

The amendment to .01, Definitions clarifies the definition of the term "complete application" at paragraph .01B(13). The amendment to Regulation .06, Denial of Applications for State Permits and Approvals corrects typographical errors and omissions that occurred when COMAR 26.11.02 was reorganized.

The amendments to Regulation .10, Sources Exempt for Permits to Construct and Approvals provide that the following sources may construct or modify without first obtaining, and having in current effect, a permit to construct:

(1) Commercial bakery ovens with a rated heat input capacity of less than 2 MMBtu/hour;

(2) Breweries with an annual beer production less than 60,000 barrels;

(3) Municipal solid waste landfills that have a design capacity of less than 500,000 tons of municipal solid waste and that are not major sources;

(4) Gasoline storage tanks with a capacity of 2000 gallons or less; and

(5) Sheet-fed letter or lithographic printers with a cylinder width less than 18 inches.

The amendments to Regulation .11, Procedures for Obtaining Permits to Construct Certain Significant Sources clarify application procedures for sources subject to COMAR 26.11.02. The amendments to Regulation .12, Procedures for Obtaining Approvals of PSD Sources and NSR Sources and Permits to Certain 100-Ton Sources clarify those provisions of COMAR 26.11.02 that apply to these sources and state that a permit to construct a lead source is required for sources that will discharge 5 tons per year or more of lead or lead compounds measured in elemental lead. The amendments to Regulation .14, Procedures for Obtaining State Permit to Operate and Permits to Construct Certain Sources and Permits to Construct Control Equipment on Existing Sources clarify the applicability of COMAR 26.11.02 for any source or activity not listed in Regulations .11A. or .12.

C. The September 1997 Amendments

On August 18, 1997, the MDE adopted amendments to Regulation .10, Sources Exempt for Permits to Construct and Approvals under COMAR 26.11.02 Permits, Approvals, and Registration. These amendments were effective September 22, 1997. The amendments to Regulation .10, Sources Exempt for Permits to Construct and Approvals lowers the size of the stationary internal combustion engine (ICE) exempted from permit to construct requirements for sources that operate more than 2000

hours/year. The old version of the regulation exempted a stationary ICE of less than 1000 brake horsepower (HP) from the permit to construct requirements. Under the revised regulation, a stationary ICE of less than 500 HP and those between 500 and 1000 HP that operate less than 2,000 hours/year are exempted from the permit to construct requirements. For sources that install more than one ICE over a five-year period, the exemptions do not apply if the total potential to emit emissions from the engines installed over the five-year period meets or exceeds the major source threshold as defined in COMAR 26.11.02.01.C.

D. The May 4, 1998 Amendments

On April 9, 1998, the MDE adopted amendments to Regulation .09 Sources Subject to Permits to Construct and Operate under COMAR 26.11.02, Permits, Approvals, and Registration; and to Regulations .02, Applicability, Determining Compliance, Reporting and General Requirements and Regulation .15 Paint, Resin and Adhesive Manufacturing and Adhesive Application under COMAR 26.11.19, Volatile Organic Compounds from Specific Processes. These amendments were effective May 4, 1998.

The amendments to Regulation .09, Sources Subject to Permits to Construct and Operate under COMAR 26.11.02, Permits, Approvals, and Registration corrects a mis-reference that occurred when COMAR 26.11.02 was restructured. The amendment clarifies that obtaining a Prevention of Significant Deterioration (PSD) permit or New Source Review (NSR) permit is separate from obtaining a general construction permit. Obtaining approval of a PSD or NSR permit does not relieve a person from also obtaining all permits to construct required under COMAR 26.11.02.

Although they were included in Maryland's November 1, 2001 SIP revision submittal, the MDE had also formally submitted the very same amendments to COMAR 26.11.19, Volatile Organic Compounds from Specific Processes, Regulations .02, Applicability, Determining Compliance, Reporting and General Requirements and .15, Paint, Resin and Adhesive Manufacturing and Adhesive Application, as separate formal SIP revision requests. EPA has already approved the revision to Regulation .02 on February 3, 2003 (68 FR 5228) and the revision to Regulation .15 on October 28, 1999 (64 FR 57989).

E. The March 22, 1999 Amendments

On March 2, 1999, the MDE adopted amendments to Regulation .10, Sources Exempt for Permits to Construct and Approvals under COMAR 26.11.02, Permits, Approvals, and Registration. These amendments were effective March 22, 1999. The amendments establish a de minimus level for construction permits so that sources which emit very small amounts of air pollution do not have to obtain air quality permits to construct. In addition, the amendments clarify the exemption list of Regulation .10, Sources Exempt for Permits to Construct and Approvals under COMAR 26.11.02 to exempt space heaters below a certain size from the requirement to obtain a permit to construct.

The amended version of Regulation .10C exempts space heaters using gaseous fuels or No. 1 or No. 2 fuel oil with a heat input less than 1,000,000 Btu (1.06 gigajoules) per hour from first obtaining, and having in current effect, a permit to construct prior to construction or modification. The amended version of Regulation .10 includes a new paragraph .10X., Other Installations, which allows an installation to construct or modify or cause to be constructed or modified without first having to obtain, and having in current effect, a permit to construct if:

(1) The installation is not subject to any source-specific State or Federal emission standard;

(2) The expected uncontrolled emissions are less than 1 ton per calendar year of each pollutant for which there is a Federal ambient air quality standard or which is a Class II toxic air pollutant, as defined in COMAR 26.11.15.01B(5); and

(3) The emissions contain not more than 1 pound per day of a Class I toxic air pollutant, as defined in COMAR 26.11.15.01B(4).

III. Final Action

EPA is approving the amendments to COMAR 26.11.02, Permits, Approvals, and Registration that were adopted from 1995 through 1999 and related amendments under COMAR 26.11.06, General Emission Standards, Prohibitions, and Restrictions, and COMAR 26.11.19, Volatile Organic Compounds from Specific Processes as submitted by MDE on November 1, 2001 as formal revisions to the Maryland SIP.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment given that these revisions