



AIR QUALITY CONTROL ADVISORY COUNCIL

AGENDA

December 10, 2012

8:15 a.m.

Montgomery Park
Aqua Conference Room, 1st Floor
1800 Washington Boulevard
Baltimore, Maryland 21230

8:15 a.m.	Welcome and Introductions	John Quinn, Advisory Council Chair Tad Aburn, Air Director
8:20 a.m.	Approval of Meeting Minutes	John Quinn
<u>Action Items for Discussion/Approval:</u>		
8:30 a.m.	R.P. Smith Amendments – Healthy Air Act COMAR 26.11.27	Randy Mosier
9:00 a.m.	New Source Review – PM fine COMAR 26.11.17	Karen Irons
9:30 a.m.	Outer Continental Shelf - IBR COMAR 26.11.37	Carolyn Jones
10:00 a.m.	Confirm Next Meeting Dates	Members
10:05 a.m.	Adjourn	



Facts About...

Amendments to COMAR 26.11.27 Emission Limitations for Power Plants

Purpose of New Regulation/Amendment

The purpose of this action is to reinstate the original annual and ozone season emission limits for NO_x and annual emission limits for SO₂ for R. Paul Smith Power Station electric generating units as established under COMAR 26.11.27 – *Emission Limitations for Power Plants* adopted permanently effective July 16, 2007. This action is in response to a request by R. Paul Smith to the Maryland Department of the Environment (MDE) to retain its Title V permit although the power plant has ceased operations as of September 1, 2012.

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

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

Background

Under the Healthy Air Act (HAA) which is codified as COMAR 26.11.27 – *Emission Limitations for Power Plants*, R. Paul Smith units 3 and 4 are defined as an affected facility subject to the requirements of § 2-1003(c), Annotated Code of Maryland. The exception provisions of the HAA authorize the Department to allow the R. Paul Smith facility, units 3 and 4, to operate without complying with the emissions requirements of the HAA if PJM Interconnection, Inc. (PJM Inc.) determines that the termination of operation of the facility will adversely affect the reliability of electrical service in the PJM region. PJM Inc. conducted an evaluation in 2006 and determined that R. Paul Smith is needed to maintain reliability.

The HAA also requires that if R. Paul Smith units 3 and 4 are allowed to operate without complying with the emissions requirements then the following conditions must be met: “(1) The facility may not operate at emissions levels greater than the highest level measured at the facility during the calendar years 2000 through 2004; and (2) The Department upon review of the operations of the facility shall adopt regulations to establish an alternative emissions requirement for the facility.”

The Department consequently made amendments to the HAA, which on September 7, 2009 became effective. The Department continued to monitor the necessity to maintain the R. Paul Smith facility and formally contacted PJM Inc. to request a reevaluation of the plant on March 14, 2011. The Department maintained the position to revise the regulations, if needed, based on PJM's reevaluation and the Department's findings.

On September 1, 2012, R. Paul Smith units 3 and 4 formally ceased operations though the power plant wishes to retain its Title V permit. The Department, therefore, is reestablishing the emission limits of the original HAA for R. Paul Smith units 3 and 4 and should the units ever come back online they would be required to meet the more stringent emission standards.

Sources Affected and Location

The R. Paul Smith facility is the only source affected by the amendments. R. Paul Smith Electric Power Generation Station is owned and operated by the FirstEnergy Corporation which has ceased the operations of the power plant as of September 2012. The facility, located in Washington County, Maryland operated two coal-fired boilers (unit 3 and unit 4).

Requirements

The proposed amendments will reinstate the following annual and ozone NO_x and annual SO₂ emission limits for R. Paul Smith :

1. An annual emission limit of 55 tons of NO_x for unit 3 and 288 tons of NO_x for unit 4 beginning January 1, 2012;
2. An ozone season emission limit of 22 tons of NO_x for unit 3 and 118 tons of NO_x for unit 4 beginning May 1, 2012; and
3. An ozone season emission limit of 124 tons of SO₂ for unit 3 and 644 tons of SO₂ for unit 4 beginning January 1, 2013.

Expected Emissions Reductions

The proposed action provides no emission reductions. However, should the R. Paul Smith facility re-open then units 3 and 4 would be subject to stricter emission standards.

Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public

The proposed action has no economic impact.

Economic Impact on Small Businesses

The affected source does not fit the definition of a “small business.”

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

There is no corresponding federal standard to this proposed action.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 27 Emission Limitations for Power Plants

Authority: Environmental Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-1003, 10-102, and 10-103, Annotated Code of Maryland

.02 Applicability and Exemptions.

A. — B. (text unchanged)

[C. The R. Paul Smith facility is subject to the NO_x limitation in Regulation .03B(8) and the SO₂ limitation in Regulation .03C(3) of this chapter.]

.03 General Requirements.

A. (text unchanged)

B. NO_x Emission Limitations.

(1) (text unchanged)

(2) Annual Tonnage Limitations.

Affected Unit	Annual NO _x Tonnage Limitations Beginning	
	January 1, 2009	January 1, 2012
Brandon Shores Unit 1	2,927 tons	2,414 tons
Brandon Shores Unit 2	3,055 tons	2,519 tons
C.P. Crane Unit 1	832 tons	686 tons
C.P. Crane Unit 2	894 tons	737 tons
Chalk Point Unit 1	1,415 tons	1,166 tons
Chalk Point Unit 2	1,484 tons	1,223 tons
Dickerson Unit 1	672 tons	554 tons
Dickerson Unit 2	736 tons	607 tons
Dickerson Unit 3	698 tons	575 tons
H.A. Wagner Unit 2	673 tons	555 tons
H.A. Wagner Unit 3	1,352 tons	1,115 tons
Morgantown Unit 1	2,540 tons	2,094 tons
Morgantown Unit 2	2,522 tons	2,079 tons
<i>R. Paul Smith Unit 3</i>		<i>55 tons</i>
<i>R. Paul Smith Unit 4</i>		<i>288 tons</i>
Total	19,800 tons	[16,324] 16,667 tons

(3) — (5) (text unchanged)

(6) Ozone Season Tonnage Limitations.

Affected Unit	Ozone Season NO _x Tonnage Limitations Beginning May 1, 2012
Brandon Shores Unit 1	1,124 tons
Brandon Shores Unit 2	1,195 tons
C.P. Crane Unit 1	284 tons
C.P. Crane Unit 2	317 tons
Chalk Point Unit 1	503 tons
Chalk Point Unit 2	542 tons
Dickerson Unit 1	257 tons

Dickerson Unit 2	274 tons
Dickerson Unit 3	259 tons
H.A. Wagner Unit 2	229 tons
H.A. Wagner Unit 3	481 tons
Morgantown Unit 1	868 tons
Morgantown Unit 2	864 tons
<i>R. Paul Smith Unit 3</i>	<i>22 tons</i>
<i>R. Paul Smith Unit 4</i>	<i>118 tons</i>
Total	[7,197] 7,337 tons

(7) (text unchanged)

[(8) Emissions from the R. Paul Smith facility may not exceed:

(a) An annual tonnage limitation of 1,390 tons of NO_x beginning with the period January 1, 2009 through December 31, 2009; and

(b) An ozone season tonnage limitation of 545 tons of NO_x beginning with the ozone season May 1, 2009 through September 30, 2009.]

C. SO₂ Emission Limitations.

(1) (text unchanged)

(2) Annual Tonnage Limitations.

Affected Unit	Annual SO ₂ Tonnage Limitations Beginning	
	January 1, 2010	January 1, 2013
Brandon Shores Unit 1	7,041 tons	5,392 tons
Brandon Shores Unit 2	7,347 tons	5,627 tons
C.P. Crane Unit 1	2,000 tons	1,532 tons
C.P. Crane Unit 2	2,149 tons	1,646 tons
Chalk Point Unit 1	3,403 tons	2,606 tons
Chalk Point Unit 2	3,568 tons	2,733 tons
Dickerson Unit 1	1,616 tons	1,238 tons
Dickerson Unit 2	1,770 tons	1,355 tons
Dickerson Unit 3	1,678 tons	1,285 tons
H.A. Wagner Unit 2	1,618 tons	1,239 tons
H.A. Wagner Unit 3	3,252 tons	2,490 tons
Morgantown Unit 1	6,108 tons	4,678 tons
Morgantown Unit 2	6,066 tons	4,646 tons
<i>R. Paul Smith Unit 3</i>		<i>124 tons</i>
<i>R. Paul Smith Unit 4</i>		<i>644 tons</i>
Total	47,616 tons	[37,235] 36,467 tons

[(3) Emissions from the R. Paul Smith facility may not exceed an annual tonnage limitation of 4,590 tons of SO₂ beginning with the period January 1, 2010 through December 31, 2010.]

D. Mercury Emission Limitations.

(3) — (5) (text unchanged)

[(4) The R. P. Smith facility shall meet the mercury requirements in §D(1)—(3) of this regulation.]

E. (text unchanged)

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 01 General Administrative Provisions

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

.01 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) — (6-2) (text unchanged)

(7) — (28) (text unchanged)

(29) "Particulate matter (*PM*)" means any material, except water in uncombined form, that is or has been airborne, and exists as a liquid or a solid at standard conditions:[.]

(30) — (32) (text unchanged)

(32-1) "*PM_{2.5}*" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(32-2) "*PM_{2.5} emissions*" means finely divided solid or liquid materials with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, discharged into the ambient air.

(33) — (37) (text unchanged)

(38) — (41) (text unchanged)

(42) — (53) (text unchanged)

C. — D. (text unchanged)

.02 — .11 (text unchanged)

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 17 Nonattainment Provisions for Major New Sources and Major Modifications

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

.01 Definitions.

A. For the purpose of this chapter, the following terms have the meanings indicated. Other applicable definitions may be found in COMAR 26.11.01.01.

B. Terms Defined.

(1) — (23) (text unchanged)

(24) "Regulated NSR pollutant" means any pollutant for which a national ambient air quality standard has been promulgated and any pollutant that is a constituent or precursor of the pollutant for which there is an ambient air quality standard, provided that the constituent or precursor may only be regulated under this chapter as part of regulation of the pollutant. **Precursors identified for the purpose of NSR in Maryland are:**

(a) **Nitrogen oxides and volatile organic compounds are precursors of ozone in all ozone nonattainment areas.**

(b) **Nitrogen oxides and sulfur dioxide are precursors of PM_{2.5} in all PM_{2.5} nonattainment areas.**

(c) **After January 1, 2011, PM_{2.5} and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperature. These emissions shall be accounted for in applicability determinations and in establishing emission limitation in permits. Compliance with PM_{2.5} and PM₁₀ emission limitations shall be as described in CFR 51.165(a)(1)(xxxvii)(D).**

(25) (text unchanged)

[(26) "Significant" means, in reference to a net emissions increase, a significant emissions increase or the potential of a source to emit a regulated NSR pollutant, or a rate of emissions that would equal or exceed any of the following rates:

(a) For VOC or NO_x:
(i) 25 tons/year in Baltimore City or Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, or Prince George's counties; or
(ii) 40 tons/year in Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties.

(b) For all other regulated NSR pollutants:
(i) Carbon monoxide—100 tons per year;
(ii) Sulfur dioxide—40 tons per year;
(iii) Lead—0.6 tons per year; and
(iv) PM₁₀—15 tons per year.]

(26) "Significant" means, in reference to a net emissions increase, a significant emissions increase or the potential of a source to emit a regulated NSR pollutant, or a rate of emissions that would equal or exceed any of the following rates:

(a) Volatile organic compounds or nitrogen oxides: 25 tons per year (tpy) in Baltimore City or Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, or Prince George's counties;

(b) Volatile organic compounds or nitrogen oxides: 40 tpy in Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties.

(c) PM_{2.5} emissions: 10 tpy;

(d) Sulfur dioxide: 40 tpy;

(e) Lead: 0.6 tpy;

(f) PM₁₀: 15 tpy; and

(g) Carbon monoxide: 100 tpy.

(27) (text unchanged)

.02 Applicability.

[A. This chapter applies Statewide to:]

A. This chapter applies Statewide, unless specified otherwise throughout this Chapter, to:

(1) New major stationary sources and major modifications that are major for VOC or NO_x;

(2) New major stationary sources and major modifications that are major for PM_{2.5} or its precursors and are located in Baltimore City or Anne Arundel, Baltimore, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's or Washington counties;

[(2)](3)—[(3)](4) (text unchanged)

B. A person may apply for and obtain a permit to construct a new major stationary source or a major modification at an existing major stationary source [in an area designated as nonattainment for a particular pollutant or, as applicable, within the Ozone Transport Region,] after meeting the conditions of §§A(1) through (4) of this regulation if all of the provisions in this chapter are met.

C. Major stationary sources and major modifications, whether located in attainment or nonattainment areas, may also be subject to the Prevention of Significant Deterioration requirements in COMAR 26.11.06.14.

[C]D. (text unchanged)

[D. Major stationary sources that are located in ozone or NO_x attainment areas may also be subject to the Prevention of Significant Deterioration requirements in COMAR 26.11.06.14.]

E. (text unchanged)

F. Major Modification.

(1) A project is a major modification for a regulated NSR pollutant if it causes a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) Applicability Tests.

(a) Actual-to-Projected-Actual Applicability Test for Projects That Involve Only Existing Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(b) Actual-to-Potential Test for Projects That Involve Only Construction of a New Emissions Unit or Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project, equals or exceeds the significant amount for that pollutant.

(c) Hybrid Test for Projects That Involve Multiple Types of Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in §F(2)(a) and (b) of this regulation, as applicable, with respect to each emissions unit, for each type of emissions unit, equals or exceeds the significant amount for that pollutant.

G.—H. (text unchanged)

[I. Preconstruction Permit Program In Attainment Areas.

(1) The preconstruction permit program requirements also apply to any proposed major stationary source and to any major modification to the source in an area designated as attainment or unclassifiable for any National Ambient Air Quality Standard (NAAQS) pursuant to §107 of the Clean Air Act (42 U.S.C. 7407) when it would cause or contribute to a violation of a NAAQS.

(2) A major source or major modification is considered to cause or contribute to a violation of a NAAQS when the source or modification would, at a minimum, exceed the following significance levels at any locality that does not or would not meet the applicable national standard:

Pollutant	Annual	Averaging Time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5.0 µg/m ³		25 µg/m ³	
PM ₁₀	1.0 µg/m ³	5.0 µg/m ³			
NO ₂	1.0 µg/m ³				
CO			0.5mg/m ³		2.0 mg/m ³

(3) A proposed major source or major modification subject to §I(2) of this regulation may reduce the impact of its emissions upon air quality by obtaining sufficient emission reductions to, at a minimum, compensate for its adverse ambient impact where the major source or major modification would otherwise cause or contribute to a violation of any NAAQS.]

.03 — .09 (text unchanged)



Facts About...

New Regulation COMAR 26.11.37 Outer Continental Shelf

11-27-12

Purpose of New Regulation/Amendment

The Department is proposing to adopt a new regulation which will incorporate by reference (IBR) the provisions of the Code of Federal Regulations, 40 CFR 55 "Outer Continental Shelf Air Regulations". The IBR will specifically include:

- (1) 40 CFR §55.1 Statutory authority and scope
- (2) 40 CFR §55.2 Definitions
- (3) 40 CFR §55.3 Applicability
- (4) 40 CFR §55.4 Requirements to submit a notice of intent
- (5) 40 CFR §55.6 Permit requirements
- (6) 40 CFR §55.7 Exemptions
- (7) 40 CFR §55.8 Monitoring, reporting, inspections, and compliance
- (8) 40 CFR §55.9 Enforcement
- (9) 40 CFR §55.10 Fees
- (10) 40 CFR §55.13 Federal requirements that apply to OCS sources
- (11) 40 CFR §55.14 Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by State.
- (12) 40 CFR §55.15 Specific designation of corresponding onshore areas
- (13) Appendix A to 40 CFR Part 55 Listing of State and Local Requirements

Incorporated by Reference into Part 55, by State

This action is required in order to allow the U.S. Environmental Protection Agency (EPA) to delegate to the State of Maryland EPA's authority to control air pollution from sources located on the Outer Continental Shelf (OCS). This delegated authority would allow the Department to issue federal air quality permits to any OCS source, including an offshore wind farm should one decide to locate offshore of Maryland.

Section 328(a)(1) of the Clean Air Act requires EPA to establish requirements to control air pollution from OCS sources located off-shore of states along the Pacific, Atlantic, and Arctic coasts in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of Part C of Title I of the Clean Air Act. Under 40 CFR Part 55 "Outer Continental Shelf Air Regulations," EPA established air pollution control requirements for "OCS sources" and procedures for implementation and enforcement of the requirements.

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

The OSC air pollution control program is a federal program, therefore, this action will not be submitted to EPA for approval as part of Maryland's State Implementation Plan.

Background

The outer continental shelf (OCS) is a subject of emerging activity. Development of wind energy is being proposed along the North Eastern Atlantic shoreline. The U.S. Department of Interior's Bureau of Ocean Energy Management, Regulation and Enforcement has designated a Wind Energy Area off the coast of Maryland, an area about 10 miles off the shoreline of Ocean City covering 94 square miles, or roughly 79,000 acres, as of July 2011.

A plan for a potential wind farm off the coast of Ocean City, Maryland is under investigation by both private developers and State officials. The Maryland Department of Natural Resources (DNR) and Maryland Energy Administration (MEA) have partnered to conduct the environmental surveys necessary for the development of an offshore wind energy project. The environmental studies will allow the DNR to expand its coastal and ocean survey work. DNR and MEA are conducting targeted environmental surveys in Maryland's designated Wind Energy Area to identify environmental and economic impacts for such projects.

Any development activity (including construction) occurring in the OCS within 25 miles of a state's seaward boundary is subject to requirements of 40 CFR 55. A state may petition the EPA for the delegation of authority for implementation and enforcement of OCS activities off its shoreline. The EPA will delegate implementation and enforcement authority to a state, if the state has a proposal for an OCS source project and EPA determines that the state's regulations are adequate and meet the minimum requirements of 40 CFR 55.11.

Offshore wind energy production involves a variety of ancillary activities that produce air emissions even though the wind turbines themselves do not emit any air pollutants. An "OCS source" will typically include any vessel, barge, or equipment utilized on a vessel or barge associated within the project's area and performing any activity that supports construction or operation of the project.

The following text has been extracted directly from 40 CFR 55.2:

"OCS source means any equipment, activity, or facility which:

- (1) Emits or has the potential to emit any air pollutant;
- (2) Is regulated or authorized under the Outer Continental Shelf Lands Act ("OCSLA") (43 U.S.C. Sec. 1331 et seq.); and
- (3) Is located on the OCS or in or on waters above the OCS."

This definition shall include vessels only when they are:

- (1) Permanently or temporarily attached to the seabed and erected thereon and used for the purpose of exploring, developing or producing resources therefrom, within the meaning of section 4(a)(1) of OCSLA (43 U.S.C. Sec. 1331 et seq.); or

(2) Physically attached to an OCS facility, in which case only the stationary sources aspects of the vessels will be regulated."

Section 328 of the Clean Air Act requires that for such sources located within 25 miles of a state's seaward boundary, the air pollution control requirements shall be the same as would be applicable if the sources were located in the corresponding onshore area (COA), which is typically the onshore attainment or nonattainment area that is closest to the source.

Sources Affected and Location

There are no sources affected at this time. Currently Maryland does not have any active OCS projects, however potential development has been identified off the coast of Ocean City Maryland.

Requirements

Currently the EPA administers the program requirements for the OCS. The purpose of this adoption is to incorporate by reference the federal air regulations located at 40 CFR 55 for the OCS into the Code of Maryland Regulations (COMAR).

The following sections are not incorporated as they are reserved as federal responsibilities: §55.5 COA designation, §55.11 Delegation, and §55.12 Consistency updates.

Following this regulation adoption, the Department will request delegation authority for control of air pollution from OCS sources as the corresponding onshore area (COA). This request will require future amendments by the EPA to add a consistency update to 40 CFR 55.14 and 40 CR 55 Appendix A. EPA's amendments will incorporate by reference all of the Maryland state regulations that would apply to the OCS. Once a Notice of Intent (NOI) has been received for activity within the 25 miles of seaward boundary of Maryland, EPA would delegate to the Department the authority to implement and enforce the requirements for the OCS.

Expected Emissions Reductions

There are no expected emission reductions as a result of this regulation.

OCS sources are required to follow federal regulations as well as state and local regulations from the COA.

Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public

This action will not have an economic impact on affected sources, other State agencies, local governments, other Industries or Trade Groups.

This action incorporates existing federal regulations. The Department has existing permit and enforcement programs and will utilize existing staff as necessary.

Economic Impact on Small Businesses

The affected sources do not fit the definition of small business. However, in the unlikely case that a small business or individual were to undertake any activity located in or on the OCS within 25 miles of Maryland's seaward boundary, adherence to the Federal Standards applies currently. Thus, sources would not be subject to any regulatory requirements that do not already apply.

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

Yes the Department is incorporating by reference existing 40 CFR Part 55 "Outer Continental Shelf Air Regulations".

Begin all New Material

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 37 Outer Continental Shelf Air Regulations

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

.01 Definitions

A. *In this chapter, the following terms have the meanings indicated.*

B. *Terms defined.*

(1) *"Corresponding onshore area (COA)" means, with respect to any existing or proposed OCS source located within 25 miles of a State's seaward boundary, the onshore area that is geographically closest to the source or another onshore area that the Administrator designates as the COA, pursuant to 40 CFR §55.5.*

(2) *Outer Continental Shelf (OCS) source.*

(a) *"Outer Continental Shelf (OCS) source" means any equipment, activity, or facility which:*

(i) *Emits or has the potential to emit any air pollutant;*

(ii) *Is regulated or authorized under the Outer Continental Shelf Lands Act ("OCSLA") (43 U.S.C.*

§1331 et seq.); and

(iii) *Is located on the OCS or in or on waters above the OCS.*

(b) *"Outer Continental Shelf (OCS) source" includes vessels only when they are:*

(i) *Permanently or temporarily attached to the seabed and erected thereon and used for the purpose of exploring, developing or producing resources therefrom, within the meaning of section 4(a)(1) of OCSLA (43 U.S.C. §1331 et seq.); or*

(ii) *Physically attached to an OCS facility, in which case only the stationary sources aspects of the vessels will be regulated.*

.02 Applicability.

Upon delegation of authority by the Administrator of the EPA to the Department, this regulation shall apply to the owner or operator of any Outer Continental Shelf (OCS) source for which Maryland is the corresponding onshore area (COA) as authorized under Section 328 of the Federal Clean Air Act Amendments (42 U.S.C. 7627) and 40 CFR Part 55, as amended.

.03 Incorporation by Reference.

A. *In this chapter the following documents are incorporated by reference.*

B. *Documents Incorporated.*

(1) *40 CFR §55.1 Statutory authority and scope.*

(2) *40 CFR §55.2 Definitions.*

(3) *40 CFR §55.3 Applicability.*

(4) *40 CFR §55.4 Requirements to submit a notice of intent.*

(5) *40 CFR §55.6 Permit requirements.*

(6) *40 CFR §55.7 Exemptions.*

(7) *40 CFR §55.8 Monitoring, reporting, inspections, and compliance.*

(8) *40 CFR §55.9 Enforcement.*

(9) *40 CFR §55.10 Fees.*

(10) *40 CFR §55.13 Federal requirements that apply to OCS sources.*

(11) *40 CFR §55.14 Requirements that apply to OCS sources located within 25 miles of states' seaward boundaries, by State.*

(12) *40 CFR §55.15 Specific designation of corresponding onshore areas.*

(13) *Appendix A to 40 CFR Part 55 Listing of State and Local Requirements Incorporated by Reference into Part 55, by State.*

.04 Requirements.

An OCS sources shall comply with all requirements of the Code of Maryland Regulations, Title 26 Department of the Environment, Subtitle 11 Air Quality to the extent that they are incorporated by EPA into 40 CFR §55.14.

End all New Material