Repeal COMAR 26.11.28 - Clean Air Interstate Rule
Amend COMAR 26.11.01.01 – definition revision
Amend COMAR 26.11.14.07 – text

Air Quality Control Advisory Council
September 21, 2015
Interstate Pollution Abatement

- Clean Air Act Section 126 prohibits states from transporting pollution that significantly affects the ability of another state to achieve compliance with federal clean air standard.
- EPA has developed several regulations to reduce interstate transport of pollutants especially NOx and SO2.
  - NOx SIP Call
  - CAIR
  - CSAPR
- Developed as cap and trade programs
CAIR was important because it addressed both NOx and SO2.

Provide reductions to lower concentrations of both ozone and PM2.5.

Unrestricted trading in CAIR did not provide reductions with geographic certainty.

Litigation:
- CAIR remanded to EPA
- Superceded by CSAPR
Interstate Transport Rules

**Clean Air Interstate Rule - CAIR**
- Federal Program – Fossil fuel fired EGUs
- Present in COMAR 26.11.28
- Annual NO$_x$, Ozone Season NO$_x$, Annual SO$_2$
- Expired December 31, 2014

**Healthy Air Act - HAA**
- Maryland Program COMAR 26.11.27
- Coal fired EGUs
- Annual NO$_x$, Ozone Season NO$_x$, Annual SO$_2$, Annual Mercury

**Cross State Air Pollution Rule - CSAPR**
- Effective January 1, 2015
- Federal Program – Fossil fuel fired EGUs
- Annual NO$_x$, Ozone Season NO$_x$, Annual SO$_2$
Clean Air Interstate Rule

- Proposed as federal regulation 2004 and final in 2007

COMAR 26.11 28 Clean Air Interstate Rule

- Finalized by MDE in 2007.
- Included NO$_x$ Annual, SO$_2$ Annual and NO$_x$ Ozone Season Trading Programs.
Transport Rule - TR

- Commonly referred to as Cross State Air Pollution Rule, or CSAPR.
- CSAPR is the court ordered replacement for CAIR.
- CSAPR developed to reduce interstate transport of PM2.5 and Ozone through the reduction of SO$_2$ and NO$_x$.
- Originally scheduled to be implemented on January 1, 2012 to replace CAIR.
- In fact became effective on January 1, 2015 through a Federal Implementation Program.
MDE Regulation Amendments

- Repeal COMAR 26.11.28
  - Replaced by CSAPR, 40 CFR 97, Subparts AAAAA, BBBBB and CCCCC
- Amend COMAR 26.11.01.01B(24-1) “NOx Ozone Season Allowance”
  - Remove reference to CAIR
- Amend COMAR 26.11.14.07C(1)
  - Remove reference to COMAR 26.11.28
- Amend COMAR 26.11.14.07D(1)(a)
  - Remove ‘certified’, per the request of the EPA, to make clear that CEMs must meet all the requirements of 40 CFR 75, Subpart H