

Final Regulatory and Other Updates from previous Transcend editions

***Some of the regulatory summaries referenced from U.S. Northern Review publication.*

Air Quality

State

The Maryland Department of the Environment (MDE) [adopted](#) amendments to the air quality regulations at COMAR 26.11.02, Permits, Approvals, and Registration. The amendments implement statutory requirements of SB 1065, Acts of 2009, which expanded standing for challenges to most of MDE's major permits and substituted direct judicial review for the previous contested case process for those same permits. The amendments also incorporate requirements of HB 554 and HB 95, Acts of 2013, which deal with the public participation process for sources subject to expanded public participation. The amendments became effective on December 10, 2015, and will be submitted as a SIP revision to USEPA for approval.

MDE [adopted](#) amendments to regulations for the vapor recovery at gasoline dispensing facilities, at COMAR 26.11.24. The amendments grant new gasoline dispensing facilities (GDFs) and GDFs undergoing major modifications the option to choose not to install or decommission existing Stage II vapor recovery equipment. Existing GDFs may decommission Stage II vapor recovery equipment after October 1, 2016. The amendments will be submitted as a SIP revision to USEPA for approval. The amendments became effective on November 23, 2015.

Federal

USEPA issued a final rule that strengthens the primary and secondary NAAQS for ground-level ozone to 70 parts per billion (ppb) from 75 ppb ([80 FR 65291](#)). The rule retains the indicator forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). The final rule became effective on 28 DEC 2015.

USEPA issued a final decision on its reconsideration of the January 31, 2013 amendments to the NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, commonly referred to as the Boiler Maximum Achievable Control Technology (MACT) ([80 FR 72789](#)). USEPA is retaining a minimum carbon monoxide limit of 130 parts per million (ppm) and the particulate matter continuous parameter monitoring system requirements, consistent with the January 2013 final rule. The final rule addresses technical corrections, definitions, and clarifications of the rule. The corrections do not affect environmental, energy, or economic impacts associated with the rule. The final decision became effective on November 20, 2015.

USEPA issued a final rule approving a SIP revision submitted by the state of Maryland ([80 FR 59055](#)). The revision includes amendments to Maryland's regulation for the control of VOCs. The revisions allow the state to meet the requirement to adopt reasonably available control technology (RACT) for sources covered by USEPA's Control Techniques Guidelines (CTG) standards for coatings for metal furniture and miscellaneous metal parts. The amendments will reduce emissions of VOC from these source categories and assist Maryland to attain and maintain the NAAQS for ozone. The final rule became effective on November 2, 2015.

On October 1, 2015, USEPA strengthened the National Ambient Air Quality Standards (NAAQS) for ground-level ozone to 70 parts per billion (ppb), based on ozone's effects on public health and welfare. The updated standards will improve public health protection for at-risk groups including children, older adults, people of *all ages who have lung diseases such as asthma*, and outdoor workers. The [final ozone standard](#) was issued on Oct. 1.

USEPA issued a final rule determining that the Baltimore Moderate Nonattainment Area has attained the 2008 8-hour ozone NAAQS ([80 FR 30941](#)). The determination is based upon ambient air quality monitoring data for the 2012-2014 monitoring period. USEPA suspended requirements for the area to submit an attainment demonstration and associated reasonably available control measures (RACMs), reasonable further progress plans (RFPs), contingency measures, and other state implementation plan (SIP) revisions related to attainment of the 2008 8-hour ozone standard for as long as the area continues to attain. The final rule became effective on 1 JUL 15.

USEPA issued a final rule approving a SIP revision submitted by the State of Maryland ([80 FR 32472](#)). The revision pertains to a new regulation for biomass fuel-burning equipment and related amendments to existing regulations. The final rule became effective on 9 JUL 15.

USEPA issued a direct final rule approving the 2011 base year carbon monoxide (CO) emissions inventories submitted by the District of Columbia (DC), State of Maryland, and Commonwealth of Virginia ([80 FR 43625](#)). The emissions inventories address the 2008 8-hour ozone NAAQS for the Washington, DC-MD-VA nonattainment area. Barring adverse comment, the direct final rule became effective on 21 SEP 15.

USEPA issued a final rule approving a SIP revision submitted by the State of Maryland ([80 FR 38403](#)). The revision pertains to preconstruction permitting requirements under Maryland's minor NSR program. The final rule became effective on 5 AUG 15.

USEPA issued a final rule approving a SIP revision submitted by the State of Maryland ([80 FR 39968](#)). The revision pertains to Maryland's major nonattainment New Source Review (NSR) program, notably preconstruction permitting requirements for sources of PM_{2.5}. The final rule became effective on 12 AUG 15.

USEPA issued a direct final rule approving two SIP revisions submitted by the State of Maryland ([80 FR 40917](#)). The revisions amend Maryland's Clean Car Program to incorporate updates that California has made to its Low Emission Vehicle (LEV) program rules. The direct final rule became effective on 14 SEP 15.

USEPA issued a direct final rule to approve a SIP revision submitted by the State of Maryland ([80 FR 45890](#)). The SIP revision pertains to amendments to the Code of Maryland Regulation (COMAR) 26.11.13, Control of Gasoline and Volatile Organic Compound Storage and Handling. The amendments establish an alternative and equivalent method of transfer of high pressure materials as well as changing incorrect references. The direct final rule became effective on 2 OCT 15.

The U.S. Court of Appeals for the District of Columbia granted a USEPA motion regarding an emergency demand-response program regulatory exemption. The ruling delays, until May 1, 2016, the implementation of the [May 1, 2015 ruling](#) that vacated a regulatory exemption that allows backup generators to operate up to a 100 hours per year without emissions controls. When the exemption is vacated, engines operating under the demand-response program will no longer qualify as emergency engines under USEPA regulations, and will therefore be subject to certain pollution control requirements. USEPA argued that the delay was needed to ensure grid reliability and give engine operators time to install pollution controls.

The U.S. Court of Appeals, District of Columbia Circuit issued a [ruling](#) concerning the January 30, 2013 USEPA final rule governing the use of certain kinds of power generators. The 2013 final rule ([78 FR 6673](#)), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines, New Source Performance Standards (NSPS) for Stationary Internal Combustion Engines, modified performance standards to allow backup generators to operate without emissions controls for up to 100 hours per year as part of an emergency demand-response program. The court reversed USEPA's 100-hour exemption for emergency engines provided in 40 CFR 63.6640(f)(2), 40 CFR 60.4211(f)(2), and 60.4243(d)(2); and remanded them to USEPA for further action. The ruling was issued May 1, 2015.

USEPA issued a direct final rule approving technical amendments to various mobile source regulations ([80 FR 9077](#)). The rulemaking: (1) corrects and clarifies Tier 3 motor vehicle and fuel standards; (2) revises test procedures and compliance provisions for certain nonroad spark-ignition engines; (3) clarifies design-permissible approaches for portable fuel containers meeting evaporative emission standards; and (4) aligns state requirements for marine vessels with diesel engines with International Convention for the Prevention of Pollution from Ships Annex VI.

USEPA issued a final rule adopting amendments to emissions inventory requirements for a variety of sources ([80 FR 8787](#)). The final rule: (1) lowers the threshold for reporting lead emissions sources to five tons per year of actual emissions; (2) eliminates the requirement for reporting emissions from wildfires and prescribed fires; and (3) replaces a requirement for reporting mobile source emissions with a requirement for reporting input parameters (used to run the USEPA models that generate emissions estimates). The final rule became effective on February 19, 2015.