

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**AIR AND RADIATION ADMINISTRATION  
APPLICATION FOR A PERMIT TO CONSTRUCT**

**DOCKET #09-23**

COMPANY: M. Luis Products, Inc.

LOCATION: 701 Pittman Road  
Baltimore, MD 21226

APPLICATION: One (1) crushing and screening plant including one (1) 300 ton per hour Jaw Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 200 ton per hour Cone or Impact Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 480 ton per hour screener powered by a Tier 3, diesel-fired engine rated at 150 horsepower; and one (1) radial stacker powered by a Tier 3, diesel-fired engine rated at 75 horsepower.

<u>ITEM</u>	<u>DESCRIPTION</u>
1	Notice of Application and Informational Meeting
2	Environmental Justice (EJ) Information - EJ Fact Sheet and MDE Score and Screening Report
3	Permit to Construct Application Form 5, Form 5A, Form 5B, Form 44, emission calculations, process flow diagram, plot plan, and documentation of zoning approval.

**DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION ADMINISTRATION**

**NOTICE OF APPLICATION AND INFORMATIONAL MEETING**

The Maryland Department of the Environment, Air and Radiation Administration (ARA) received a permit-to-construct application from M. Luis Products, Inc. on October 12, 2022, for one (1) crushing and screening plant including one (1) 300 ton per hour Jaw Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 200 ton per hour Cone or Impact Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 480 ton per hour screener powered by a Tier 3, diesel-fired engine rated at 150 horsepower; and one (1) radial stacker powered by a Tier 3, diesel-fired engine rated at 75 horsepower. The proposed crushing and screening plant will be located at 701 Pittman Road, Baltimore, Maryland, 21226.

In accordance with HB 1200/Ch. 588 of 2022, the applicant provided an environmental justice (EJ) Score for the census tract in which the project is located using the Maryland EJ mapping tool. The EJ Score, expressed as a statewide percentile, was shown to be 21.24 which the Department has verified. This score considers three demographic indicators – minority population above 50%, poverty rate above 25% and limited English proficiency above 15%.

Copies of the application, the EJ mapping tool screening report (which includes the score), and other supporting documents are available for public inspection on the Department's website at <https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx> (click on Docket Number 09-23). Any applicant-provided information regarding a description of the environmental and socioeconomic indicators contributing to that EJ score can also be found at the listed website. Such information has not yet been reviewed by the Department. A review of the submitted information will be conducted when the Department undertakes its technical review of all documents included in the application.

Pursuant to the Environment Article, Section 1-603, Annotated Code of Maryland, an Informational Meeting has been scheduled so that citizens can discuss the application and the permit review process with the applicant and the Department.

An Informational Meeting will be held on July 24, 2023, at 6:00 pm at the Orchard Beach Volunteer Fire Department, 7549 Solley Road, Glen Burnie, MD 21060.

The Department will provide an interpreter for deaf and hearing impaired persons provided that a request is made for such service at least ten (10) days prior to the meeting.

Further information may be obtained by calling Ms. Shannon Heafey at 410-537-4433.

Christopher R. Hoagland, Director  
Air and Radiation Administration



# The Applicant's Guide to Environmental Justice and Permitting

## What You Need to Know

This fact sheet is designed to provide guidance to applicants on incorporating environmental justice screening requirements pursuant to House Bill 1200, effective October 1, 2022.

### What is Environmental Justice?

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The concept behind the term environmental justice (EJ) is that regardless of race, color, national origin, or income, all Maryland residents and communities should have an equal opportunity to enjoy an enhanced quality of life. How to assess whether equal protection is being applied is the challenge.

Communities surrounded by a disproportionate number of polluting facilities puts residents at a higher risk for health problems from environmental exposures. It is important that residents who may be adversely affected by a proposed source be aware of the current environmental issues in their community in order to have meaningful involvement in the permitting process. Resources may be available from government and private entities to ensure that community health is not negatively impacted by a new source located in the community.

Extensive research has documented that health disparities exist between demographic groups in the United States, such as differences in mortality and morbidity associated with factors that include race/ethnicity, income, and educational attainment. House Bill 1200 adds to MDE's work incorporating diversity, equity and inclusion into our mission to help overburdened and underserved communities with environmental issues.

### What is House Bill 1200 and what does it require?

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Effective October 1, 2022, House Bill 1200 requires a person applying for a permit from the Department under §1-601 of the Environment Article of the Annotated Code of Maryland or any permit requiring public notice and participation to include in the application an EJ Score for the census tract where the applicant is seeking the permit; requiring the Department, on receiving a certain permit application to review the EJ Score; and requiring notices to include information related to EJ Scores and generally relating to environmental permits and environmental justice screenings.

### What is a "Maryland EJ Tool"?

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The term "Maryland EJ Tool" means a publicly available state mapping tool that allows users to: (1) explore layers of environmental justice concern; (2) determine an overall EJ score for census tracts in the state; and (3) view additional context layers relevant to an area.



# The Applicant's Guide to Environmental Justice and Permitting

## What You Need to Know

### What is an "EJ Score"?

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The term "EJ Score" means an overall evaluation of an area's environment and environmental justice indicators, as defined by MDE in regulation, including: (1) pollution burden exposure; (2) pollution burden environmental effects; (3) sensitive populations; and (4) socioeconomic factors.

The Maryland EJ Screening Tool uses three demographic indicators – minority population above 50%, poverty rate above 25% and percent of the population having limited English proficiency above 15% - to calculate a score that can be used as an indicator of susceptibility to environmental exposure. It is that score, linked to the census tract where the project is to be located, that needs to be reported to MDE as part of your permit application.

### What does the application require?

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The link for the Maryland EJ Tool is located on the Department's website, [www.mde.maryland.gov](http://www.mde.maryland.gov), under Quick Links as EJ Screening Tool. At the top right, please click the first button for the MDE Screening Report. Input the address of the proposed installation in the address bar. Click on the Report button. Once the report has been generated select the print icon.

The applicant needs to include the MDE Screening Report with the EJ Score from the Maryland EJ Tool as part of the permit application upon submission. An application will not be considered complete without the report.

The applicant is encouraged to provide the Department with a discussion about the environmental exposures in the community. This will provide pertinent information about how the applicant should proceed with engaging with the community. Residents of a community with a high indicator score and a high degree of environmental exposure should be afforded broader opportunities to participate in the permit process and understand the impacts a project seeking permit approval may have on them.

### Questions

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For air quality permits, please call 410-537-3230.

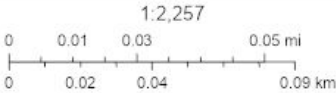
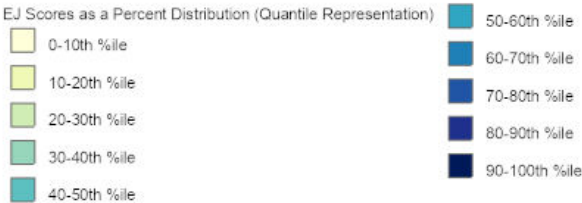
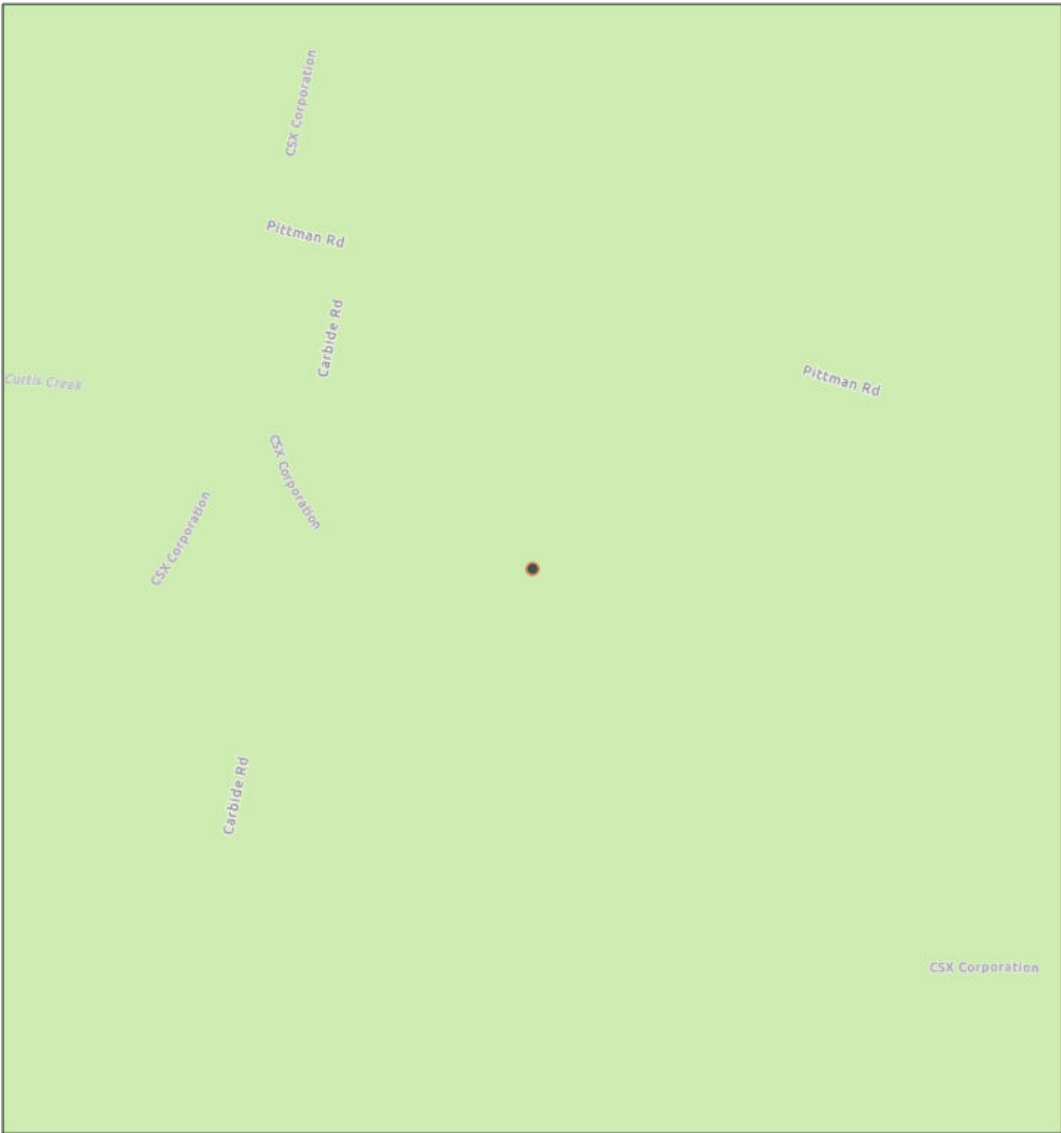


# MDE EJ Screening Report

## Area of Interest (AOI) Information

Area : 12,543,415.69 ft<sup>2</sup>

Nov 9 2022 11:45:33 Eastern Standard Time



MDE. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community

Summary

Name	Count	Area(ft²)	Length(ft)
EJ Scores as a Percent Distribution (Quantile Representation)	1	12,543,415.62	N/A
Active High Air Emission Facilities	1	N/A	N/A
LRP Facilities	3	N/A	N/A
Maryland Dam Locations	0	N/A	N/A
Maryland Pond Locations	0	N/A	N/A
Wastewater Discharge Facilities	1	N/A	N/A
Historic Mine Locations	0	N/A	N/A
Significant Wastewater Treatment Plants	0	N/A	N/A
Point Source Discharges	1	N/A	N/A
All Permitted Solid Waste Acceptance Facilities	0	N/A	N/A
Municipal Solid Waste Acceptance Facilities	0	N/A	N/A

EJ Scores as a Percent Distribution (Quantile Representation)

#	Geographic Area Name	Percent Minority	Percent Poverty	Percent_Limited_English_Proficiency	SocioScore Percent Tract Only
1	Census Tract 7301, Anne Arundel County, Maryland	22.10	7.52	0.50	10.04

#	Socio Percentile (All MD)	Socio Percentile (All MD) %	Area(ft²)
1	21.24	21.238%	12,543,415.62

Active High Air Emission Facilities

#	master_ai_id	master_ai_name	air_code	naic	naic_description
1	2824	Prince Specialty Products LLC	Title V	212,299	All Other Metal Ore Mining

#	emission_year	latitude	longitude	physical_address_line_1	physical_address_municipality
1	2020	39.195174	-76.563180	610 Pittman Rd	Curtis Bay

#	physical_address_state_code	physical_address_zip	county	co	nitrogen
1	MD	21,226	Anne Arundel	677.36	21.28

#	pm10	pt	voc	sox	pm25
1	10.49	0.49	1.16	0.12	2.16

#	pmcondense	carbon_dioxide	mercury	methane	BCRI
1	0.52	25,528.92	0.00	0.49	33.56

#	BHAP	HAPS	Count
1	0.34	6.12	1

## LRP Facilities

#	tblSitesID	SiteName	SiteAlias	Address	City
1	699	Diamond Shamrock Corp. - Chemetals Division	Erachem Comilog, Inc.	711 Pittman Road; 610 Pittman Road	Curtis Bay
2	905	MCS Baltimore Site	No Data	605 Pittman Road	Baltimore
3	1,274	Cherry Hill/Pittman Road/Waldorf Trailer/Cherry Pit Drum Site B (Pittman Location)	A-1 Transfer; Magnetics, Inc.	701 Pittman Road	Baltimore

#	State	County	ZIPCode	Acreage	TaxMapNumb
1	Maryland	Anne Arundel	21226	60.00	No Data
2	Maryland	Anne Arundel	21226	21.13	No Data
3	Maryland	Anne Arundel	21226	0.00	No Data

#	ParcelNum	Block	LotNumber	TaxID	FileAvailE
1	No Data	No Data	No Data	No Data	Yes
2	No Data	No Data	No Data	No Data	No
3	No Data	No Data	No Data	No Data	No

#	FactLink	Brownfield	BMNumber	SiteAssess	FUD
1	<a href="https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Documents/Diamond%20Shamrock-Chemetals%20Div.pdf">https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Documents/Diamond%20Shamrock-Chemetals%20Div.pdf</a>	No	MD0071	No	No
2	<a href="https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Documents/MCS_BALTO.pdf">https://mde.maryland.gov/programs/LAND/MarylandBrownfieldVCP/Documents/MCS_BALTO.pdf</a>	No	MD0484	Yes	No
3	No Fact Sheet Available.	No	MD0480	No	No

#	FedFacilit	GW	NPL	VCP	AssessOngo
1	No	No	No	No	No
2	No	No	No	No	Yes
3	No	No	No	No	No

#	RemedOngo	Withdrawn	DetIssued	Archived	EnforcOngo
1	No	No	No	Yes	No
2	No	No	No	No	No
3	No	No	No	Yes	No

#	CHSOversig	GWChlorina	GWPetroleu	GWMetals	GWPesticid
1	No	No	No	No	No
2	No	No	No	Yes	No
3	No	No	No	No	No

#	GWPCB	GWPAH	SoilChlori	SoilPetrol	SoilMetals
1	No	No	No	No	No
2	No	No	No	No	Yes
3	No	No	No	No	No

#	SoilPestic	SoilPCB	SoilPAH	SedChlorin	SedPetrole
1	No	No	No	No	No
2	No	No	Yes	No	No
3	No	No	No	No	No

#	SedMetals	SedPestici	SedPCB	SedPAH	SWChlorina
1	Yes	No	No	No	No
2	Yes	No	No	No	No
3	No	No	No	No	No

#	SWPetroleu	SWMetals	SWPesticid	SWPCB	SWPAH
1	No	Yes	No	No	No
2	No	Yes	No	No	No
3	No	No	No	No	No

#	NotesForPu	EPAID	Regulatory	FY_Open	FY_Closed	Count
1	File missing as of 5/15/2018 following a PIA request.	MDD000241760	CHS	1982	2005	1
2	No Data	No Data	No Data	2005	No Data	1
3	No Data	MD0001406867	CHS	No Data	2005	1

## Wastewater Discharge Facilities

#	AID	FAC_NAME	CBSEG_92	BAY_TRIB	MD12DIG
1	2824	Erachem Comilog, Inc	PATMH	02130903	021309031008

#	MDMajorTrib	HUC	Tier2Catchments_yn	Tier2Catchments	Tier3Catchments_yn
1	4	020600031202	0	No Data	0

#	Tier3Catchments	SSPRA_yn	SSPRA	Impaired_yn	Impaired
1	No Data	0	No Data	1	Sediments, Habitat, Stream Modification, Ions

#	WQA_yn	WQA	T3038Dig_yn	T3038Dig	TMDL8Dig_yn
1	0	No Data	1	Sediments, Ions	0

#	TMDL8Dig	MHTArcheo_yn	MHTArcheo	PermitAge	CycleYear
1	No Data	0	No Data	No Data	No Data

#	Active	Include	ManualActive	Count
1	1	1	1	1

## Point Source Discharges



#	LAT	LONG_	Facility_T	FAC_NAME	BAY_TRIB
1	39.20	-76.56	No Data	Erachem Comilog, Inc	02130903

#	MD12DIG	County	MDMajorTri	HUC	Tier2Cat_1
1	021309031008	2	4	020600031202	No Data

#	T3038Dig	TMDL8Dig	ADCMap	ADCCol	ADCRow
1	Bacteria, Biological, Metals, Nutrients, Sediments, Toxics	Metal, Nutrients, Toxic	3	J	9

#	ADCNewMap	ADCNewCol	ADCNewRow	MHTArcheo	State_Num
1	4939	K	9	No Data	No Data

#	Addr1	Addr2	MasterAINa	NPDESID	MDStateNum
1	610 Pittman Rd	No Data	Erachem Comilog, Inc	MD0001775	06DP0272

#	OwnerType	PermitCate	Count
1	Private	Process Waste Water	1



10 October 2022

Matthew Hafner  
Air and Radiation Administration  
Maryland Department of the Environment  
1800 Washington Blvd, Suite 720  
Baltimore, MD 21230-0715

**RE: PERMIT TO CONSTRUCT APPLICATION FOR A CRUSHING & SCREENING PLANT**

Dear Mr. Hafner:

Please find enclosed a completed permit-to-construct (PTC) application for a Crushing & Screening Plant (CSP) to be located at 701 Pittman Rd., Baltimore, Anne Arundel County, in zip code 21226. ***We are requesting that the PTC be issued as a "Flexible Permit for a Crushing and Screening Plant".***

The application was prepared by our air quality consultant, Kathryn Gunkel, and you may contact her directly with regard to questions you may have about the technical aspects of the application. Please include David Whitehurst as a "CC" on all correspondence, electronic or otherwise. David Whitehurst will be the primary contact for MLP relative to this permit application. His contact information is David.Whitehurst@MLuisConstruction.com and (443) 829-3357.

Respectfully submitted,

David Slaughter  
President

cc: David Whitehurst  
Kathryn Gunkel

**M. LUIS PRODUCTS, LLC IS AN MDOT & WBENC CERTIFIED ASPHALT MANUFACTURER**

12200 PLUM ORCHARD DR  
SUITE 110  
SILVER SPRING, MARYLAND 20904  
410-545-0641 (PHONE) 301-294-8755 (FAX)

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# PERMIT TO CONSTRUCT APPLICATION

SUBMITTED BY M LUIS PRODUCTS, INC.

## for a **CRUSHING & SCREENING PLANT**

to be located at

***701 PITTMAN RD., BALTIMORE, ANNE ARUNDEL COUNTY, MD 21226***

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Application prepared by:

Kathryn O'C. Gunkel, P.E., WILDWOOD Environmental Engineering Consultants, Inc.

October 2022

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M Luis Products, Inc. (MLP) is proposing to install a crushing & screening plant (CSP) at 701 Pittman Rd., Baltimore, MD 21226. Initially, MLP plans to process reclaimed asphalt pavement (RAP) materials for use in asphalt paving mixes produced at the asphalt plant located on Dover Rd., Glen Burnie, which is currently leased and operated by MLP. From time to time, there may be an accumulation of waste concrete and other construction debris, such as bricks, on the site from construction jobs. MLP wishes to be able to use the CSP when it is on-site to process the accumulated concrete, therefore, MLP is requesting that the permit allow them to process construction debris materials through the CSP as well as RAP materials.

*M Luis Products, Inc. is requesting that the Department issue a "Flexible Crushing & Screening Plant permit" for this site.*

The "generic" CSP that MLP is proposing for the permit application includes a two crushers (jaw and impact or cone) each rated at 300 tons per hour and powered by at least a Tier 3, diesel-fired engine with a maximum rating of 350 brake-horsepower,. The double-deck screener rated up to 480 tons/hour will be powered by at least a Tier 3, diesel-fired engine with a maximum rating of 350 brake-horsepower. The stacking conveyor will be powered by at least a Tier 3, diesel-fired engine with a maximum rating of 75 brake-horsepower. There will be at least two built-in belt conveyors associated with the crushers and four built-in belt conveyors associated with the screener, plus the stacking conveyor which is a separate piece of equipment. There may be "connecting" conveyors between one or both of the crushers and the screener.

Oversized materials transferred directly from the screener to the secondary crusher are either discharged to a surge pile or to a return conveyor and then transferred back to the screener's feed hopper to pass through the screener again. It was assumed that 60% of the feed materials are oversized and processed through the process line a second time. So, the emissions estimate is based on steady-state operations where 100% of the feed materials are discharged from the process while 60% are caught up in the recycle loop, meaning 160% of the feed materials are processed through the screener, 100% through the primary crusher, and 60% through the secondary crusher.

## **EMISSIONS ESTIMATES**

WEBFIRE was used to estimate fugitive dust emissions from stockpile activity for the CSP. Where necessary, the emission factor for PM<sub>2.5</sub> was derived using the dimensionless particle size multiplier from Section 13.2.4. The emission factor is described in WEBFIRE for "Misc. Operations: Screen/Conveyor/Handling". For the other emission points, Crusher, Screener, and Conveyor Transfer Points, the emission factors are identified specifically for these emission sources.

The emission points in the CSP were identified and categorized as "Material Transfers, Unloading", "Material Transfers, Conveyors", "Material Transfers, Other", "Material Transfers, Haul Vehicles", "Crusher", or "Screener" emissions. While some of the categories for the emission sources will use the same emission factor, the categorization system was used for compliance demonstration purposes.

The materials will pass through the primary Crusher (CRSH1) first, then the Screener and oversized materials from the Screener will be transferred to the secondary Crusher (CRSH2). Most of the time, MLP expects to operate only the primary Crusher and Screener, but is permitting the secondary Crusher to provide flexibility to respond to changing material specifications that may occur in the future.

The emission factors for Tier 3 diesel-fired engines were used to estimate emissions for the engines. The values were obtained from [www.DieselNet.com](http://www.DieselNet.com), Table 2. DieselNet's Table 2 does not include an emission factor for SO<sub>x</sub>, although one is available in AP42. However, the AP42 emission factor was published more than two decades ago, and today's diesel fuel used in off-road internal combustion engines has significantly lower sulfur. Currently, Ultra-Low Diesel Fuel has a maximum of 15 PPM Sulfur, by weight. The SO<sub>x</sub> emissions for the engines in this application are based on the fuel-bound sulfur at 15 PPM with the assumption that 100% conversion to SO<sub>2</sub> occurs. The calculation is shown on the next page.

DERIVATION OF SO <sub>x</sub> EMISSION FACTOR FROM FUEL SULFUR CONTENT		
Ultra Low Diesel	15	ppm (lb S / 10 <sup>6</sup> lbs Diesel fuel
Fuel Density	6.943	lb Diesel fuel/gal Diesel fuel
Sulfur content	104.145	lb S / 10 <sup>6</sup> gal Diesel fuel
	0.1041	lb S / 10 <sup>3</sup> gal Diesel fuel
	2	lbs SO <sub>2</sub> generated from 1 lb Sulfur
SO <sub>x</sub> Emission factor:	0.20829	lbs SO <sub>2</sub> / 10 <sup>3</sup> gal Diesel fuel

The U.S. EPA requires that air pollution sources be classified as minor (natural or synthetic) or major sources of Criteria Air Pollutants: Carbon Monoxide (CO), Oxides of Nitrogen (NO<sub>x</sub>), Oxides of Sulfur (SO<sub>x</sub>), Volatile Organic Compounds (VOC), Particulate Matter 10 µm or less in diameter (PM<sub>10</sub>), and Lead. In the State of Maryland, Anne Arundel County the major source thresholds for Criteria Air Pollutants is 25 tons per year for NO<sub>x</sub> and VOC and 100 tons/year for the other criteria air pollutants. Emissions calculated for 8,760 hours per 12-month period are used to determine if a source qualifies as a major source.

MLP qualifies as a minor source because the emission of each of the four gaseous and particulate matter Criteria Air Pollutants over 8,760 hours falls below their respective thresholds. However, MLP does not anticipate operating at this level, and the emissions estimates in this application are based on an operating schedule for the Crushing & Screening plant and engines of 3,744. A typical operating day would see throughput between 500 and 900 tons of materials processed through the CSP. While it has been assumed the CSP will operate 6 days per week, 12 hours per day, it is not likely that the CSP will be operated in this way every operating day and week.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard ■ Baltimore, Maryland 21230  
(410) 537-3230 ■ 1-800-633-6101 ■ www.mde.state.md.us

**Air and Radiation Management Administration ■ Air Quality Permits Program**

**APPLICATION FOR PROCESSING/MANUFACTURING EQUIPMENT**

Permit to Construct ☒

Registration Update ☐

Initial Registration ☐

**1A. Owner of Equipment/Company Name**

**M LUIS PRODUCTS, INC.**

**Mailing Address**

**12200 PLUM ORCHARD DR., SUITE 110**

**Street Address**

**SILVER SPRING**

**MD**

**20904**

**City**

**State**

**Zip**

**Telephone Number**

**301.355.0636**

**Signature**

*David M Slaughter*

**DAVID SLAUGHTER, PRESIDENT**

**11 OCT 2022**

**Print Name and Title**

**Date**

**1B. Equipment Location and Telephone Number (if different from above)**

**701 PITTMAN RD.**

**CONTACT: DAVID WHITEHURST @ 443.829.3357**

**Street Number and Street Name**

**BALTIMORE**

**MD**

**21226**

**City/Town**

**State**

**Zip**

**Telephone Number**

**Premises Name (if different from above)**

**3. Status (A= New, B= Modification to Existing Equipment, C= Existing Equipment)**

**Status**

**A**

15

**New Construction  
Begin (MM/YY)**

**0 4 2 3**

16-19

**New Construction  
Completed (MM/YY)**

**0 4 2 3**

20-23

**Existing Initial  
Operation (MM/YY)**

20-23

**4. Describe this Equipment: Make, Model, Features, Manufacturer (include Maximum Hourly Input Rate, etc.)**

One Crushing & Screening Plant equipped with: One (1) 300 ton per hour JAW Crusher, powered by a diesel-fired Tier 3 engine rated at 350 brake horsepower; one (1) 200 ton per hour IMPACT or CONE Crusher, powered by a diesel-fired Tier 3 engine rated at 350 brake horsepower; one (1) 480 ton per hour Screener, powered by a diesel-fired Tier 3 engine rated at 150 brake horsepower; and one (1) Radial Stacker, powered by a diesel-fired Tier 3 engine rated at 75 brakehorsepower.

**5. Workmen's Compensation Coverage**

**ZAWCI5803805**

**30-Sep-2023**

**Binder/Policy Number**

**Expiration Date**

**Company**

**ARCH INSURANCE COMPANY**

NOTE: Before a Permit to Construct may be issued by the Department, the applicant must provide the Department with proof of worker's compensation coverage as required under Section 1-202 of the Worker's Compensation Act.

**6A. Number of Pieces of Identical Equipment Units to be Registered/Permitted at this Time**

**1**

**6B. Number of Stack/Emission Points Associated with this Equipment**

**10**





**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard ■ Baltimore, Maryland 21230  
(410) 537-3230 ■ 1-800-633-6101 ■ www.mde.state.md.us

**Air and Radiation Management Administration ■ Air Quality Permits Program**

# APPLICATION FOR PROCESSING/MANUFACTURING EQUIPMENT

Permit to Construct ☒

Registration Update ☐

Initial Registration ☐

**1A. Owner of Equipment/Company Name**

**M LUIS PRODUCTS, INC.**

**Mailing Address**

**12200 PLUM ORCHARD DR., SUITE 110**

**Street Address**

**SILVER SPRING**

**MD**

**20904**

**City**

**State**

**Zip**

**Telephone Number**

**301.355.0636**

**Signature**

**DAVID SLAUGHTER, PRESIDENT**

Print Name and Title

Date

**1B. Equipment Location and Telephone Number (if different from above)**

**701 PITTMAN RD.**

**CONTACT: DAVID WHITEHURST @ 443.829.3357**

Street Number and Street Name

**BALTIMORE**

**MD**

**21226**

City/Town

State

Zip

Telephone Number

Premises Name (if different from above)

**3. Status (A= New, B= Modification to Existing Equipment, C= Existing Equipment)**

**Status**

**A**

15

New Construction  
Begin (MM/YY)

**0**

**4**

**2**

**3**

16-19

New Construction  
Completed (MM/YY)

**0**

**4**

**2**

**3**

20-23

Existing Initial  
Operation (MM/YY)

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20-23

**4. Describe this Equipment: Make, Model, Features, Manufacturer (include Maximum Hourly Input Rate, etc.)**

One Crushing & Screening Plant equipped with: One (1) 300 ton per hour JAW Crusher, powered by a diesel-fired Tier 3 engine rated at 350 brake horsepower; one (1) 200 ton per hour IMPACT or CONE Crusher, powered by a diesel-fired Tier 3 engine rated at 350 brake horsepower; one (1) 480 ton per hour Screener, powered by a diesel-fired Tier 3 engine rated at 150 brake horsepower; and one (1) Radial Stacker, powered by a diesel-fired Tier 3 engine rated at 75 brakehorsepower.

**5. Workmen's Compensation Coverage**

**ZAWCI5803805**

**30-Sep-2023**

Binder/Policy Number

Expiration Date

Company

**ARCH INSURANCE COMPANY**

NOTE: Before a Permit to Construct may be issued by the Department, the applicant must provide the Department with proof of worker's compensation coverage as required under Section 1-202 of the Worker's Compensation Act.

**6A. Number of Pieces of Identical Equipment Units to be Registered/Permitted at this Time** 1

**6B. Number of Stack/Emission Points Associated with this Equipment** 10



**7. Person Installing this Equipment (if different from Number 1 on Page 1)**

Name \_\_\_\_\_ Title \_\_\_\_\_

Company \_\_\_\_\_

Mailing Address/Street \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Telephone (\_\_\_\_\_) \_\_\_\_\_

**8. Major Activity, Product or Service of Company at this Location**

**STORES & PROCESSES WASTE ASPHALT PAVEMENT MATERIALS, WASTE  
CONCRETE MATERIALS, BUILDING DEMOLITION MATERIALS, ETC.**

**9. Control Devices Associated with this Equipment**

NONE

☐

24-0

Simple/Multiple  
Cyclone☐

24-1

Spray/Adsorb  
Tower☐

24-2

Venturi  
Scrubber☐

24-3

Carbon  
Adsorber☐

24-4

Electrostatic  
Precipitator☐

24-5

Baghouse

☐

24-6

Thermal/Catalytic  
Afterburner☐

24-7

Dry  
Scrubber☐

24-8

Other

☒

Describe

**WATER SUPPRESSION**

24-9

**10. Annual Fuel Consumption for this Equipment****D = Diesel oil**

OIL - 1000 GALLONS

			2	4	3
--	--	--	---	---	---

26-31

SULFUR %

15	PPM
----	-----

32-33

GRADE

D
---

34

NATURAL GAS - 1000 FT<sup>3</sup>

--	--	--	--	--	--	--

35-41

LP GAS - 100 GALLONS

--	--	--	--

42-45

GRADE

--

COAL - TONS

--	--	--	--	--	--	--

46-52

SULFUR %

--	--	--

53-55

ASH %

--	--	--

56-58

WOOD - TONS

--	--	--	--	--

59-63

MOISTURE %

--	--	--

64-65

OTHER FUELS

☐

ANNUAL AMOUNT CONSUMED OTHER FUELS

(Specify Type)

66-1

(Specify Units)

☐

ANNUAL AMOUNT CONSUMED

(Specify Type)

66-2

(Specify Units)

1 = Coke 2 = COG 3 = BFG 4 = Other

**11. OPERATING SCHEDULE (for this equipment)**

Continuous Operation

☒

67-1

Batch Process

☐

67-2

Hours per Batch

--	--

68-69

Batch per Week

☐

Hours per Day

1	2
---	---

70-71

Days Per Week

6
---

72

Days per year

3	1	2
---	---	---

73-75

Seasonal Variation in Operation:

No Variation

☒

76

Winter Percent

--	--

77-78

Spring Percent

--	--

79-80

Summer Percent

--	--

81-82

Fall Percent

--	--

83-84

(Total Seasons= 100%)





12. Equivalent Stack Information- is Exhaust through Doors, Window, etc. Only? (Y/N)

**Y**

85

If not, then

Height Above Ground (FT)

--	--	--

86-88

Inside Diameter at Top

--	--	--

89-91

Exit Temperature (°F)

--	--	--	--

92-95

Exit Velocity (FT/SEC)

--	--	--

96-98

**NOTE:**

Attach a block diagram of process/process line, indicating new equipment as reported on this form and all existing equipment, including control devices and emission points.

**13. Input Materials (for this equipment only)**

Is any of this data to be considered confidential?

(Y or N)

**INPUT RATE**

NAME	CAS NO. (IF APPLICABLE)	PER HOUR	UNITS	PER YEAR	UNITS
1. WASTE ASPHALT PAVEMENT		300	TONS	300,000	TONS
2. MATERIALS, WASTE CONCRETE					
3. MATERIALS, BUILDING					
4. DEMOLITION MATERIALS, ETC.					
5.					
6.					
7.					
8.					
9.					

**TOTAL**

300

TONS

300,000

TONS

**14. Output Materials (for this equipment)**

Process/Product Stream

**OUTPUT RATE**

NAME	CAS NO. (IF APPLICABLE)	PER HOUR	UNITS	PER YEAR	UNITS
1. RECLAIMED ASPHALT		300	TONS	300,000	TONS
2. PAVEMENT MATERIALS,					
3. CONCRETE MATERIALS,					
4. BUILDING MATERIALS, ETC.					
5.					
6.					
7.					
8.					
9.					

**TOTAL**

300

TONS

300,000

TONS

**15. Waste Streams - Solid and Liquid**

**OUTPUT RATE**

NAME	CAS NO. (IF APPLICABLE)	PER HOUR	UNITS	PER YEAR	UNITS
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

**TOTAL**



## 16. Total Stack Emissions (for this equipment only) in Pounds Per Operating Day

Particulate Matter

					0
--	--	--	--	--	---

99-104

Oxides of Sulfur

		0	.	1	6
--	--	---	---	---	---

105-110

Oxides of Nitrogen

				5	8
--	--	--	--	---	---

111-116

Carbon Monoxide

				7	0
--	--	--	--	---	---

117-122

Volatile Organic Compounds

				1	7
--	--	--	--	---	---

123-128

PM-10

					4
--	--	--	--	--	---

129-134

## 17. Total Fugitive Emissions (for this equipment only) in Pounds Per Operating Day

Particulate Matter

--	--	--	--	--	--

135-139

Oxides of Sulfur

--	--	--	--	--	--

140-144

Oxides of Nitrogen

--	--	--	--	--	--

145-149

Carbon Monoxide

--	--	--	--	--	--

150-154

Volatile Organic Compounds

--	--	--	--	--	--

155-159

PM-10

					9
--	--	--	--	--	---

160-164

## Method Used to Determine Emissions (1= Estimate 2= Emission Factor 3= Stack Test 4= Other)

TSP

--

165

SOX

4
---

166

NOX

4
---

167

CO

4
---

168

VOC

4
---

169

PM10

2,4
-----

170

## AIR AND RADIATION MANAGEMENT ADMINISTRATION USE ONLY

18. Date Rec'd. Local

Date Rec'd. State

Return to Local Jurisdiction

Date \_\_\_\_\_ By \_\_\_\_\_

Reviewed by Local Jurisdiction

Reviewed by State

Date \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_

19. Inventory Date

Month/Year

Equipment Code

SCC Code

--	--	--	--

171-174

--	--	--

175-177

--	--	--	--	--	--	--	--

178-185

20.

Annual Operating Rate

Maximum Design Hourly Rate

Permit to Operate Month

Transaction Date (MM/DD/YR)

--	--	--	--	--	--	--

188-192

--	--	--	--	--	--	--

193-199

--	--

200-201

--	--	--	--	--	--

202-207

Staff Code

VOC Code

SIP Code

Regulation Code

Confidentiality

--	--	--

208-210

--	--

211 212

--	--

213 214

--	--	--	--

215-218

--

219

Point Description

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

220-238

Action

--

239

A: Add  
C: Change



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Air and Radiation Management Administration • Air Quality Permits Program

## Summary of Demonstrations for Meeting the Ambient Impact Requirement (26.11.15.05) and the T-Bact Requirement (26.11.15.06)

DO NOT WRITE IN THIS SPACE

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Company Name **M LUIS PRODUCTS, INC.**

1. Summary of T-BACT Demonstration: List all emission reduction options considered in determining T-BACT starting with the option that reduces the emissions the most. Supporting documentation must be

### COSTS

<u>Emission Reduction Option</u>	<u>% Emission Reduction</u>	<u>Capital</u>	<u>Annual Operating</u>
----------------------------------	-----------------------------	----------------	-------------------------

1. **WATER SPRAY**

**90%**

2.

3.

4.

5.

2. Identify the emission reduction option selected as T-BACT and briefly explain why this is the best selective. Supporting documentation must be attached.



3. List screening levels and highest estimated off-site concentrations (ug/m3) resulting from **premises-wide allowable emissions** (1) of each Toxic Air Pollutant that is covered by the regulations and discharged from the installation or source applying for the permit. See the General Instructions for more detail. Supporting documentation **must** be attached.

Toxic Air Pollutant	CAS Number	SCREENING LEVEL(S)			OFF-SITE CONCENTRATIONS		
		1-HR	8-HR	Annual	1-HR	8-HR	Annual
1 <u>CRYSTALLINE SILICA</u>	<u>14808-60-7</u>	<b>The estimated emission rate of 0.00113 lb/hr, is less than the COMAR 26.11.15.06 threshold of 0.003 lb/hour, so the plant is in compliance and mathematical modeling is not necessary.</b>					
2 _____	_____						
3 _____	_____						
4 _____	_____	_____	_____	_____	_____	_____	_____
5 _____	_____	_____	_____	_____	_____	_____	_____
6 _____	_____	_____	_____	_____	_____	_____	_____
7 _____	_____	_____	_____	_____	_____	_____	_____
8 _____	_____	_____	_____	_____	_____	_____	_____
9 _____	_____	_____	_____	_____	_____	_____	_____
10 _____	_____	_____	_____	_____	_____	_____	_____
11 _____	_____	_____	_____	_____	_____	_____	_____
12 _____	_____	_____	_____	_____	_____	_____	_____
13 _____	_____	_____	_____	_____	_____	_____	_____
14 _____	_____	_____	_____	_____	_____	_____	_____
15 _____	_____	_____	_____	_____	_____	_____	_____
16 _____	_____	_____	_____	_____	_____	_____	_____

☐ If unable to use a Screening Analysis, check the box, and attach the Second Tier Analysis or Special Permit request to this form.

- (1) **Premises** is defined as: "all the installations or other sources that are located on contiguous or adjacent properties and that are under the control of one person or under common control of a group of persons" (COMAR 26.11.15.01B (12)).

**Allowable Emissions** are defined as: "the maximum emissions a source or installation is capable of discharging after consideration of any physical or operational limitations required by this subtitle or by the enforceable conditions included in an applicable air quality permit to construct, permit to operate, secretarial order, plan for compliance, consent agreement, or court order" (COMAR 26.11.15.01B (2)).



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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## Air and Radiation Management Administration • Air Quality Permits Program

### Emissions Data

Fill out one Form 5B for each stack or other emission point subject to the regulations (see the General Instructions for more detail).

DO NOT WRITE IN THIS SPACE

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Company Name **M LUIS PRODUCTS, INC.**

1. Number Identifying this Emission Point on Required Plot Plan \_\_\_\_\_  
(If applicable, list company's internal I.D. \_\_\_\_\_)

2. Brief description of Emission Point, Associated Equipment and Control Devices  
**MATERIAL TRANSFER POINTS, CRUSHER, and SCREENER FUGITIVE EMISSIONS, ENGINE EMISSIONS**

3. Emission Schedule (for this stack or emission point)

Continuous	Intermittent	Minutes/Hour	Hours/Day	Days/Week	Weeks/Year
<u>X</u>		<u>60</u>	<u>12</u>	<u>6</u>	<u>52</u>

Seasonal Variation: None X Winter % \_\_\_\_\_ Spring % \_\_\_\_\_ Summer% \_\_\_\_\_ Fall% \_\_\_\_\_

4. Stack In

Height a	Equipment	Stk Ht	Dia	Temp.	ACFM	Temperature (oF)
Height a	Crusher Engine	12	0.4583	700	1,600	Temperature (ft/min)
Distance	Screening Engine	6.5	0.25	1,100	1,500	Distance (acfm)
	Stacker Engine	4	0.25	900	1,200	

Dimensions *All measurements in feet*

**DISTANCE TO CLOSEST PROPERTY LINE: 128 FEET**

5. Control Devices Associated with this Stack or Emission Point

Control Device	Number	Control Device	Number
0. None	_____	7. Elec. Precipitator	_____
1. Simple Cyclone	_____	8. Baghouse	_____
2. Multiple Cyclone	_____	9. Thermal Afterburner	_____
3. Spray Tower	_____	10. Catalytic Afterburner	_____
4. Absorption Tower	_____	11. Other (specify)	_____
5. Venturi Scrubber	_____	<b>WET SUPPRESSION SYSTEM</b>	<b>1</b>
6. Carbon Adsorber	_____		



6. Criteria Pollutant Emissions (attach supporting documentation)

**ESTIMATED EMISSIONS**

Criteria Pollutants	Design Capacity (lb/hr)	Projected (lb/hr)	Operations (1) (ton/year)
PM <sub>2.5</sub>	0.47	0.47	0.73
PM <sub>10</sub>	1.09	1.09	1.07
Oxides of Sulfur	0.01	0.01	0.03
Oxides of Nitrogen	4.80	4.80	8.99
Carbon Monoxide	5.85	5.85	10.95
VOC (total)	1.40	1.40	2.61
Lead			

7. Toxic Air Pollutant Emissions (attach supporting documentation)

**ESTIMATED EMISSIONS**

Toxic Air Pollutant (list all)	CAS Number	Design Capacity	Projected Operations (1)		Used for Form 5A, Part 3 (2)	
		(lb/hr)	(lb/hour)	(ton/year)	(lb/hour)	(ton/year)
1. CRYSTALLINE SILICA	14808-60-7	1.13 E-03	1.13 E-03	2.12 E-03	1.13 E-03	2.12 E-03
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						

- (1) Based on the emission schedule reported in Block three of this form.
- (2) This column must be filled in with the emission estimates used to demonstrate compliance with the regulations. If continuous emissions at design capacity allow you to demonstrate compliance with all air regulations, then these emissions should be listed here. If the air toxic regulations or any other regulations require you to discharge less than continuously at design capacity, then these emissions should be listed here.



**EMISSION CALCULATIONS FOR: *M LUIS PRODUCTS, INC.***  
***BALTIMORE, MD 21226***

**AT STEADY STATE CONDITIONS**

Recycle Loop:	60%	processed through the Impact Crusher
Screener Processes:	160%	processed through Screener
Screener Underconveyor:	55%	transferred to Underconveyor, which discharges to Stacker
Stacker Conveyor:	55%	transferred to Stacker
Dropped to Built-in Conveyors:	160%	of feed materials
Dropped to Stockpiles:	100%	of feed materials

**PRODUCTION BASIS: FEED MATERIALS TRANSFERRED BY EXCAVATOR TO FEED HOPPER OF JAW CRUSHER**

ACTIVITY DESCRIPTION @ STEADY STATE OPERATIONS	Drops	Transfers	1 <sup>o</sup> Crusher	2 <sup>o</sup> Crusher	Screener
Excavator drops materials to Jaw Crusher	100%				
Jaw Crusher receives, processes & discharges materials			100%		
2nd Crusher receives from, processes & discharges to, Screener				60%	
Screener receives from TWO Crushers & processes materials					160%
Screener discharges materials to three conveyors (1,3,&4)		160%			
Conveyor 1 is an under conveyor which discharges to Conveyor 2		55%			
Conveyor 2 discharges to a Stacker Conveyor		55%			
Stacker Conveyor discharges to Stockpile	55%				
Conveyor 3 discharges to a Stockpile	45%				
Conveyor 4 discharges to Impact Crusher	60%				
	2.60	2.70	1.00	0.60	1.60

**EMISSIONS ESTIMATE**

The fugitive emissions from the Crushing and Screening plant are generated from 4 different types of emission points:

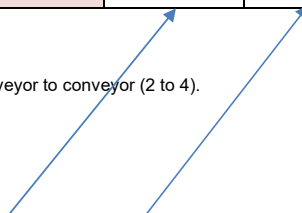
Emission Factor Units: lb/ton of materials processed	PM10	PM2.5	Quantity	PM10	PM2.5
Material Drops (material handling activities)*	4.60E-05	1.45E-05	2.60	1.20E-04	3.76E-05
Material transfers to conveyors**	4.60E-05	1.45E-05	2.70	1.24E-04	3.90E-05
1 <sup>o</sup> Crusher emissions (includes feed and discharge emissions)	7.40E-04	1.00E-04	1.00	7.40E-04	1.00E-04
2 <sup>o</sup> Crusher emissions (includes feed and discharge emissions)	7.40E-04	1.00E-04	0.60	4.44E-04	6.00E-05
Screener emissions (includes feed emissions only)	7.40E-04	1.00E-04	1.60	1.18E-03	1.60E-04

WEBFIRE emission factors were used.

\* Excavator to Feed Hopper, Discharge to Stockpiles, Discharge to 2nd Crusher

\*\*Conveyor transfers: Screener discharges to as many as three (3) built-in Conveyors (100% of original feed materials) and one conveyor to conveyor (2 to 4).

Based on these assumptions, the emission point quantity listed above was determined.



Maximum Hourly Production Rate:  
 Permit Limit for Production:  
 Total Annual Hours of Operations:  
 Total Annual Days of Operations:

300 tons of Materials processed  
 300,000 tons of Materials processed  
 3,744 hours of production time  
 312 days of production

<b>ANNUAL EMISSIONS -- Tons/year</b>	<b>PM10</b>	<b>PM2.5</b>
Material Drops which are material handling activities	0.0179	0.0056
Material transfers to conveyors, which are drops to belt conveyors	0.0373	0.0117
Total Misc. Handling Operations	0.0552	0.0173
1° Crusher emissions	0.1110	0.0150
2° Crusher emissions	0.0666	0.0090
Screener emissions	0.1776	0.0240
<b>Total ton/yr for each particle size</b>	<b>0.4104</b>	<b>0.0653</b>

$$ER = (EF * EmisPtQty) * Tons/YEAR / 2000$$

<b>HOURLY EMISSIONS</b>	<b>PM10</b>	<b>PM2.5</b>
Material Drops which are material handling activities	0.0359	0.0113
Material transfers to conveyors, which are drops to belt conveyors	0.0373	0.0117
Total Misc. Handling Operations	0.0731	0.0230
1° Crusher emissions	0.2220	0.0300
2° Crusher emissions	0.0888	0.0120
Screener emissions	0.3552	0.0480
<b>Total lb/hr for each particle size</b>	<b>0.7391</b>	<b>0.1130</b>

$$ER = (EF * EmisPtQty) * DesignRate (Tons/hr)$$

### CRYSTALLINE SILICA ESTIMATE

7.39E-01 lb/hour, PM10 emissions

15.3% fraction of PM10 that is respirable

1.0% of respirable particulate that is CS

0.00113 lb/hour, Crystalline Silica

<b>DAILY EMISSIONS</b>	<b>PM10</b>	<b>PM2.5</b>
Material Drops which are material handling activities	0.4306	0.1353
Material transfers to conveyors, which are drops to belt conveyors	0.4471	0.1405
Total Misc. Handling Operations	0.8777	0.2758
1° Crusher emissions	2.6640	0.3600
2° Crusher emissions	1.0656	0.1440
Screener emissions	4.2624	0.5760
<b>Total lb/day for each particle size</b>	<b>8.8697</b>	<b>1.3558</b>

$$ER = lbs / hour * hours / day$$



## FROM WEBFIRE

Emission Point	SCC	Emission Factor	PT Type	Control method
Secondary Crushing/Screening	3-05-020-02	7.40E-04 1.00E-04	PM10, primary PM2.5, primary*	Wet Suppression
Misc. Operations: Screen/Conveyor/ Handling	3-05-020-06	4.60E-05 1.45E-05	PM10, primary PM2.5, primary*	Wet Suppression

\* this EF was calculated: the Particle Size Multipliers provided in Section 13.2.4 of AP-42 were used to ratio the PM<sub>10</sub> emission factor to a PM<sub>2.5</sub> emission factor, as recommended by Footnote C in Table 11.19.2-2

SO2 Emission Factor	
Ultra Low Sulfur Diesel	
15	PPM
2	lb SO2/lb S
6.943	lbs/gal Diesel
0.00020829	lb SO2/gal
94.5	g SO2/MGAL



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Mail application to

**MDE/ARMA**

**1800 Washington Blvd, Suite 720  
Baltimore, MD 21203-1720**

Don't forget to:

- ✓ Sign the application
- ✓ Include vendor literature

Air Quality Permit to Construct & Registration Application for  
**INTERNAL COMBUSTION ENGINES**  
(Electrical Power Generators, Power Equipment, Fire Protection Pumps)

**1) Applicability**

You must check off one of the following items to use this application form

- ☐ Electrical power generation (off grid, base load, peak, load shaving, etc.)  
• Use MDE Form 42 for emergency use only generators
- ☒ Power equipment (hydraulic, mechanical, etc.)
- ☐ Fire protection pump

For electrical power generators only, you must check off one of the following items to use this application form

- ☐ I have a CPCN Exemption from the Public Service Commission for this generator  
(contact the Public Service Commission at 410.767.8131)
- ☐ This generator was installed before October 1, 2001 and I do not need a CPCN Exemption

**2) Business/Institution/Facility where the engine will be located**

☐ Check if this is a federal facility

Name: M LUIS PRODUCTS, INC. Phone: 443.829.3357

Street Address: 701 PITTMAN RD.

City: BALTIMORE State: MD Zip Code: 21226 County: BALTIMORE CITY

**3) Owner/Operator of the engine** (if different than above)

Name: M LUIS PRODUCTS, INC. Phone: 301.355.0636

Mailing Address: 12200 PLUM ORCHARD DR., SUITE 110

City: SILVER SPRING State: MD Zip Code: 20904

**4) Installer**

☐ Check if installer is applying for permit. If checked, complete the following:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_



**5) Engine Information**

	JAW CRUSHER ENGINE	350	Tier 3	DIESEL
	2° CRUSHER ENGINE	350	Tier 3	DIESEL
	SCREENER ENGINE	150	Tier 3	DIESEL
	STACKER ENGINE	75	Tier 3	DIESEL
Installation Date	Engine Manufacturer & Model	Horsepower	Manufacture Date	Fuel Type

**6) Operating Information**

Intended use description: (Examples, "a portable generator at a construction site" or "peak shaving with the emergency generator", etc.)

THE ENGINES ARE USED TO POWER TWO CRUSHERS, A SCREENER, AND A STACKING CONVEYOR, RESPECTIVELY,

FOR PURPOSE OF PROCESSING ROAD AND CONSTRUCTION DEBRIS INTO A USABLE SIZE FOR REUSE OFFSITE

12 Hours per day  
3744 Hours per year

**7) Required Attachments**

(Check that they are attached)

- ☐ Vendor literature
- ☐ CPCN Exemption from the Public Service Commission
- Electrical generators only
  - Not needed for generators installed before October 1, 2001

**8) Workers Compensation** (Environmental article §1-202)

Workers insurance policy or binder number: ZAWCI5803805

☐ Check if self employed or otherwise exempt from this requirement

"I CERTIFY UNDER PENALTY OF LAW THAT THE INFORMATION SUBMITTED IN THIS REQUEST FOR COVERAGE IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS."

*David M Slaughter*

DAVID SLAUGHTER, PRESIDENT

11 OCT 2022

Owners Signature

Printed Name and Title

Date

**LEAVE BLANK, MDE use only**

- ☐ Permit
- ☐ Registration (Less than 1,000 brake horsepower & installed prior to 11/24/03)

Permit/Registration Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

AI: \_\_\_\_\_

Emissions  
Stack

Fugitive

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SOx

NOx

CO

VOC

PM

PM-10

---

**5) Engine Information**

	<b>JAW CRUSHER ENGINE</b>	<b>350</b>	<b>Tier 3</b>	<b>DIESEL</b>
	<b>2<sup>0</sup> CRUSHER ENGINE</b>	<b>350</b>	<b>Tier 3</b>	<b>DIESEL</b>
	<b>SCREENER ENGINE</b>	<b>150</b>	<b>Tier 3</b>	<b>DIESEL</b>
	<b>STACKER ENGINE</b>	<b>75</b>	<b>Tier 3</b>	<b>DIESEL</b>
Installation Date	Engine Manufacturer & Model	Horsepower	Manufacture Date	Fuel Type

---

**6) Operating Information**

Intended use description: (Examples, "a portable generator at a construction site" or "peak shaving with the emergency generator", etc.)

**THE ENGINES ARE USED TO POWER TWO CRUSHERS, A SCREENER, AND A STACKING CONVEYOR, RESPECTIVELY,**

**FOR PURPOSE OF PROCESSING ROAD AND CONSTRUCTION DEBRIS INTO A USABLE SIZE FOR REUSE OFFSITE**

<b>12</b>	<b>3744</b>
Hours per day	Hours per year

---

**7) Required Attachments**

(Check that they are attached)

- ☐ Vendor literature
- ☐ CPCN Exemption from the Public Service Commission
- Electrical generators only
  - Not needed for generators installed before October 1, 2001
- 

**8) Workers Compensation** (Environmental article §1-202)

Workers insurance policy or binder number: **ZAWCI5803805**

☐ Check if self employed or otherwise exempt from this requirement

" I CERTIFY UNDER PENALTY OF LAW THAT THE INFORMATION SUBMITTED IN THIS REQUEST FOR COVERAGE IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS."

**DAVID SLAUGHTER, PRESIDENT**

**Owners Signature**

Printed Name and Title

Date

**LEAVE BLANK, MDE use only**

- ☐ Permit
- ☐ Registration (Less than 1,000 brake horsepower & installed prior to 11/24/03)

Permit/Registration Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

AI: \_\_\_\_\_

Emissions  
Stack

Fugitive

SOx

NOx

CO

VOC

PM

PM-10

## ESTIMATE OF EMISSIONS FOR ENGINES

CRITERIA AIR POLLUTANTS								
	Engines				Overall Fuel Consumption			
Equipment	JAW CRUSHER	IMPACT CRSH	SCREENER	STACKER	65 gal/hr all engines 780 GAL / day 243 MGAL / year			
Engine OEM	CATERPILLAR	CATERPILLAR	CATERPILLAR	CATERPILLAR				
Engine Size, bHP	350	350	150	75				
Model #	C9	C4.4	C4.4	V2203				
Tier Rating	3	3	3	3				
Fuel Rate (gal/hr)	25	25	10	5	ESTIMATED EMISSION RATES			
Daily Hours	12	12	12	12				
Annual Hours	3744	3744	3744	3744				
Tier 3 emission factor units→	g/bhp-hr	g/bhp-hr	lb/hp-hr	lb/hp-hr	grams/hr*	lb/hr	lbs/day	tons/year
PM10	0.15	0.15	0.22	0.30	161	0.35	4.2	0.66
PM2.5	0.15	0.15	0.22	0.30	161	0.35	4.2	0.66
NOx	2.33	2.33	2.31	2.69	2179	4.80	57.7	8.99
TOC (HC, NMHC)	0.67	0.67	0.69	0.81	633	1.40	16.8	2.61
CO	2.60	2.60	3.70	3.70	2653	5.85	70.2	10.95
AP-42 emission factor units→	lb / gal					lb/hr	lbs/day	tons/year
SO <sub>x</sub>	0.00021					0.01	0.16	0.03
GREENHOUSE GASES								
AP-42 emission factor units→	lb/hp-hr					lb/hr	lbs/day	tons/year
CO <sub>2</sub>	1.15					403	4,830	753

\* grams/hr = (EF \* BHP<sub>\_Crusher1</sub>) + (EF \* BHP<sub>\_Crusher2</sub>) + (EF\*BHP<sub>\_Screener</sub>) + (EF\*BHP<sub>\_Stacker</sub>)

## PREMISES-WIDE EMISSIONS ESTIMATE

### HOURLY PREMISES-WIDE EMISSIONS ESTIMATE: POUNDS (lbs/hour)

	C&S	Engines	C&S	Engines	Engines					C&S
	PM <sub>10</sub>		PM <sub>2.5</sub>		CO	NO <sub>x</sub> *	HC	SO <sub>2</sub>	CO <sub>2</sub>	Crystalline Silica
<b>TOTAL</b>	<b>0.74</b>	<b>0.35</b>	<b>0.11</b>	<b>0.35</b>	<b>5.85</b>	<b>4.80</b>	<b>1.40</b>	<b>0.01</b>	<b>403</b>	<b>1.13 E-3</b>

*COMAR 26.11.15.06 threshold for Crystalline Silica is: 0.003 lb/hour*

### DAILY PREMISES-WIDE EMISSIONS ESTIMATE: POUNDS (lbs/day)

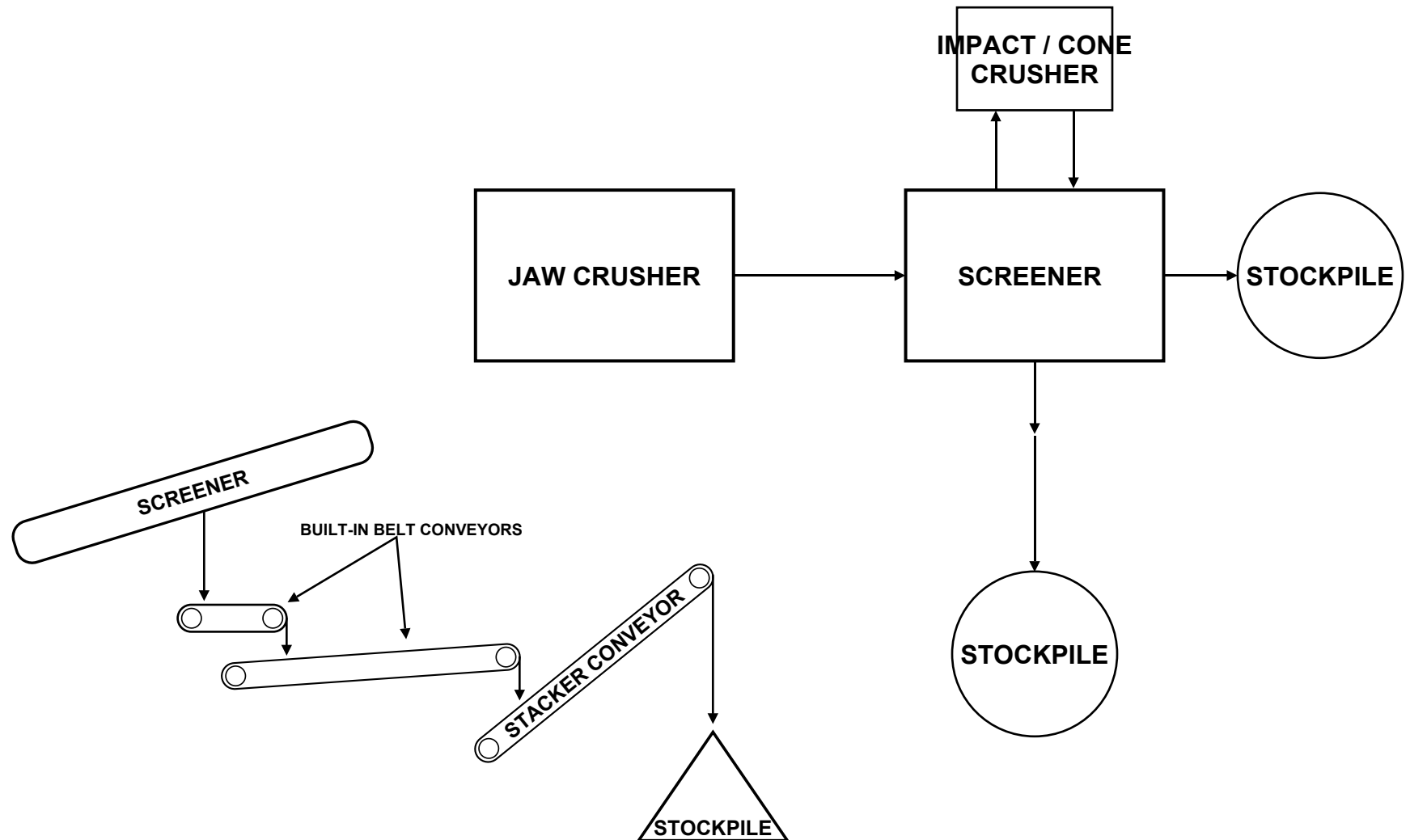
	C&S	Engines	C&S	Engines	Engines				
	PM <sub>10</sub>		PM <sub>2.5</sub>		CO	NO <sub>x</sub> *	HC	SO <sub>2</sub>	CO <sub>2</sub>
<b>TOTAL</b>	<b>8.87</b>	<b>4.25</b>	<b>1.36</b>	<b>4.25</b>	<b>70.17</b>	<b>57.7</b>	<b>16.75</b>	<b>0.16</b>	<b>4,830</b>

### ANNUAL PREMISES-WIDE EMISSIONS ESTIMATE: TONS (tons/year)

	C&S	Engines	C&S	Engines	Engines				
	PM <sub>10</sub>		PM <sub>2.5</sub>		CO	NO <sub>x</sub> *	HC	SO <sub>2</sub>	CO <sub>2</sub>
<b>TOTAL</b>	<b>0.41</b>	<b>0.66</b>	<b>0.07</b>	<b>0.66</b>	<b>10.95</b>	<b>9.0</b>	<b>2.61</b>	<b>0.03</b>	<b>753</b>

**M LUIS PRODUCTS, INC.**  
**701 Pittman Rd., Baltimore, MD 21226**

**MATERIAL FLOW THROUGH PLANT**

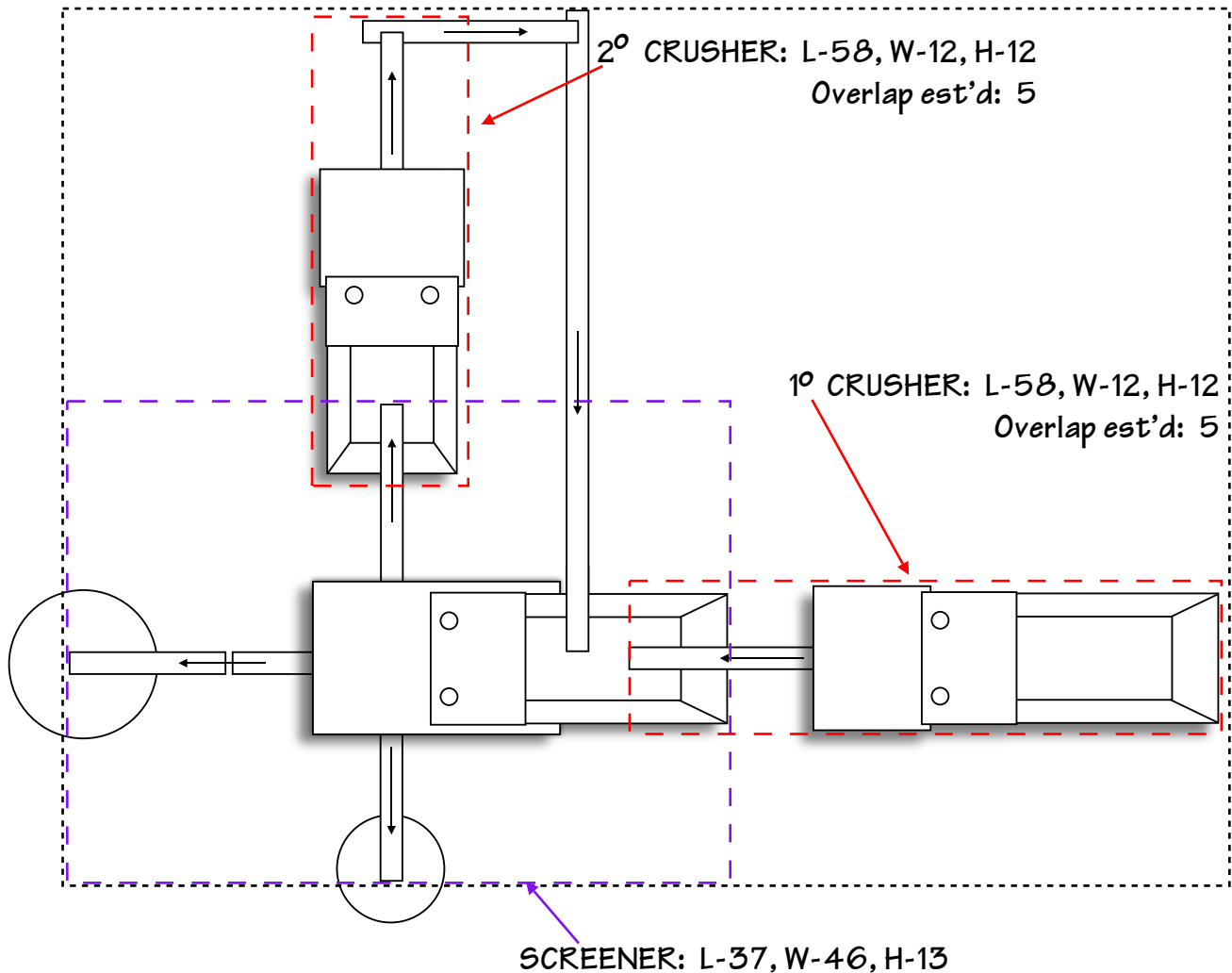




# M LUIS PRODUCTS, INC.

701 PITTMAN RD., BALTIMORE, MD

## BLOCK DIAGRAM & DIMENSIONS OF CSP VOLUME SOURCES



CSP VOLUME SOURCE DIMENSIONS: L-85, W-94, H-13

ALL DIMENSIONS ARE IN FEET

NOT TO SCALE.



# M LUIS PRODUCTS, INC.

## 701 Pittman Road, Baltimore, MD







# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/5/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> HMS Insurance Associates, Inc. 20 Wight Ave Suite 300 Hunt Valley MD 21030		<b>CONTACT NAME:</b> Erica Grelli <b>PHONE (A/C. No. Ext):</b> 443-632-3346 <b>E-MAIL ADDRESS:</b> egrelli@hmsia.com <b>FAX (A/C. No):</b> 443-632-3498	
		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A:</b> Harford Mutual Insurance Co	
		<b>INSURER B:</b> Arch Insurance Company	
		<b>INSURER C:</b> Berkley Assurance Company	
		<b>INSURER D:</b> Berkley National Insurance Co.	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	

## COVERAGES

**CERTIFICATE NUMBER:** 768268434

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR 25,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			MP106291310	9/30/2022	9/30/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			CA10476338	9/30/2022	9/30/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CU10473702	9/30/2022	9/30/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	ZAWCI5803805	1/1/2022	1/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D C	Leased/Rented Equipment Pollution			MIM 1037048 PCAB-5015514-0922	9/30/2022 9/30/2022	9/30/2023 9/30/2023	Limit: \$180,000 Each Claim: \$1M Aggregate: \$3M

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Insurance Verification

## CERTIFICATE HOLDER

## CANCELLATION

Maryland Department of the Environment  
1800 Washington Ave  
Suite 720  
Baltimore MD 21230

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

**CASE NUMBER: 2022-0078-S & 2022-0079-V**

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**MANUEL LUIS CONSTRUCTION COMPANY, INC.**

THIRD ASSESSMENT DISTRICT

DATE HEARD: JUNE 23, 2022

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ORDERED BY:

**DOUGLAS CLARK HOLLMANN**  
ADMINISTRATIVE HEARING OFFICER

PLANNER: **DONNIE DYOTT, JR.**

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DATE FILED: **JULY 19, 2022**

## **PLEADINGS**

Manuel Luis Construction Company, Inc. (hereinafter the applicant), seeks a special exception (2022-0078-S) to allow a recyclables recovery facility in a W3 – Heavy Industrial District and a variance (2022-0079-V) to allow a recyclables recovery facility with exterior/outside processing of recyclables (reclaimed asphalt pavement) on property with a street address of 701 Pittman Road, Baltimore, MD 21226.

## **PUBLIC NOTIFICATION**

The hearing notice was posted on the County’s website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the property was notified by mail, sent to the address furnished with the application. David Whitehurst testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that the requirements of public notice have been satisfied.

## **THE HEARING**

A hearing was held on June 23, 2022, in which the witnesses were sworn and the following was presented with regard to the proposed relief requested by the applicant.

## **THE PROPERTY**

The applicant owns the subject property which has 412 feet of frontage on the south side of Pittman Road, east of Carbide Road, Baltimore. It is identified as

Lot 1 of Parcel 201 in Block 18 on Tax Map 5 in the Pittsburgh Des Moines Corporation subdivision. The property comprises 5.47 acres and is zoned W3 – Heavy Industrial District. The property is currently improved with a contractor yard.

### **THE PROPOSAL**

The applicant seeks a special exception to allow a recyclables recovery facility in a W3 district and a variance to allow a recyclables recovery facility with exterior/outside processing of recyclables on the subject property.

### **THE ANNE ARUNDEL COUNTY CODE**

The specific criteria by which a special exception for a recyclables recovery facility in a W3 district may be granted are set forth under § 18-11-149 of the Zoning Code. Additionally, all special exceptions are subject to the general standards contained in § 18-16-304 of the Code.

§ 18-11-149(2) stipulates that a recyclables recovery facility, collection, separation, and processing of recyclables shall be done within a structure at the facility. The applicant is proposing the use to take place outdoors/outside of a structure necessitating a variance to this provision.

### **The Evidence Submitted At The Hearing**

Donnie Dyott Jr., a zoning analyst with the Office of Planning and Zoning (OPZ), presented the following findings:

- The applicant states that the facility will be appropriately licensed in conformity with both State and County requirements, will be operated in

conformance with all industry standards, and will provide an environmentally friendly re-use of the noted resources. The property is located in a large area of industrial properties with compatible industrial uses. It is argued that there is public need for the use and that the ability to locate the RAP [reclaimed asphalt pavement] facility here provides a centralized and convenient location. This location will allow efficient and effective production for the road construction production chain.

- With regard to the variance being sought to not operate the use within a structure, the applicant argues that this type of recyclables recovery facility does not need to operate inside unlike other recyclable materials and products. It is argued that industry standards indicate that the product can be left in the open air with no issue concerning migration of either materials or fumes or the like. This use can effectively operate at this site without a structure.
- The Health Department commented that the site is served by public water and sewer and has no objection to the request.
- The Development Division (Regional Team) did not take a position on the request but commented that the proposal does not meet the requirements of the Landscape Manual. Specifically, landscape buffer requirements of a Class “D” 15-foot wide right-of-way buffer to East Chestnut Street and a Class “B” 10-foot wide screening buffer to heavy industrial use along the southern site boundary.

- The Long Range Planning Division commented that the proposal is generally consistent with the goals, policies and strategies of Plan2040 and is consistent with the 2017 Water and Sewer Master Plan.
- With regard to the specific special exception requirements of § 18-11-149, OPZ submits the following findings:
  1. Vehicular access shall be from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.  
  
The site is accessed by Carbide Road which is a local road. To access Carbide Road vehicles would first use Fort Smallwood Road (an arterial road) then turn onto Pittman Road (a local road) traversing industrially zoned property. The proposal meets this requirement.
  2. Collection, separation, and processing of recyclables shall be done within a structure at the facility. The applicant is requesting a variance to this requirement.
  3. Space on the site shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way. The site provides ample areas for trucks onsite, therefore the proposal meets this requirement.
  4. The sound level at any residentially zoned or residentially developed property line may not exceed an average of 55 dBA and a peak of 60 dBA. The site is in the middle of a heavy industrial area and the



applicant indicated that given the large distance between the site and residentially zoned or developed property the sound level will not exceed the noted average or peak dBA levels. The proposal appears to meet this requirement.

5. The facility shall maintain onsite records specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material transported offsite, such records to be available for inspection by the County. The applicant has indicated that all required records will be kept onsite. The proposal will meet this requirement.

6. Semiannual reports detailing the information contained in the records kept under subsection (6) shall be completed on a form provided by and to be submitted to the Department of Inspections and Permits. The applicant has indicated that the reports will be completed and submitted as required. The proposal will meet this requirement.

7. The site shall be cleaned of litter and scattered refuse daily. The applicant has indicated that the site will be cleaned daily as required. The proposal will meet this requirement.

8. The crushing and recycling of concrete is prohibited in W2 districts.

The site is located in a W3 district so this requirement is not applicable.

- Concerning the general special exception standards of § 18-16-304, it is the opinion of OPZ that the recyclables recovery facility would not be detrimental

to the public health, safety, or welfare; and, the facility would be compatible with the appropriate and orderly development of the W3 district. The operations related to the facility would be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed in the W3 district. The proposed use will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence to indicate that the proposed use would conflict with an existing or programmed public facility, public service, school, or road. The proposal is consistent with the General Development Plan and appears to meet the test for public need, as it can be considered expedient, reasonably convenient and useful to the public. While the Development Division has commented that the proposal is deficient to the requirements of the landscape manual, the applicant will be required to comply with these requirements should the use be approved. The property was previously granted a special exception for a natural wood waste recycling facility under Case No. 2013-0194-S, although that use is no longer operating at the site. The criteria and use of the property for the previously approved special exception is similar to the activities and nature of the currently proposed special exception use. As such, the previous approval and operation of the facility is further evidence that the proposal can comply with the requirements of § 18-16-304.

- For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot, or because of exceptional circumstances, strict implementation of the Code would result in an unwarranted hardship or practical difficulties. In this case OPZ does find that conducting the specifically proposed type of RAP facility within a structure as an exceptional circumstance that may present the applicant with practical difficulties in complying with the Code. The site is located within a large area of heavily developed industrial uses and was previously used to operate a similar use as a natural wood waste recycling facility. As such, the variance would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, or be detrimental to the public welfare. The variance is deemed to be the minimum necessary to afford relief in this case.
- Based upon the standards set forth under § 18-16-304 and § 18-11-149 of the Code under which a special exception may be granted, and the standards set forth under § 18-16-305 under which a variance may be granted, OPZ recommends approval of a special exception and variance conditioned on the applicant being able to demonstrate compliance with the landscape manual.

### **Testimony and Exhibits**

The applicant was represented at the hearing by Sally V. Baldwin, Esquire, of the law firm of Council, Baradel, Kosmerl & Nolan, P.A. Evidence was presented through David Whitehurst, General Manager of Products for the applicant, Tim Madden of Morris & Ritchie Associates, Inc., the applicant's engineer, who was recognized as an expert in matters of landscape architecture and the County land use regulations, and Kathryn Gunkel, who was recognized as an expert in environmental air quality requirements and compliance, that the application met all the requirements for the requested special exception with the exception (pun intended) of the requirement that the recycling process be done within a structure at the facility. The application met all the requirements of § 18-16-304.

The variance is justified because it would cause the applicant an unnecessary hardship if it were required to carry out its recycling process inside the structure on the property. Ms. Gunkel testified that it is industry standard to process reclaimed asphalt paving outside. There is no harm from doing so. The need to manipulate the product with frontend loaders and other equipment would make it very difficult to do so inside the structure on the facility.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

## **DECISION**

### **The Special Exception**

The law is settled that a special exception use is a use that the legislative body recognizes as compatible with permitted uses, subject to a public hearing to show compliance with the underlying standards. Schultz v. Pritts, 291 Md. 1 (1981); Peoples Council for Baltimore County, et al v. Loyola College in Maryland, in the Court of Appeals of Maryland 137, September Term 2007, (September 9, 2008).

The standards governing the grant of a special exception to allow a recyclables recovery facility in a W3 district are found in § 18-11-149. The evidence that supports the granting of the requested special exception is set forth below:

§ 18-11-149. Recyclables recovery facilities.

- (1) Vehicular access shall be from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.*

The application meets this requirement.

- (2) Collection, separation, and processing of recyclables shall be done within a structure at the facility.*

The applicant wishes to collect, separate, and process the asphalt recyclable material outside a structure. This will require a variance, which is discussed below.

- (3) Space on the site shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.*

The application meets this requirement.

- (4) The sound level at any residentially zoned or residentially developed property line may not exceed an average of 55 dBA and a peak of 60 dBA.*

The evidence shows that the applicant will be able to meet this requirement.

- (5) The facility shall maintain onsite records specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material transported offsite, such records to be available for inspection by the County.*

The evidence shows that the applicant will be able to meet this requirement.

- (6) Semiannual reports detailing the information contained in the records kept under subsection (6) shall be completed on a form provided by and to be submitted to the Department of Inspections and Permits.*

The evidence shows that the applicant will be able to meet this requirement.

- (7) The site shall be cleaned of litter and scattered refuse daily.*

The evidence shows that the applicant will be able to meet this requirement.

- (8) The crushing and recycling of concrete is prohibited in W2 Districts.*

The subject property is zoned W3. Therefore, this requirement does not apply.

In addition, I make the following affirmative findings pursuant to § 18-16-304:

- (1) The use will not be detrimental to the public health, safety, and welfare;
- (2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;
- (3) Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;
- (4) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;
- (5) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;
- (6) The applicant has presented sufficient evidence of public need for the use;
- (7) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;
- (8) The application will conform to the critical area criteria for sites located in the critical area; and
- (9) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

I find that the applicant has met the requirements of § 18-16-304. The applicant submitted sufficient evidence to show that there is public need. The

evidence shows that the proposed use will not be detrimental to the public health, safety, and welfare of the surrounding community.

For these reasons, I conclude that the applicant has complied with the requirements of § 18-11-149 to allow a recyclables recovery facility as shown on County Exhibit 2, conditioned on the requested variance discussed below being granted.

### **The Variance Request**

#### **Requirements for Zoning Variances**

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or



(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. “Uniqueness” requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People’s Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People’s Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary’s County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to develop the lot.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

#### **Findings - Zoning Variance**

I find, based upon the evidence, that because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. The industry standard for the processing of aggregate, asphalt millings and reclaimed asphalt pavement is outdoors. Expert testimony showed that there would be practical difficulties in conducting this processing indoors. Expert testimony also showed that there would be no adverse environmental effects from allowing the processing to take place outdoors. Therefore, the application to grant a variance to allow a recyclables recovery facility with exterior/outside processing of recyclables will be granted.

I further find that the requested variance is the minimum variance necessary to afford relief, that the granting of the variance will not alter the essential

character of the neighborhood or district in which the lot is located, will not substantially impair the appropriate use or development of adjacent property, will not reduce forest cover in the limited development and resource conservation areas of the critical area, will not be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

### **ORDER**

PURSUANT to the application Manuel Luis Construction Company, Inc., petitioning for a special exception to allow a recyclables recovery facility in a W3 district and a variance to allow a recyclables recovery facility with exterior/outside processing of recyclables (reclaimed asphalt pavement) on property with a street address of 701 Pittman Road, Baltimore; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **19<sup>th</sup> day of July, 2022**; and

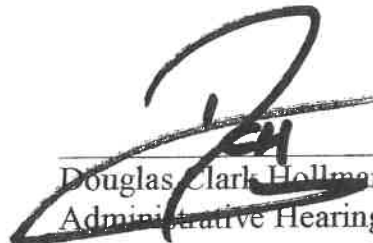
ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted**:

1. A special exception pursuant to § 18-11-149 to allow a recyclables recovery facility in a W3 – Heavy Industrial District on property with a street address of 701 Pittman Road, Baltimore, MD 21226; and
2. A variance to § 18-11-149(2) to allow a recyclables recovery facility with exterior/outside processing of recyclables on property with a street address of 701 Pittman Road, Baltimore, MD 21226.

The foregoing special exception and variance is subject to the applicant complying with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

This Order does not constitute a building permit. In order for the applicant to operate the proposed recycling facility permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other required approvals.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and the Department of Inspection and Permits.



Douglas Clark Hollmann  
Administrative Hearing Officer

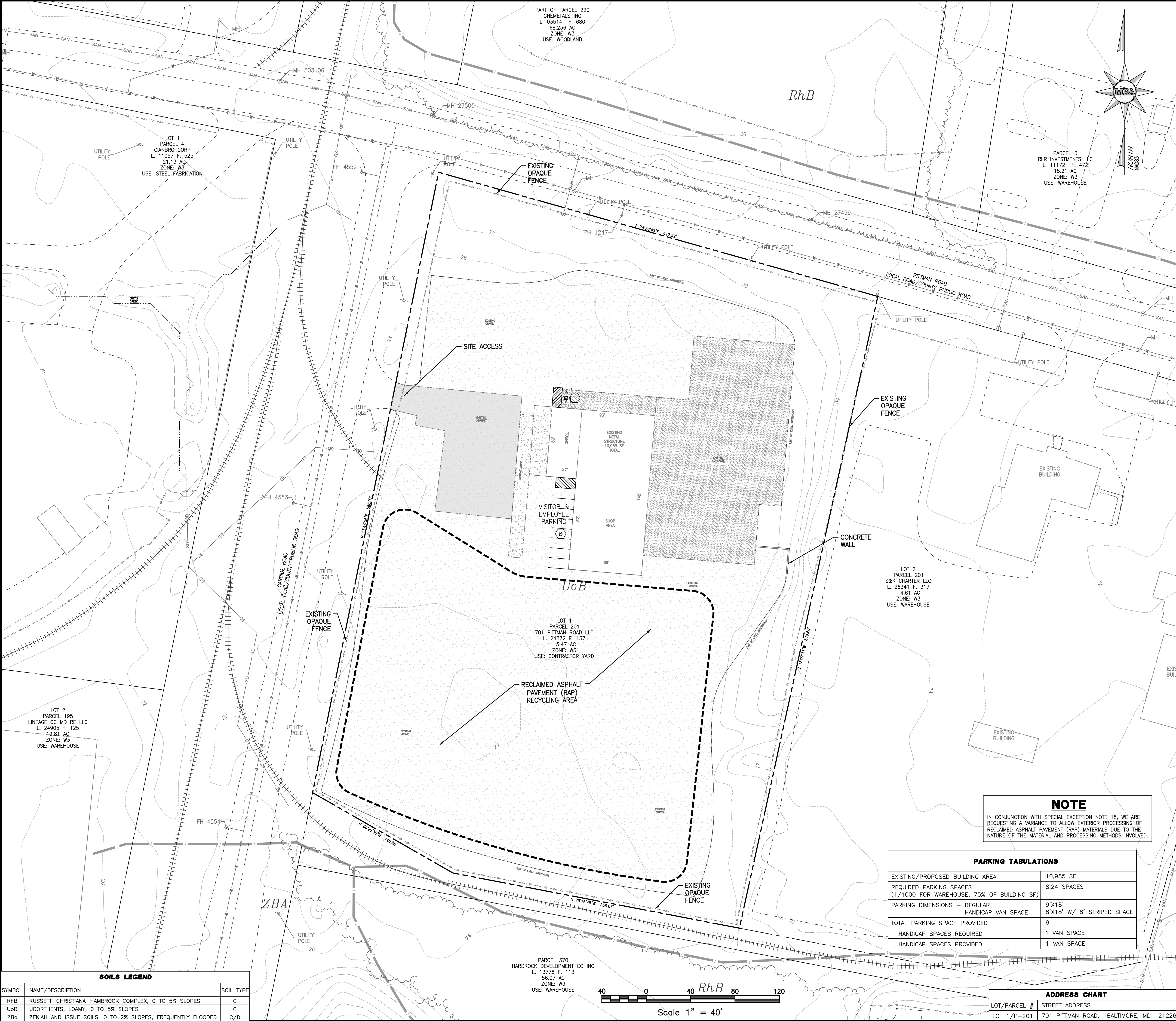
### **NOTICE TO APPLICANT**

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant within 18 months of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.





### LEGEND

---	EX. BUILDING
---	EX. EDGE OF PAVEMENT
---	EX. STORM DRAIN
---	ROAD CENTERLINE
---	ADJACENT PROPERTY LINES
---	PROPERTY BOUNDARY
---	EX. WATER LINE
---	EX. SEWER LINE
---	EX. FENCE LINE
---	EX. STREAM LINE
+	EX. RAILROAD TRACKS
---	EX. TREELINE
---	EX. CONCRETE PADS
---	EX. ASPHALT
---	EX. GRAVEL AREA
---	10' CONTOUR
---	2' CONTOUR
---	SOIL BOUNDARY

### VICINITY MAP

SCALE: 1"=2000'

### SITE ANALYSIS DATA CHART - W3 ZONE DISTRICT

1. TOTAL SITE AREA:	5.47 ACRES
2. PRESENT ZONING:	W3, INDUSTRIAL - HEAVY
3. PROPOSED USE:	RECYCLABLES RECOVERY FACILITY (RECLAIMED ASPHALT PAVEMENT (RAP) RECYCLING)
4. BUILDING SQUARE FOOTAGE - EXISTING	11,271 SQUARE FEET
5. MAXIMUM HEIGHT ALLOWED:	60', 75 FEET IF ALL SETBACK REQUIREMENTS ARE INCREASED BY ONE FOOT FOR EACH TWO FT OF HEIGHT IN EXCESS OF 60 FT ±35'
6. EXISTING -BUILDING HEIGHT	PUBLIC/PUBLIC
7. SANITARY SEWER/WATER SERVICE:	6,000 SF (0.138 ACRES)
8. MINIMUM LOT SIZE ALLOWED W3 ZONE:	5.47 ACRES
9. EXISTING LOT SIZE	80% (4.378 ACRES)
10. MAXIMUM LOT COVERAGE BY STRUCTURES AND PARKING:	79.7% (±4.36 ACRES)
11. EXISTING LOT COVERAGE	±4.35 ACRES
12. LIMITS OF DISTURBANCE	100 FEET
13. MINIMUM LOT DEPTH ALLOWED	75 FEET
14. MINIMUM WIDTH AT FRONT BRIL	10 FEET
15. SETBACKS	10 FEET
16. FRONT LOT LINE SETBACK	10 FEET
17. SIDE LOT LINE	20 FEET
18. REAR LOT LINE	50 FEET
19. REAR LOT LINE TO COMMERCIAL	5 FEET SIDE OR REAR
20. ACCESSORY STRUCTURES IN A REAR YARD:	

### GENERAL NOTES

- SPECIAL EXCEPTION SITE PLAN: 2013-0194-S
- THE SITE FALLS WITHIN THE INDUSTRIAL PRIORITY FUNDING AREA.
- PROPERTY FOUND ON PLATS MSA-C2081-3298 AND MSA-S1235-5673. FOUND IN PLAT BOOK 90, PAGE 40.
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- TOPOGRAPHY SHOWN HEREON IS BASED ON AN ANNE ARUNDEL COUNTY GIS DATA. NO NATURALLY OCCURRING STEEP SLOPES APPEAR ON SITE.
- EXISTING UTILITIES LOCATIONS AND OTHER EXISTING FEATURES ARE BASED ON ANNE ARUNDEL COUNTY GIS DATA AND MUST BE FIELD LOCATED AT TIME OF SITE PLAN SUBMISSION.
- SOILS ARE BASED ON A SOILS REPORT RUN ON NOVEMBER 2, 2016 FROM THE USDA WEB SOIL SURVEY WEBSITE.
- THERE IS NO FLOODPLAIN ON THIS SITE PER FIRM MAPS 24003C0054F AND 24003C0058F.
- THERE ARE NO WETLANDS OR STEEP SLOPES APPEARING ON SITE BASED ON ANNE ARUNDEL COUNTY GIS INFORMATION. THE SITE DOES NOT CONTAIN ANY CRITICAL AREA.
- SITE IS EXEMPT FROM SWM CRITERIA SINCE THERE IS NO ADDITIONAL DISTURBANCE PROPOSED.
- IF THE SITE WAS TO BE REPAVED, ACCORDING TO ANNE ARUNDEL COUNTY AND THE STATE OF MARYLAND, IT WOULD BE CONSIDERED MAINTENANCE AND NOT DISTURBANCE. THIS INCLUDES MILLING AND OVERLAY OF EXISTING PAVEMENT, PAVING THE EXISTING GRAVEL LOT OR FULL DEPTH REPLACEMENT OF EXISTING PAVEMENT.
- THE SITE IS LOCATED IN THE PATAPSCO RIVER WATERSHED.
- NO NEW DEVELOPMENT IS BEING PROPOSED AND NO ADDITIONAL LANDSCAPING OR BUFFERYARDS ARE REQUIRED. THE YARD IS SCREENED BY AN EXISTING OPAQUE FENCE.
- ADEQUACY OF PUBLIC FACILITIES DOES NOT NEED TO BE ADDRESSED SINCE NO NEW DEVELOPMENT OR STRUCTURES ARE BEING PROPOSED AT THE SITE.
- ALL VEHICULAR ACCESS TO THE SITE IS FROM A DEAD END LOCAL ROAD THAT SERVES ONLY INDUSTRIALLY OR COMMERCIALLY ZONED PROPERTIES BETWEEN THE FACILITY ENTRANCE AND THE FIRST INTERSECTING COLLECTOR ROAD IN ALL DIRECTIONS.
- THE SITE IS CURRENTLY SERVED BY PUBLIC WATER AND SEWER AND NO ADDITIONAL SQUARE FOOTAGE OF BUILDING IS BEING PROPOSED, AN EDU WORKSHEET OR SWAMP ARE NOT REQUIRED. THE SITE IS SERVED BY PUBLIC WATER IN EXISTING WATER SERVICE AREA GLEN BURNIE LOW (#14) AND PUBLIC SEWER IN THE EXISTING SEWER SERVICE AREA COX CREEK (#2).
- NO FUEL OR PETROLEUM PRODUCTS ARE TO BE STORED ONSITE.
- SPECIAL EXCEPTION USE (PER 18-11-149) FOR RECYCLABLES RECOVERY FACILITIES (LOCATED IN A W3 ZONED DISTRICT) SHALL COMPLY WITH:
  - VEHICULAR ACCESS SHALL BE FROM A COLLECTOR ROAD, AN ARTERIAL ROAD, A FREEWAY, OR A LOCAL ROAD THAT SERVES ONLY INDUSTRIALLY ZONED OR COMMERCIALLY ZONED PROPERTY BETWEEN THE FACILITY ENTRANCE AND THE FIRST INTERSECTING COLLECTOR ROAD, ARTERIAL ROAD, OR FREEWAY IN ALL DIRECTIONS - BOTH PITTMAN ROAD AND CARBIDE ROAD ARE LOCAL COUNTY OWNED ROADS THAT SERVE ONLY INDUSTRIALLY OR COMMERCIALLY ZONED PROPERTIES.
  - COLLECTION, SEPARATION, AND PROCESSING OF RECYCLABLES SHALL BE DONE WITHIN A STRUCTURE AT THE FACILITY - WE ARE REQUESTING A VARIANCE TO ALLOW EXTERIOR PROCESSING OF RECLAIMED ASPHALT PAVEMENT (RAP) MATERIALS DUE TO THE NATURE OF THE MATERIAL AND PROCESSING METHODS INVOLVED.
  - SPACE ON THE SITE SHALL BE ADEQUATE SO THAT TRUCKS USING THE FACILITY ARE NOT STOPPED OR PARKED ON A ROAD RIGHT-OF-WAY - THE SITE MEASURES 5.47 ACRES WHICH SHOULD PROVIDE PLENTY OF STACKING DISTANCE.
  - THE SOUND LEVEL AT ANY RESIDENTIALLY ZONED OR RESIDENTIALLY DEVELOPED PROPERTY LINE MAY NOT EXCEED AN AVERAGE OF 55 DBA AND A PEAK OF 60 DBA. ACKNOWLEDGED, THE CLOSEST RESIDENTIALLY ZONED PROPERTY IS LOCATED APPROXIMATELY 150 LINEAR FEET FROM THE PROPERTY LINE.
  - THE FACILITY SHALL MAINTAIN ONSITE RECORDS SPECIFYING THE DATE, TYPE, AND AMOUNT OF MATERIAL RECEIVED, ITS PLACE OF ORIGIN (ANNE ARUNDEL COUNTY OR OUT-OF-COUNTY), AND THE AMOUNT OF MATERIAL TRANSPORTED OFFSITE, SUCH RECORDS TO BE AVAILABLE FOR INSPECTION BY THE COUNTY - ACKNOWLEDGED.
  - SEMIANNUAL REPORTS DETAILING THE INFORMATION CONTAINED IN THE RECORDS KEPT UNDER SUBSECTION (6) SHALL BE COMPLETED ON A FORM PROVIDED BY AND TO BE SUBMITTED TO THE DEPARTMENT OF INSPECTIONS AND PERMITS - ACKNOWLEDGED.
  - THE SITE SHALL BE CLEANED OF LITTER AND SCATTERED REFUSE DAILY - ACKNOWLEDGED.
  - THE CRUSHING AND RECYCLING OF CONCRETE IS PROHIBITED IN W2 DISTRICTS - THIS PROPERTY IS ZONED W3.

**NOTE**  
IN CONJUNCTION WITH SPECIAL EXCEPTION NOTE 18, WE ARE REQUESTING A VARIANCE TO ALLOW EXTERIOR PROCESSING OF RECLAIMED ASPHALT PAVEMENT (RAP) MATERIALS DUE TO THE NATURE OF THE MATERIAL AND PROCESSING METHODS INVOLVED.

PARKING TABULATIONS	
EXISTING/PROPOSED BUILDING AREA	10,985 SF
REQUIRED PARKING SPACES (1/1000 FOR WAREHOUSE, 75% OF BUILDING SF)	8.24 SPACES
PARKING DIMENSIONS - REGULAR	9'X18'
HANDICAP VAN SPACE	8'X18' W/ 8' STRIPED SPACE
TOTAL PARKING SPACE PROVIDED	9
HANDICAP SPACES REQUIRED	1 VAN SPACE
HANDICAP SPACES PROVIDED	1 VAN SPACE

ADDRESS CHART	
LOT/PARCEL #	STREET ADDRESS
LOT 1/P-201	701 PITTMAN ROAD, BALTIMORE, MD 21226

SOILS LEGEND		
SYMBOL	NAME/DESCRIPTION	SOIL TYPE
RhB	RUSSETT-CHRISTIANA-HAMBROOK COMPLEX, 0 TO 5% SLOPES	C
UoB	UDORTHENTS, LOAMY, 0 TO 5% SLOPES	C
ZBa	ZEKIAH AND ISSUE SOILS, 0 TO 2% SLOPES, FREQUENTLY FLOODED	C/D

### MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

14280 PARK CENTER DRIVE  
LAUREL, MD 20707  
(410) 792-9792 / (301) 776-1690  
MRAGTA.COM

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### 701 PITTMAN ROAD / PARCEL 201

### RECYCLABLES RECOVERY FACILITY

### SPECIAL EXCEPTION ADMINISTRATIVE SITE PLAN / VARIANCE SITE PLAN

### EXISTING SITE CONDITIONS

LIBER 24372 ~ FOLIO 137 ~ PARCEL 201, LOT 1  
ZONE: W3 ~ TAX MAP: 5 ~ GRID: 18  
3RD COUNCIL DISTRICT ~ ANNE ARUNDEL COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:	19424
		SCALE:	1" = 40'
		DATE:	4-13-2022
		DRAWN BY:	MAM
		DESIGN BY:	MAM
		REVIEW BY:	TFM
		SHEET:	1 OF 1



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**AIR AND RADIATION ADMINISTRATION  
APPLICATION FOR A PERMIT TO CONSTRUCT**

**SUPPLEMENT TO  
DOCKET #09-23**

COMPANY: M Luis Product, Inc.

LOCATION: 701 Pittman Road, Baltimore, MD 21226

APPLICATION: One (1) crushing and screening plant including one (1) 300 ton per hour Jaw Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 200 ton per hour Cone or Impact Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 480 ton per hour screener powered by a Tier 3, diesel-fired engine rated at 150 horsepower; and one (1) radial stacker powered by a Tier 3, diesel-fired engine rated at 75 horsepower.

<u>ITEM</u>	<u>DESCRIPTION</u>
1	Notice of Tentative Determination, Public Hearing, and Opportunity to Submit Written Comments
2	Fact Sheet and Tentative Determination
3	Draft Permit to Construct and Conditions
4	Supplemental Information
5	Privilege Log – Not Applicable

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION ADMINISTRATION**

**NOTICE OF TENTATIVE DETERMINATION, PUBLIC HEARING, AND  
OPPORTUNITY TO SUBMIT WRITTEN COMMENTS**

**FIRST NOTICE**

The Department of the Environment, Air and Radiation Administration (ARA) has completed its review of an application for a Permit to Construct submitted by M Luis Products, Inc. on October 12, 2022, for one (1) crushing and screening plant including one (1) 300 ton per hour Jaw Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 200 ton per hour Cone or Impact Crusher powered by a Tier 3, diesel-fired engine rated at 350 horsepower; one (1) 480 ton per hour screener powered by a Tier 3, diesel-fired engine rated at 150 horsepower; and one (1) radial stacker powered by a Tier 3, diesel-fired engine rated at 75 horsepower. The proposed crushing and screening plant will be located at 701 Pittman Road, Baltimore, Maryland, 21226.

The issuance of the Permit-to-Construct for this facility will be the subject of a Public Hearing to be held on November 20, 2023 at 5:30 pm at the Orchard Beach Volunteer Fire Department, 7549 Solley Road, Glen Burnie, MD 21060.

Pursuant to Section 1-604, of the Environment Article, Annotated Code of Maryland, the Department has made a tentative determination that the Permit-to-Construct can be issued. A final determination on issuance of the permit will only be made after review of all pertinent information presented at the public hearing or received in written comments. Copies of the Department's tentative determination, the application, the draft permit to construct with conditions, and other supporting documents are available for public inspection on the Department's website. Look for Docket #09-23 at the following link:

<https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx>

In accordance with HB 1200/Ch. 588 of 2022, the applicant provided an environmental justice (EJ) Score for the census tract in which the project is located using the Maryland EJ mapping tool. The EJ Score, expressed as a statewide percentile, was shown to be 21.24, which the Department has verified. This score considers three demographic indicators – minority population above 50%, poverty rate above 25%, and limited English proficiency above 15%. The Department's review of the environmental and socioeconomic indicators contributing to that EJ score is included in the tentative determination that is available for public inspection.

Persons who wish to make a statement concerning this application at the hearing are requested to provide the Department with a copy of their statement. In lieu of oral statements at the hearing, written comments may be submitted at the time of the hearing or to the Department no later than 30 days from the date of this notice or within 5 days after the hearing, whichever is later.

Interested persons may request an extension to the public comment period. The extension request must be submitted in writing and must be received by the Department no later than 30 days from the date of this notice or within 5 days after the hearing, whichever is later. The public comment period may only be extended one time for a 60-day period.

All requests for an extension to the public comment period and all written comments should be directed to the attention of Ms. Shannon Heafey by email to [shannon.heafey@maryland.gov](mailto:shannon.heafey@maryland.gov) or by mail to the Air Quality Permits Program, Air and Radiation Administration, 1800 Washington Boulevard, Baltimore, Maryland 21230.

The Department will provide an interpreter for deaf and hearing impaired persons provided that a request is made for such service at least ten (10) days prior to the hearing. Further information may be obtained by calling Ms. Shannon Heafey at 410-537-4433.

Christopher R. Hoagland, Director  
Air and Radiation Administration



**MARYLAND DEPARTMENT OF ENVIRONMENT  
AIR AND RADIATION ADMINISTRATION**

**FACT SHEET AND TENTATIVE DETERMINATION  
M LUIS PRODUCTS, INC.**

**PROPOSED INSTALLATION OF 300 TON PER HOUR CRUSHING AND SCREENING  
OPERATION POWERED BY FOUR DIESEL ENGINES**

**I. INTRODUCTION**

The Maryland Department of the Environment (the "Department") received an application from M Luis Products, Inc. on October 12, 2022, for a Permit to Construct for one (1) crushing and screening plant equipped with wet suppression systems, processing recycled asphalt pavement (RAP), waste concrete, brick, and construction debris material, and consisting of one (1) 300 ton per hour (tph) Jaw Crusher powered by a Tier 3 diesel-fired engine rated at 350 horsepower, one (1) 200 tph Cone or Impact Crusher powered by a Tier 3 diesel-fired engine rated at 350 horsepower, one (1) 480 tph screener powered by a Tier 3 diesel-fired engine rated at 150 horsepower, and one (1) radial stacker powered by a Tier 3 diesel-fired engine rated at 75 horsepower. The proposed installation will be located at 701 Pittman Road, Baltimore, MD 21226.

A notice was placed in The Baltimore Sun on July 11, 2023, and July 17, 2023 announcing a scheduled informational meeting to discuss the permit to construct application. The informational meeting was held on July 24, 2023, at Orchard Beach Volunteer Fire Department located at 7549 Solley Road, Glen Burnie, MD 21060.

As required by law, all public notices were also provided to elected officials in all State, county, and municipality legislative districts located within a one mile radius of the facility's property boundary.

The Department has reviewed the application and has made a tentative determination that the proposed installation is expected to comply with all applicable air quality regulations. A notice will be published to provide the public with opportunities to request a public hearing and to comment on the application, the Department's tentative determination, the draft permit conditions, and other supporting documents. The Department will not schedule a public hearing unless a legitimate request is received.

If the Department does not receive any comments that are adverse to the tentative determination, the tentative determination will automatically become a final determination. If adverse comments are received, the Department will review the comments, and will then make a final determination with regard to issuance or denial of the permit. A notice of final determination will be published in a newspaper of general circulation in the affected area. The final determination may be subject to judicial review pursuant to Section 1-601 of the Environment Article, Annotated Code of Maryland.

## **II. CURRENT STATUS AND PROPOSED INSTALLATION**

### **A. Current Status**

M Luis Products, Inc. currently does not operate any equipment or processes requiring air quality permits at their facility.

### **B. Proposed Installation**

M Luis Products, Inc. is proposing to install one (1) crushing and screening plant equipped with wet suppression systems, processing recycled asphalt pavement (RAP), waste concrete, brick, and construction debris material, and consisting of one (1) 300 ton per hour (tph) Jaw Crusher powered by a Tier 3 diesel-fired engine rated at 350 horsepower, one (1) 200 tph Cone or Impact Crusher powered by a Tier 3 diesel-fired engine rated at 350 horsepower, one (1) 480 tph screener powered by a Tier 3 diesel-fired engine rated at 150 horsepower, and one (1) radial stacker powered by a Tier 3 diesel-fired engine rated at 75 horsepower.

The wet suppression systems will control fugitive dust.

## **III. APPLICABLE REGULATIONS**

The proposed installation is subject to all applicable Federal and State air quality control regulations, including, but not limited to the following:

- (a) All applicable terms, provisions, emissions standards, testing, monitoring, record keeping, and reporting requirements included in federal New Source Performance Standards (NSPS) promulgated under 40 CFR 60, Subpart A (General Provisions) and Subpart OOO for Nonmetallic Mineral Processing Plants.
- (b) COMAR 26.11.02.19C & D, which require that the Permittee submit to the Department annual certifications of emissions, and that the Permittee maintain sufficient records to support the emissions information presented in the submittals.
- (c) COMAR 26.11.06.03C and D, which requires that the Permittee take reasonable precautions to prevent particulate matter from unconfined sources and materials handling and construction operations from becoming airborne.
- (d) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.

- (e) COMAR 26.11.09.05E(2), Emissions During Idle Mode: The Permittee may not cause or permit the discharge of emissions from any engine, operating at idle, greater than 10 percent opacity.
- (f) COMAR 26.11.09.05E(3), Emissions During Operating Mode: The Permittee may not cause or permit the discharge of emissions from any engine, operating at other than idle conditions, greater than 40 percent opacity.
- (g) COMAR 26.11.09.07A(2), which limits the sulfur content of distillate fuel oils to not more than 0.3 percent by weight.
- (h) COMAR 26.11.15.05, which requires that the Permittee implement “Best Available Control Technology for Toxics” (T – BACT) to control emissions of toxic air pollutants.
- (i) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions will unreasonably endanger human health.

#### **IV. GENERAL AIR QUALITY**

The U.S. Environmental Protection Agency (EPA) has established primary and secondary National Ambient Air Quality Standards (NAAQS) for six (6) criteria pollutants, i.e., sulfur dioxide, particulate matter, carbon monoxide, nitrogen dioxide, ozone, and lead. The primary standards were established to protect public health, and the secondary standards were developed to protect against non-health effects such as damage to property and vegetation.

The Department utilizes a statewide air monitoring network, operated in accordance with EPA guidelines, to measure the concentrations of criteria pollutants in Maryland’s ambient air. The measurements are used to project statewide ambient air quality, and currently indicate that Baltimore County complies with the NAAQS for particulate matter, carbon monoxide, lead, and nitrogen dioxide.

Ground level ozone continues to present a problem for the entire Baltimore metropolitan area, which is classified as a non-attainment area for ozone. The primary contributors to the formation of ozone are emissions of oxides of nitrogen, primarily from combustion equipment, and emissions of Volatile Organic Compounds (VOC) such as paint solvents and gasoline vapors. Anne Arundel County is included in the non-attainment area for ozone.

With regard to toxic air pollutants (TAPs), screening levels (i.e., acceptable ambient concentrations for toxic air pollutants) are generally established at 1/100 of allowed worker exposure levels (TLVs)<sup>1</sup>. The Department has also developed additional screening levels for carcinogenic compounds. The additional screening levels are established such that continuous exposure to the subject TAP at the screening level for a period of 70 years is expected to cause an increase in lifetime cancer risk of no more than 1 in 100,000.

## **V. ENVIRONMENTAL JUSTICE ANALYSIS**

The concept behind the term environmental justice (EJ) is that regardless of race, color, national origin, or income, all Maryland residents and communities should have an equal opportunity to enjoy an enhanced quality of life. How to assess whether equal protection is being applied is the challenge.

Communities surrounded by a disproportionate number of polluting facilities puts residents at a higher risk for health problems from environmental exposures. It is important that residents who may be adversely affected by a proposed source be aware of the current environmental issues in their community in order to have meaningful involvement in the permitting process. Resources may be available from government and private entities to ensure that community health is not negatively impacted by a new source located in the community.

Extensive research has documented that health disparities exist between demographic groups in the United States, such as differences in mortality and morbidity associated with factors that include race/ethnicity, income, and educational attainment.

The Maryland General Assembly passed HB 1200, effective October 1, 2022, that adds to MDE's work incorporating diversity, equity and inclusion into our mission to help overburdened and underserved communities with environmental issues. In accordance with HB 1200/Ch. 588 of 2022, the applicant provided an environmental justice (EJ) Score for the census tract in which the proposed source is located using the Maryland EJ mapping tool. The EJ Score, expressed as a statewide percentile, was shown to be 21.24 which the Department has verified. This score considered three demographic indicators – minority population above 50%, poverty rate above 25% and limited English proficiency above 15%.

To account for other sources of pollution surrounding the proposed source, the Department conducted an additional EJ Score analysis to evaluate the impact of other sources located within 1 mile of the proposed source. The highest EJ Score in a census tract located within 1 mile of the proposed source, expressed as a statewide percentile, was shown to be 68.61.

---

<sup>1</sup> TLVs are threshold limit values (exposure limits) established for toxic materials by the American Conference of Governmental Industrial Hygienists (ACGIH). Some TLVs are established for short-term exposure (TLV – STEL), and some are established for longer-term exposure (TLV – TWA), where TWA is an acronym for time-weight average.

An EJ Score of 68.61 indicates that the proposed installation is located in an area that is not disproportionately impacted by sources of pollution or at a higher risk of health problems from environmental exposures than other areas in Maryland. The Department has reviewed the air quality impacts from this proposed installation and has determined that the proposed installation will meet all applicable air quality standards.

## **VI. COMPLIANCE DEMONSTRATION AND ANALYSIS**

The proposed installation must comply with all State imposed emissions limitations and screening levels, as well as the NAAQS. The Department has conducted an engineering and air quality review of the application. The emissions were projected based on U.S. EPA emission factors for crushing and screening plants and U.S. EPA engine tier emissions limits for diesel engines. The conservative U.S. EPA's SCREEN3 model was used to project the maximum ground level concentrations from the proposed facility, which were then compared to the screening levels and the NAAQS.

- A. Estimated Emissions** - The maximum emissions of air pollutants of concern from the proposed installation are listed in Table I.
- B. Compliance with National Ambient Air Quality Standards** - The maximum ground level concentrations for nitrogen dioxide, sulfur dioxide, carbon monoxide, and particulate matter based on the emissions from the proposed installation are listed in column 2 of Table II. The combined impact of the projected contribution from the proposed installation and the ambient background concentration for each pollutant shown in column 3 of Table II is less than the NAAQS for each pollutant shown in column 4. The Permittee will be required to maintain daily operating hours below 10 hours each day in order to demonstrate compliance with the NAAQS for particulate matter.
- C. Compliance with Air Toxics Regulations** – The toxic air pollutant of concern that would be emitted from this installation is listed in column 1 of Table III. The predicted maximum off-site ambient concentration of this toxic air pollutant is shown in column 4 of Table III, and the maximum concentration is less than the corresponding screening level for the toxic air pollutant shown in column 2.

## **VI. TENTATIVE DETERMINATION**

Based on the above information, the Department has concluded that the proposed installation will comply with all applicable Federal and State air quality control requirements. In accordance with the Administrative Procedure Act, Department has made a tentative determination to issue the Permit to Construct.

Enclosed with the tentative determination is a copy of the draft Permit to Construct.

**TABLE I  
PROJECTED MAXIMUM EMISSIONS FROM THE PROPOSED INSTALLATION**

POLLUTANT	PROJECTED MAXIMUM EMISSIONS FROM PROPOSED INSTALLATION	
	(lbs/day) @ 10 hr/day	(tons/year)
Nitrogen Dioxide (NO <sub>2</sub> )	61.9	11.3
Sulfur Dioxide (SO <sub>2</sub> )	19.4	3.5
Carbon Monoxide (CO)	58.4	10.7
Volatile Organic Compounds (VOC)	23.1	4.2
Particulate Matter (PM <sub>10</sub> )	14.8	2.8

\*The plant is limited to operating no more than 10 hours per day.

**TABLE II  
PROJECTED IMPACT OF EMISSIONS OF CRITERIA POLLUTANTS FROM THE PROPOSED INSTALLATION ON AMBIENT AIR QUALITY**

POLLUTANTS	MAXIMUM OFF-SITE GROUND LEVEL CONCENTRATIONS CAUSED BY EMISSIONS FROM PROPOSED PROCESS (µg/m <sup>3</sup> )	BACKGROUND AMBIENT AIR CONCENTRATIONS (µg/m <sup>3</sup> )*	NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) (µg/m <sup>3</sup> )
Nitrogen Dioxide (NO <sub>2</sub> )	annual avg.→ 35.37	annual avg.→ 28.84	annual avg.→ 100
Carbon Monoxide (CO)	8-hour max→ 292.07 1-hour max → 417.21	8-hr max.→ 916.16 1-hr max.→ 1030.67	8-hr max.→ 10,000 1-hr max.→ 40,000
Sulfur Dioxide (SO <sub>2</sub> )	24-hour max. → 55.50 annual avg. → 11.09	24-hour max.→ 21.22 annual avg.→ 1.57	24-hour max.→ 366 annual avg.→ 78.5
Particulate Matter (PM <sub>10</sub> )	24-hr max → 97.70	24-hr max.→ 20	24-hr max.→ 150

\*Background concentrations were obtained from Maryland air monitoring stations as follows:

NO<sub>2</sub> and CO → HU-Beltsville Monitoring Station in Prince George's County

SO<sub>2</sub> → 8515 Jenkins Rd in Riviera Beach, Anne Arundel County

PM<sub>10</sub> → Public Works Building in Anne Arundel County

**TABLE III**  
**PREDICTED MAXIMUM OFF-SITE AMBIENT CONCENTRATIONS FOR**  
**TOXIC AIR POLLUTANTS EMITTED FROM THE PROPOSED INSTALLATION**

<b>TOXIC AIR POLLUTANTS</b>	<b>SCREENING LEVELS (<math>\mu\text{g}/\text{m}^3</math>)</b>	<b>PROJECTED WORST-CASE FACILITY-WIDE EMISSIONS (lbs/hr)</b>	<b>PREDICTED MAXIMUM OFF-SITE GROUND LEVEL CONCENTRATIONS (<math>\mu\text{g}/\text{m}^3</math>)</b>
Crystalline Silica	1-hour→ None 8-hour→ 0.25 Annual→ None	0.00068	1-hour→ None 8-hour→ 0.237 Annual→ None

The values represent maximum facility-wide emissions of toxic air pollutants during any 1-hour period of facility operation.

The values are based on worst-case emissions from the proposed facility and were predicted by EPA's SCREEN3 model, which provides conservative estimations concerning the impact of pollutants on ambient air quality.

**DRAFT PERMIT**

Wes Moore

Selena McIlwain

**Air and Radiation Administration**

1800 Washington Boulevard, Suite 720  
Baltimore, MD 21230

☒ Construction Permit

☐ Operating Permit

PERMIT NO.:  
003-1709-6-1920

DATE ISSUED:  
[Date Issued]

PERMIT FEE:  
\$2,000 (Paid)

EXPIRATION DATE:  
In accordance with COMAR 26.11.02.04B

**LEGAL OWNER & ADDRESS**

M Luis Products Inc.  
12200 Plum Orchard Dr STE 110,  
Silver Spring, MD 20904  
Attention: Mr. David Slaughter, President

**SITE**

M Luis Products Inc. M Luis Products Inc.  
701 Pittman Rd  
Baltimore, MD 21226  
AI # 176678

**SOURCE DESCRIPTION**

This permit authorizes the installation of one (1) crushing and screening plant including one (1) 300 ton per hour Jaw Crusher powered by a Tier 3 diesel engine rated at 350 horsepower, one (1) 200 ton per hour Cone or Impact Crusher powered by a Tier 3 diesel engine rated at 150 horsepower, and one (1) radial stacker powered by a Tier 3 diesel engine rated at 75 horsepower.

This permit includes limitations on facility-wide emissions of nitrogen oxides in order that M Luis Products Inc. may be recognized as a synthetic minor source to preclude applicability of Title V – Part 70 Operating Permit requirements.

This source is subject to the conditions described on the attached pages.

\_\_\_\_\_  
Program Manager

\_\_\_\_\_  
Director, Air and Radiation Administration



**M LUIS PRODUCTS, INC.**  
**PERMIT-TO-CONSTRUCT CONDITIONS**  
**PERMIT No. 003-1709-6-1920**

**INDEX**

Part A – General Provisions  
Part B – Applicable Regulations  
Part C – Construction Conditions  
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Part F – Record Keeping and Reporting  
Part G – Temporary Permit-To-Operate Conditions

This permit-to-construct is issued to cover the following registered installations:

<b>ARA Registration Number</b>	<b>Description</b>	<b>Date of Installation</b>
003-1709-6-1920	<p>One (1) crushing and screening plant equipped with wet suppression systems, processing recycled asphalt pavement (RAP), waste concrete, brick, and construction debris material, and consisting of:</p> <ul style="list-style-type: none"><li>• One (1) jaw crusher processing up to 300 tons per hour (tph), and powered by a Tier 3 or better diesel-fired engine rated at 350 horsepower;</li><li>• One (1) cone or impact crusher processing up to 200 tph, and powered by a Tier 3 or better diesel-fired engine rated at 350 horsepower;</li><li>• One (1) screener processing up to 480 tons per hour, and powered by a Tier 3 or better diesel-fired engine rated at 150 horsepower; and</li><li>• One (1) radial stacker powered by a Tier 3 or better diesel-fired engine rated at 75 horsepower.</li></ul>	<p>Initial installation October 2023</p> <p>Subsequent equivalent equipment may be installed to replace existing equipment, as needed.</p>

**Part A – General Provisions**

- (1) The following Air and Radiation Administration (ARA) permit-to-construct applications and supplemental information are incorporated into this permit by reference:
- (a) Application for Processing or Manufacturing Equipment (Form 5) received at the Department on October 12, 2022.
- (b) Application for Emissions Data (Form 5B) received at the Department on October 12, 2022.

**M LUIS PRODUCTS, INC.**  
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- (c) Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration (Form 5A) received at the Department on October 12, 2022.
- (d) Application for internal combustion engines (Form 44) received at the Department on October 12, 2022.
- (e) Supplemental Information including emissions calculations, site plans, zoning approval with special exemption case documentation, and an environmental justice (EJ) report received at the Department on October 12, 2022.

If there are any conflicts between representations in this permit and representations in the applications, the representations in the permit shall govern. Estimates of dimensions, volumes, emissions rates, operating rates, feed rates and hours of operation included in the applications do not constitute enforceable numeric limits beyond the extent necessary for compliance with applicable requirements.

- (2) Upon presentation of credentials, representatives of the Maryland Department of the Environment ("MDE" or the "Department") and the Anne Arundel County Health Department shall at any reasonable time be granted, without delay and without prior notification, access to the Permittee's property and permitted to:
  - (a) inspect any construction authorized by this permit;
  - (b) sample, as necessary to determine compliance with requirements of this permit, any materials stored or processed on-site, any waste materials, and any discharge into the environment;
  - (c) inspect any monitoring equipment required by this permit;
  - (d) review and copy any records, including all documents required to be maintained by this permit, relevant to a determination of compliance with requirements of this permit; and
  - (e) obtain any photographic documentation or evidence necessary to determine compliance with the requirements of this permit.
- (3) The Permittee shall notify the Department prior to increasing quantities and/or changing the types of any materials referenced in the application or limited by this permit. If the Department determines that such increases or changes constitute a modification, the Permittee shall obtain a permit-to-construct prior to implementing the modification.

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- (4) Nothing in this permit authorizes the violation of any rule or regulation or the creation of a nuisance or air pollution.
- (5) If any provision of this permit is declared by proper authority to be invalid, the remaining provisions of the permit shall remain in effect.
- (6) Subsequent to issuance of this permit, the Department may impose additional and modified requirements that are incorporated into a State permit-to-operate issued pursuant to COMAR 26.11.02.13.

**Part B – Applicable Regulations**

- (1) This source is subject to all applicable federal air pollution control requirements including, but not limited to, the following:

All applicable terms, provisions, emissions standards, testing, monitoring, record keeping, and reporting requirements included in federal New Source Performance Standards (NSPS) promulgated under 40 CFR 60, Subparts A and OOO for Nonmetallic Mineral Processing Plants.

All notifications required under 40 CFR 60, Subparts A and OOO shall be submitted to both of the following:

The Administrator  
Compliance Program  
Maryland Department of the Environment  
Air and Radiation Administration  
1800 Washington Boulevard, STE 715  
Baltimore MD 21230

and

United States Environmental Protection Agency  
Region III, Enforcement & Compliance Assurance Division  
Air, RCRA and Toxics Branch (3ED21)  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2852

- (2) This source is subject to all applicable federally enforceable State air pollution control requirements including, but not limited to, the following regulations:

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- (a) COMAR 26.11.01.07C, which requires that the Permittee report to the Department occurrences of excess emissions.
- (b) COMAR 26.11.02.04B, which states that a permit to construct or an approval expires if, as determined by the Department:
  - (i) Substantial construction or modification is not commenced within 18 months after the date of issuance of the permit or approval, unless the Department specifies a longer period in the permit or approval;
  - (ii) Construction or modification is substantially discontinued for a period of 18 months after the construction or modification has commenced; or
  - (iii) The source for which the permit or approval was issued is not completed within a reasonable period after the date of issuance of the permit or approval.
- (c) COMAR 26.11.02.09A, which requires that the Permittee obtain a permit-to-construct if an installation is to be modified in a manner that would cause changes in the quantity, nature, or characteristics of emissions from the installation as referenced in this permit.
- (d) COMAR 26.11.06.03C and D, which requires that the Permittee take reasonable precautions to prevent particulate matter from unconfined sources and materials handling and construction operations from becoming airborne.
- (e) COMAR 26.11.06.12, which states that a person may not construct, modify, or operate, or cause to be constructed, modified, or operated, a New Source Performance Standard (NSPS) source in a manner which results or will result in violation of the provisions of 40 CFR, Part 60.
- (f) COMAR 26.11.09.05E, which limits visible emissions from the diesel engines to 10% and 40% opacity during idle and operating modes, respectively. Exceptions to these opacity limits are as follows:
  - (i) The 10% opacity limit during idle mode does not apply for a period of 2 consecutive minutes after a period of idling of 15 minutes for the purpose of clearing the exhaust system;

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- (ii) The 10% opacity limit during idle mode does not apply to emissions resulting directly from a cold engine start-up and warm-up for the following maximum periods:
  - (A) Engines that are idling continuously when not in service: 30 minutes; and
  - (B) All other engines: 15 minutes.
- (iii) The 10% and 40% opacity limits do not apply while maintenance, repair, or testing is being performed by qualified mechanics.
- (g) COMAR 26.11.09.07A(2), which limits the sulfur content of distillate fuel oils to not more than 0.3 percent by weight.
- (3) This source is subject to all applicable State-only enforceable air pollution control requirements including, but not limited to, the following regulations:
  - (a) COMAR 26.11.02.13A(16), which requires that the Permittee obtain from the Department, and maintain and renew as required, a valid State permit-to-operate.
  - (b) COMAR 26.11.02.19C & D, which require that the Permittee submit to the Department annual certifications of emissions, and that the Permittee maintain sufficient records to support the emissions information presented in such submittals.
  - (c) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
  - (d) COMAR 26.11.15.05, which requires that the Permittee implement "Best Available Control Technology for Toxics" (T – BACT) to control emissions of toxic air pollutants.
  - (e) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions would unreasonably endanger human health.

**Part C – Construction Conditions**

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- (1) Except as otherwise provided in this part, the crushing and screening plant shall be constructed in accordance with specifications included in the incorporated applications.
- (2) This permit authorizes the installation of a crushing and screening plant and subsequent, equivalent replacement crushing and screening equipment as needed.
- (3) The Permittee shall equip the crushing and screening plant with wet suppression systems to comply with the particulate matter handling requirements of COMAR 26.11.06.03C and D and 40 CFR 60, Subpart OOO.

**Part D – Operating Conditions**

- (1) Except as otherwise provided in this part, all equipment associated with crushing and screening plant covered by this permit shall be operated in accordance with specifications included in the application and any operating procedures recommended by equipment vendors unless the Permittee obtains from the Department written authorization for alternative operating procedures.
- (2) The Permittee shall operate the crushing and screening plant in accordance with the Special Exemption conditions granted to M Luis Products Inc. in 2022 with respect to zoning.
- (3) The Permittee shall comply with the following operating limits unless the Permittee can demonstrate, to the satisfaction of the Department, that premises wide emissions of oxides of nitrogen (NOx) shall be less than 25 tons in any rolling 12-month period and compliance with the National Ambient Air Quality Standard for particulate matter (as PM-10) can be achieved at other operating conditions:
  - (a) The crushing and screening plant shall not be operated more than 10 hours per calendar day;
  - (b) The crushing and screening plant shall not exceed 300 tons per hour throughput limit; and
  - (c) The engines associated with the crushing and screening plant shall be rated Tier 3 or better.
- (4) Wet suppression systems shall be used as needed to comply with the fugitive particulate matter requirements of COMAR 26.11.06.03C and COMAR 26.11.06.03D and the following opacity limits specified in 40 CFR, Part 60,

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Subpart 000 for affected facilities at nonmetallic mineral processing plants constructed, modified, or reconstructed on or after April 22, 2008:

- (a) No more than 12 percent opacity from each crusher; and
- (b) No more than 7 percent opacity from all other fugitive sources.  
**[Reference: 40 CFR §60.672(b) and Table 3 to 40 CFR Subpart 000]**
- (5) The engines associated with the crushing and screening operation shall be nonroad engines, as defined in 40 CFR §1068.3, unless the Permittee complies with the stationary engine requirements of 40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ, as applicable, for each engine.
- (6) Soils contaminated with petroleum-based fuels, other volatile organic compounds, or metals shall not be processed at the facility.
- (7) The Permittee shall control fugitive dust on site, including from plant roads and stockpiles, by using water, approved chemical dust suppressants, or a combination of both.

**Part E – Notifications, Testing and Monitoring**

- (1) The Permittee shall submit written or electronic notification to the Department of the initial startup date of the crushing and screening plant and the initial startup date of each subsequent, equivalent replacement equipment within 15 days after such date. **[Reference: 40 CFR §60.7(a)(3) and §60.676(i)]**
- (2) Not later than 180 days after initial startup of the crushing and screening plant and each subsequent, equivalent replacement equipment (if required), the Permittee shall demonstrate compliance with all applicable opacity standards. **[Reference: 40 CFR §60.11(b) and §60.672(b)]**
- (3) The Permittee shall use Method 9 of Appendix A-4 to 40 CFR, Part 60 and the procedures in 40 CFR §60.11, with the following additions:
  - (a) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet);
  - (b) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9 if Appendix A-4 of this part, Section 2.1) must be followed; and

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- (c) For affected facilities using wet dust suppression for particulate matter control, a visible mist is generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

**[Reference: 40 CFR §60.675(c)(1)]**

- (4) The duration of the Method 9 (40 CFR, Part 60, Appendix A-4) observations must be 30 minutes (five 6-minute averages) for each emission point. Compliance with the applicable opacity standards must be based on the average of the five 6-minute averages. **[Reference: 40 CFR §60.675(c)(3)]**
- (5) The Permittee shall submit notification of the intended date of the required Method 9 observations to the Department at least thirty (30) days prior to that date.
- (6) Within 45 days following the required Method 9 observations, the Permittee shall submit the results to the Department.
- (7) The Permittee shall perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression systems for affected facilities at nonmetallic mineral processing plants constructed, modified, or reconstructed on or after April 22, 2008. The Permittee must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if the Permittee finds that water is not flowing properly during an inspection of the water spray nozzles. **[Reference: 40 CFR §60.674(b)]**

**Part F – Record Keeping and Reporting**

- (1) The Permittee shall submit written reports of the results of all performance tests conducted to demonstrate compliance with opacity requirements including reports of opacity observations made using Method 9 (40 CFR Part 60 Appendix A-4) to demonstrate compliance with 40 CFR §60.672(b). **[Reference: 40 CFR §60.676(f)]**
- (2) The Permittee shall maintain for at least five (5) years, and shall make available to the Department upon request, records of the following information:
  - (a) The type and amount of materials processed in the crushing and screening plant in tons per month;



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- (b) The hours of operation for each day the crushing and screening plant is operating;
  - (c) The hours of operation of each engine for each operating day;
  - (d) The amount of diesel fuel burned in the diesel engines each month;
  - (e) The hours of operation of each engine for each operating year;
  - (f) All opacity observation test results for the initial plant and each subsequent, equivalent replacement equipment;
  - (g) Copies of all notifications of initial startup of the crushing and screening plant and each subsequent, equivalent replacement equipment;
  - (h) Equipment information or vendor literature for all initial equipment associated with the plant and each subsequent, equivalent replacement equipment; and
  - (i) A log of each periodic inspection of the wet suppression systems including dates and corrective actions taken. **[Reference: 40 CFR §60.674(b) and §60.676(b)(1)]**
- (3) The Permittee shall maintain at the facility for at least five (5) years, and shall make available to the Department upon request, records necessary to support annual certifications of emissions and demonstrations of compliance for toxic air pollutants. Such records shall include, if applicable, the following:
- (a) Mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each registered source of emissions;
  - (b) Accounts of the methods and assumptions used to quantify emissions;
  - (c) Copies of opacity observation test results for the initial plant and each subsequent, equivalent replacement equipment (if required);
  - (d) All operating data, including operating schedules and production data, that were used in determinations of emissions;
  - (e) Amounts, types, and analyses of all fuels used;

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- (f) Any records, the maintenance of which is required by this permit or by State or federal regulations, that pertain to the operation and maintenance of continuous emissions monitors, including:
    - (i) all emissions data generated by such monitors;
    - (ii) all monitor calibration data;
    - (iii) information regarding the percentage of time each monitor was available for service; and
    - (iv) information concerning any equipment malfunctions.
  - (g) Information concerning operation, maintenance, and performance of air pollution control equipment and compliance monitoring equipment, including:
    - (i) identifications and descriptions of all such equipment;
    - (ii) operating schedules for each item of such equipment;
    - (iii) accounts of any significant maintenance performed;
    - (iv) accounts of all malfunctions and outages; and
    - (v) accounts of any episodes of reduced efficiency.
  - (h) Limitations on source operation or any work practice standards that significantly affect emissions; and
  - (i) Other relevant information as required by the Department.
- (4) The Permittee shall submit to the Department by April 1 of each year a certification of emissions for the previous calendar year. The certifications shall be prepared in accordance with requirements, as applicable, adopted under COMAR 26.11.01.05 – 1 and COMAR 26.11.02.19D.
- (a) Certifications of emissions shall be submitted on forms obtained from the Department.
  - (b) A certification of emissions shall include mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each of the facility's registered sources of emissions.

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- (c) The person responsible for a certification of emissions shall certify the submittal to the Department in the following manner:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (5) The Permittee shall submit to the Department by April 1 of each year a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee’s facility during the previous calendar year. Such analysis shall include either:
- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
  - (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.
- (6) The Permittee shall report, in accordance with requirements under COMAR 26.11.01.07, occurrences of excess emissions to the Compliance Program of the Air and Radiation Administration.

**Part G – Temporary Permit-to-Operate Conditions**

- (1) This permit-to-construct shall also serve as a temporary permit-to-operate that confers upon the Permittee authorization to operate the crushing and screening plant for a period of up to 180 days after initiating operation of the crushing and screening plant.
- (2) The Permittee shall provide the Department with written or electronic notification of the date on which operation of the crushing and screening plant is initiated. Such notification shall be provided within 15 days of the date to be reported.

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- (3) During the effective period of the temporary permit-to-operate the Permittee shall operate the new installation as required by the applicable terms and conditions of this permit-to-construct, and in accordance with operating procedures and recommendations provided by equipment vendors.
- (4) The Permittee shall submit to the Department an application for a State permit-to-operate no later than 60 days prior to expiration of the effective period of the temporary permit-to-operate.

# **MARYLAND DEPARTMENT OF THE ENVIRONMENT**

## **AIR AND RADIATION ADMINISTRATION**

### **SUPPLEMENTAL INFORMATION REFERENCES**

The Code of Maryland Regulations (COMAR) is searchable by COMAR citation at the following Division of State Documents website:

<http://www.dsd.state.md.us/COMAR/ComarHome.html>

The Code of Federal Regulations (CFR), including New Source Performance Standards (NSPS) at 40 CFR, Part 60 and National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR, Parts 61 and 63, is searchable by CFR citation at the following U.S. Government Publishing Office website:

<http://www.ecfr.gov>

Information on National Ambient Air Quality Standards (NAAQS) is located at the following U.S. Environmental Protection Agency (EPA) website:

<https://www.epa.gov/criteria-air-pollutants/naaqs-table>

Information on Maryland's Ambient Air Monitoring Program is located at the following Maryland Department of the Environment website:

<http://mde.maryland.gov/programs/Air/AirQualityMonitoring/Pages/index.aspx>

Information on the U.S. EPA's Screen3 computer model and other EPA-approved air dispersion models is located at the following U.S. EPA website:

[http://www.epa.gov/scram001/dispersion\\_screening.htm](http://www.epa.gov/scram001/dispersion_screening.htm)

Information on the U.S. EPA TANKS Emission Estimation Software is located at the following U.S. EPA website:

<http://www.epa.gov/ttn/chief/software/tanks/index.html>

Information on the U.S. EPA Emission Factors and AP-42 is located at the following U.S. EPA website:

<https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emission-factors>