of any regulation, whether or not the person has asked the unit to consider the validity of the regulation.

(2) A petition under this section shall be filed with the circuit court for the county where the petitioner resides or has a principal place of business.

(b) Authority to consider. -- A court may determine the validity of any regulation if it appears to the court that the regulation or its threatened application interferes with or impairs or threatens to interfere with or impair a legal right or privilege of the petitioner.

(c) Unit as party. -- The unit that adopted the regulation shall be made a party to the proceeding under this section.

(d) Finding of invalidity. -- Subject to § 10-128 of this subtitle, the court shall declare a provision of a regulation invalid if the court finds that:

- (1) the provision violates any provision of the United States or Maryland Constitution;
- (2) the provision exceeds the statutory authority of the unit; or
- (3) the unit failed to comply with statutory requirements for adoption of the provision.

HISTORY: An. Code 1957, art. 41, § 249; 1984, ch. 284, § 1.

STATE GOVERNMENT
TITLE 10. GOVERNMENTAL PROCEDURES
SUBTITLE 1. ADMINISTRATIVE PROCEDURE ACT -- REGULATIONS
PART V. INVALID PROVISIONS

Md. STATE GOVERNMENT Code Ann. § 10-128 (2015)

§ 10-128. Severability

(a) In general. -- Unless a regulation expressly states otherwise, its provisions are severable.

(b) Finding of court. -- The finding of a court that a provision of a regulation is invalid invalidates only any other provision of the regulation that the court finds then is so incomplete that it cannot be carried out in accordance with the purpose of the regulation.

HISTORY: An. Code 1957, art. 41, § 249; 1984, ch. 284, § 1.

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Md. STATE GOVERNMENT Code Ann. § 10-129 (2015)

§ 10-129. Publications of notices

(a) Scope of section. -- This section applies only to a unit in the Executive Branch of the State government.

(b) Required. -- Whenever a court of final appeal declares all or any part of a regulation invalid and unconstitutional:

(1) the unit that adopted the regulation shall have notice of that fact published in the Register; and

(2) the Administrator shall publish notice of that fact in the permanent supplements or otherwise in the Code of Maryland Regulations.

HISTORY: An. Code 1957, art. 41, §§ 256B, 256-I; 1984, ch. 284, § 1.