Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 11 AIR QUALITY

Notice of Proposed Action

[18-205-P]

The Secretary of the Environment proposes to:

(1) Amend Regulation **.01** under **COMAR 26.11.01 General Administrative Provisions**;

(2) Amend Regulations **.01**, **.02**, **.04**, **.05**, **.07**, and **.08-2**, repeal Regulation **.08-1**, and adopt new Regulation **.10** under **COMAR 26.11.08 Control of Incinerators**; and

(3) Amend Regulation **.08** under **COMAR 26.11.09 Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations**.

Statement of Purpose

The purpose of this action is to repeal nitrogen oxide (NO_X) reasonable available control technology (RACT) requirements under COMAR 26.11.09.08H and establish new NO_X RACT and analysis of possible additional NOx emission control requirements under COMAR 26.11.08.10 for Large municipal waste combustors (MWCs). Additionally, this action amends opacity requirements under 26.11.01, adds definitions, repeals 26.11.08.08-1 and updates references to 26.11.08.08-2, which is the current emission standards and requirements for hospital, medical and infectious waste incinerators (HMIWIs).

The amendments pertaining to Large MWCs will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan (SIP). The amendments pertaining to Small MWCs and HMIWIs will be submitted to the EPA for approval as part of Maryland's 111(d) and 129 plans.

Background

Ozone Standards

On March 12, 2008, the EPA revised the National Ambient Air Quality Standards (NAAQS) for ozone to a level of 75 parts per billion (ppb) to provide increased protection of public health and the environment. In 2012, EPA designated portions of Maryland as nonattainment for the 75 ppb ozone NAAQS.

In 2015, the Maryland Department of the Environment (MDE or the Department) demonstrated that the Baltimore area ozone monitor data had achieved the 2008 ozone NAAQS and on June 1, 2015 EPA issued a final Clean Data Determination for the Baltimore ozone nonattainment area. In 2017, EPA proposed that the Washington, D.C. and the Philadelphia ozone nonattainment areas, which include portions of Maryland, had clean monitoring data as well. EPA has not yet finalized re-designation requests for determinations of attainment.

Even with the Clean Data Determination, the designation status of the Baltimore Area will remain nonattainment for the 2008 75ppb ozone NAAQS until such time as EPA determines that the Area meets the CAA requirements for re-designation to attainment, including an approved re-designation request and maintenance plan. Additionally, the determination of attainment is separate from, and does not influence or otherwise affect, any future designation determination or requirements for the Baltimore Area based on any new or revised ozone NAAQS.

On October 1, 2015, EPA strengthened the NAAQS for ozone to 70 ppb, based on scientific evidence about ozone's effects on public health and welfare. Reductions in NO_X emissions from major sources of NO_X are necessary to attain and maintain compliance with the 75 ppb standard and will also be necessary to achieve compliance with the more stringent 70 ppb ozone standard.

NO_X RACT Determination

Under Section 182 of the CAA, 42 U.S.C. §7511a, sources in ozone nonattainment areas classified as moderate and above are subject to a NO_X RACT requirement. Therefore, the CAA requires MDE to review and revise NO_X RACT requirements in the Maryland SIP as necessary to achieve compliance with the NAAQS. EPA defines RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. In reviewing existing NO_X RACT requirements for adequacy, the Department considers technological advances, the stringency of the revised ozone standard and whether new sources subject to RACT requirements are present in the nonattainment area. The Department must examine existing controls on major sources of NO_X to determine whether additional controls are economical and technically feasible, and include any such controls in Maryland's RACT SIP, where appropriate.

Region-wide, several states have proposed or revised NO_X RACT standards for large MWCs. On April 20, 2009, New Jersey adopted Regulation 7:27-19.12 that established a NO_X RACT emission rate of 150 parts per million by volume, dry basis (ppmvd) as determined on a calendar day average. In May of 2013, Massachusetts proposed a NO_X RACT of 150 ppmvd for MWCs equivalent to the type of large MWC plants operating in Maryland. In 2016, Connecticut adopted a 150 ppm limit for mass burn waterwall combustors on a 24-hour daily average as specified under Regulation §22a-174-38(c)(8) Table 32-a. On April 23, 2016, Pennsylvania updated RACT requirements and established a NO_X emission rate of 180 ppmvd for MWCs.

Large MWCs in Maryland have demonstrated the ability to reduce NO_X emissions by analyzing and optimizing their existing controls. In consideration of regional NO_X RACT amendments, optimization studies, and upgrades performed by Maryland sources, the Department has concluded that Maryland's Large MWCs are capable of meeting more stringent NO_X RACT requirements.

Hospital, Medical and Infectious Waste Incinerators

On April 2, 2012, Maryland adopted COMAR 26.11.08.08-2 - new emission standards and requirements for hospital, medical and infectious waste incinerators. These new requirements went into effect on October 6, 2014, and replaced the existing HMIWI requirements codified under 26.11.08.08-1. Under this action, Maryland repeals 26.11.08.08-1 and updates references throughout the Chapter to 26.11.08.08-2.

Continuous Opacity Monitoring Requirements

On May 10, 2016, Maryland submitted State Implementation Plan (SIP) Revision #16-04 to EPA containing definitions and requirements for the monitoring of opacity for cement kilns, clinker coolers and municipal waste combustors. The U.S. Environmental Protection Agency (EPA) has informed the Department that the existing definitions of "Continuous burning" and "Operating time" in COMAR 26.11.01.01 create an exemption for MWCs which is not permissible under EPA's startup, shutdown and malfunction (SSM) policy; 40 CFR Part 52. Maryland proposes to repeal these definitions as requested by EPA.

Sources Affected and Location

There are two large MWCs in Maryland, Wheelabrator Baltimore, L.P. (Wheelabrator), and Montgomery County Resource Recovery Facility (MCRRF).

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There is one small MWC facility in Maryland, the Fort Detrick Solid Waste Management Plant located in Frederick County. There are two HMIWI facilities in Maryland, Curtis Bay Energy, L.P. and Fort Detrick Solid Waste Management Plant.

Requirements

Large MWC NO_X RACT

This action establishes new NO_X RACT standards and requirements for large MWCs with a capacity greater than 250 tons per day. New COMAR 26.11.08.10 requires that Maryland's two Large MWCs shall meet new, individual NO_X 24-hour block average emission rates by May 1, 2019. The Montgomery County Resource Recovery Facility shall meet a NO_X 24-hour block average emission rate of 140 ppmv. The Wheelabrator Baltimore, Inc. facility shall meet a NO_X 24-hour block average emission rate of 150 ppmv.

To further ensure consistent long-term operation of NO_X control technologies, the Large MWCs must also meet new, individual NO_X 30-day rolling average emission rates by May 1, 2020. The Montgomery County Resource Recovery Facility shall meet a NO_X 30-day rolling average emission rate of 105 ppmv. The Wheelabrator Baltimore, Inc. facility shall meet a NO_X 30-day rolling average emission rate of 145 ppmv.

Large MWCs are required to meet the NO_X 24-hour block average and NO_X 30-day rolling average emission rates, except during periods of startup and shutdown. Concentration-based emission limits are not practical during startup and shutdown because it is technically infeasible for MWCs to comply with the emission rates due to the "7 percent oxygen correction factor" that is required to be applied to the NO_X 24-hour block rates. During periods of startup and shutdown, additional ambient air is introduced into the furnace. Applying the correction factor of 7 percent oxygen during these periods grossly misrepresents the actual NO_X emissions produced from startup and shutdown operations. Therefore, an equivalent mass-based emission limit is substituted. During periods of startup and shutdown the Montgomery County Resource Recovery Facility shall meet a facility wide NO_X emission limit of 202 lbs/hr timed average mass loading over a 24-hour period and the Wheelabrator Baltimore, Inc. facility shall meet a facility wide NO_X emission limit of 252 lbs/hr timed average mass loading over a 24-hour period. The duration of startup and shutdown procedures for a Large MWC are not to exceed three hours per occurrence, and the NO_X 24-hour mass emission limits apply during these times.

The mass emission limits during periods of startup and shutdown incorporate the 24-hour block average NO_X RACT rates (these rates are part of the calculation used to derive the mass NO_X emission limits) applicable to each Large MWC providing equivalent stringency to those concentration limits, which apply at all other times. Mass based emission calculations are derived utilizing 40 CFR §60.58b(h)(2) of subpart Eb (Concentration correction to 7 percent oxygen) or 40 CFR 60.45 (Conversion procedures to convert CEM data into applicable standards). EPA Method 19 may also be utilized to determine NO_X emission rates based upon oxygen concentrations. Facility average flue gas flow rates are also utilized in the calculations. The calculation methodology for the mass emission limits is based upon the Prevention of Significant Deterioration (PSD) Approval for each affected facility, and can be found in the Technical Support Document for this action.

In addition to the mass-based emission limit, the NO_X 24-hour block average emission rate will apply for the 24-hour period after startup and before shutdown, as applicable.

The new NO_X RACT further specifies that a Large MWC shall minimize NO_X emissions at all times the unit is in operation, including periods of startup and shutdown, by operating and optimizing the unit and all installed pollution control technology and combustion controls consistent with the technological limitations, manufacturers' specifications, good engineering and maintenance practices, and good air pollution control practices for minimizing emissions (as defined in 40 CFR §60.11(d)). Large MWCs shall continuously monitor NO_X emissions with a continuous emission monitoring system (CEM) in accordance with COMAR 26.11.01.11. Large MWCs are also required to submit quarterly reports to the Department containing data, information, and calculations which demonstrate compliance with the NO_X RACT emission rates and NO_X mass loading emission limits. The reports shall include flagging of periods of startup and shutdown and exceedance of emission rates, as well as documented actions taken during periods of startup and shutdown in signed, contemporaneous operating logs.

Additional NO_X Emission Control Requirements

The proposed NO_X RACT requirements, when effective, will result in immediate reductions in NO_X emissions from the Wheelabrator Baltimore Inc. Large MWC. This action also contains additional NO_X emission control requirements that may be needed by Maryland to attain and maintain compliance with the 2015 ozone NAAQS.

Not later than January 1, 2020, the owner or operator of Wheelabrator Baltimore Inc. shall submit to the Department a feasibility analysis regarding additional control of NO_X emissions from the Wheelabrator Baltimore Inc. facility. This analysis must be prepared by an independent third party and must include: a written narrative and schematics detailing the existing facility operations, boiler design, NO_X control technologies and relevant emission performance; a written narrative and schematics detailing various state of the art NO_X control technologies for achieving additional NO_X emission reductions from existing MWCs, including technologies capable of achieving NO_X emission levels comparable to those for a new source in consideration of the overall facility design at Wheelabrator Baltimore Inc.; an analysis of whether each identified state of the art control technology could technically be implemented at the Wheelabrator Baltimore Inc. facility; a cost-benefit analysis of capital and operating costs, NO_X emission benefits, and air quality impacts resulting from each identified state of the art control technology; and a schedule for installation and implementation of each identified NO_X emission control technology. Based on the results of the feasibility analysis, Wheelabrator Baltimore Inc. must propose a NO_X 24-hour block average emission rate, NO_X 30-day rolling average emission rate, and NO_X mass loading emission limitation for periods of startup, shutdown, and malfunction by January 1, 2020. Wheelabrator Baltimore, Inc. shall provide the Department with no less than two weeks notice and the opportunity to observe any optimization procedure, including installation or operation of NO_X emission control technology, for the express purpose of developing the feasibility analysis.

Projected Emission Reductions

MDE projects the implementation of the new NO_X RACT requirements for Large MWCs will result in approximately 200 tons of NO_X emissions reduced on an annual basis. There are no expected NO_X emission reductions for Small MWCs.

As of October 6, 2014, Maryland sources have already applied control technologies to the incineration process and to post incineration emissions to meet the HMIWI NO_X emission standards, and other requirements, as specified in the 111(d) plan of COMAR 26.11.08.08-2.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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Estimate of Economic Impact

I. Summary of Economic Impact. Large MWCs are expected to incur a small increase in operating costs as a result of optimization of existing control technology. The operating cost increase is projected to be in the range $1,123 to $1,269 per ton of NO_x reduced based on the increase in urea consumption. Additional capital costs have been incurred at the Wheelabrator Baltimore, Inc. facility in an effort to meet the proposed NO_x RACT emission rates. Wheelabrator Baltimore, Inc. has conducted several analyses of existing operating combustion and control systems, and has modified urea injection systems to be optimized for multiple parameters. The facility has also modified interface combustion controls with SNCR operation and control through automation of the urea feed system. Specific cost information has not been made available to the Department.

There are no expected economic impacts for Small MWCs and HMIWIs. There will be no impact on the Department or other state agencies or local government as a result of this action.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Compliance costs	(-)	$150,000—$200,000 per year
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Health impacts	(+)	Indeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. The affected facilities must optimize existing control technology and increase the urea consumption. Stakeholder's estimate the cost to be approximately $150,000 to $200,000 per year.

F. This action will help improve Maryland's air quality and will result in fewer negative health effects on the general public from air pollution.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on September 21, 2018 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or email to randy.mosier@maryland.gov. Comments must be received no later than 5 p.m. on September 21, 2018 or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

26.11.01 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. (text unchanged)

B. Terms Defined.

(1) — (8) (text unchanged)

[(8-1) Continuous Burning.

(a) "Continuous burning" means the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production.

(b) "Continuous burning" does not include the period when municipal solid waste is solely used to provide thermal protection of the grate or hearth.]

(9) — (27) (text unchanged)

[(27-1) Operating Time.

(a) "Operating time" means, for the purpose of determining compliance or non-compliance with COM requirements of this chapter for cement kilns, the actual time in hours that an affected unit operates, beginning when the raw feed is being continuously introduced into the kiln for at least 120 minutes or when the raw feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first, and ending when the introduction of raw feed to the kiln is halted.

(b) "Operating time" means, for the purpose of determining compliance or non-compliance with COM requirements of this chapter for municipal waste combustors, the actual time in hours that an affected unit operates, beginning when continuous burning of solid waste starts and ending when continuous burning of solid waste ceases.]

(28) — (53) (text unchanged)

26.11.08 Control of Incinerators

Authority: Environment Article, §§1-404, 2-103, 2-301—2-303, and 2-406, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (7-1) (text unchanged)

(7-2) Continuous Burning.

(a) "Continuous burning" means the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production.

(b) "Continuous burning" begins once municipal solid waste is fed to the combustor.

(8) — (45) (text unchanged)

(46) "Operating day" means a 24-hour period [between 12] *beginning* midnight *of one day* and *ending* the following midnight, *or an alternate 24-hour period approved by the Department,* during which [any amount of hospital waste or medical/infectious waste is

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combusted at any time in the HMIWI] *time an installation consumes fuel or causes emissions.*

(47) — (53) (text unchanged)

(54) Shutdown.

(a) — (d) (text unchanged)

(e) "Shutdown" for the Montgomery County Resource Recovery Facility commences 30 minutes after the chute to the loading hopper of the combustion train is closed and ends no later than 3 hours thereafter.

(f) "Shutdown" for the Wheelabrator Baltimore Inc. facility commences 30 minutes after municipal solid waste feed to the loading hopper has ceased and ends no later than 3 hours thereafter.

(55) (text unchanged)

(55-1) "Small MWC" means a municipal waste combustor which has a capacity of at least 35 tons and less than or equal to 250 tons per day.

(56) — (59) (text unchanged)

(60) Startup.

(a) — (b) (text unchanged)

(c) "Startup" for a Large MWC commences when the unit begins the continuous burning of municipal solid waste and continues for a period of time not to exceed 3 hours, but does not include any warm-up period when the particular unit is combusting fossil fuel or other non-municipal solid waste fuel, and no municipal solid waste is being fed to the combustor.

(61) "30-day rolling average emission rate" means a value of NO_x emissions in ppmv, corrected to 7 percent oxygen, calculated by:

(a) Summing the total hourly ppmv of NO_x emitted from the unit during the current operating day and the previous 29 operating days, excluding periods of startup and shutdown; and

(b) Dividing the total hourly ppmv of NO_x emitted from the unit during the 30 operating days summed in §B(61)(a) of this regulation by 30.

(62) "24-hour block average emission rate" means a value of NO_x emissions in ppmv, corrected to 7 percent oxygen, calculated by:

(a) Summing the hourly average ppmv of NO_x emitted from the unit during 24 hours between midnight of one day and ending the following midnight, excluding periods of startup and shutdown; and

(b) Dividing the total sum of hourly NO_x ppmv values emitted during 24 hours between midnight of one day and ending the following midnight by 24.

[(61)] *(63)* (text unchanged)

.02 Applicability.

A. (text unchanged)

B. Regulation .07 of this chapter applies to [an] *a Small* MWC that was constructed on or before August 30, 1999 [and has a capacity of at least 35 tons and less than or equal to 250 tons per day].

C. — F. (text unchanged)

[G. If there is any discrepancy between the terms defined in this chapter and any federal definition in the Clean Air Act, 42 U.S.C. §§7401—7671 (CAA), and 40 CFR Part 60 Subparts A, B, Eb, and Ec, the federal definition applies.

H. The requirements in Regulation .08-1 of this chapter apply to a person who owns or operates an HMIWI for which construction was commenced on or before June 20, 1996, except as provided in 40 CFR §60.50c(b)—(i).]

I. All provisions of Regulation [.08-1] *.08-2* of this chapter and the related [HMIWI] 111(d)/129 plan approval, 40 CFR Part 62, Subpart V, *apply to HMIWIs* [are applicable, except as amended or revised under Regulation .08-2 of this chapter and approved by EPA as part of the Maryland HMIWI 111(d)/129 plan].

J. Regulation .10 of this chapter applies to Large MWCs.

.04 Visible Emissions.

A. In Areas I, II, V, and VI, the following apply:

(1) Except as provided in Regulations .08 and [.08-1] *.08-2* of this chapter, a person may not cause or permit the discharge of emissions from any incinerator, other than water in an uncombined form, which is greater than 20 percent opacity;

(2) (text unchanged)

B. — D. (text unchanged)

.05 Particulate Matter.

A. Requirements for Areas I, II, V, and VI.

(1) Calculations. Except as provided in Regulations .08 and [.08-1] *.08-2* of this chapter, incinerator or hazardous waste incinerator emissions shall be adjusted to 12 percent carbon dioxide.

(2) Incinerators Constructed Before January 17, 1972. Except as provided in Regulations .08 and [.08-1] *.08-2* of this chapter, a person may not cause or permit the discharge into the outdoor atmosphere from any incinerator constructed before January 17, 1972, particulate matter to exceed the following limitations:

(a) — (b) (text unchanged)

(3) Incinerators Constructed on or After January 17, 1972. Except as provided in Regulations .07, .08, and [.08-1] *.08-2* of this chapter, a person may not cause or permit the discharge of particulate matter into the outdoor atmosphere from any incinerator or crematory constructed on or after January 17, 1972, to exceed 0.10 grains per standard cubic foot dry 0.10 gr/SCFD (229 mg/dscm).

(4) (text unchanged)

B. Requirements for Areas III and IV.

(1) Calculations. Except as provided in Regulations .08 and [.08-1] *.08-2* of this chapter, incinerator or hazardous waste incinerator emissions shall be adjusted to 12 percent carbon dioxide.

(2) Except as provided in Regulations .07, .08, and [.08-1] *.08-2* of this chapter, a person may not cause or permit the discharge of particulate matter into the outdoor atmosphere from any incinerator, hazardous waste incinerator, or crematory to exceed the following limitations:

(a) — (b) (text unchanged)

.07 Requirements for *Small* Municipal Waste Combustors [with a Capacity of 35 tons or greater per day and less than or equal to 250 Tons per Day].

A person may not operate a [municipal waste combustor that has a burning capacity of 35 tons or more per day and less than or equal to 250 tons per day] *Small MWC* that was constructed on or before August 30, 1999 which results in violation of the provisions of 40 CFR 62 Subpart JJJ.

.08-2 Emission Standards and Requirements for HMIWIs Under 40 CFR 60 Subpart Ce as Revised October 6, 2009.

A. Applicability and Emission Standards. [Notwithstanding the requirements of Regulation .08-1 of this chapter, the] *The* emission standards and requirements of §B(1)—(7) and §C(1)—(6) of this regulation apply to a person who owns or operates an HMIWI subject to 40 CFR Part 60, Subpart Ce, as revised, October 6, 2009.

B. — H. (text unchanged).

.10 NO_x Requirements for Large Municipal Waste Combustors.

A. The owner and operator of a Large MWC shall minimize NO_x emissions by operating and optimizing the use of all installed pollution control technology and combustion controls consistent with the technological limitations, manufacturers' specifications, good engineering and maintenance practices, and good air pollution control practices for minimizing emissions (as defined in 40 CFR §60.11(d)) for such equipment and the unit at all times the unit is in operation, including periods of startup and shutdown.

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B. As of May 1, 2019, the owner or operator of a Large MWC shall meet the following applicable NO_x emission rates, except for periods of startup and shutdown:

Affected Sources	*NO_x 24-hour block average emission rate*
Montgomery County Resource Recovery Facility	*140 ppmv*
Wheelabrator Baltimore Inc.	*150 ppmv*

C. As of May 1, 2020, the owner or operator of a Large MWC shall meet the requirements of §B of this regulation and the following applicable NO_x emission rates, except for periods of startup and shutdown:

Affected Sources	*NO_x 30-day rolling average emission rate*
Montgomery County Resource Recovery Facility	*105 ppmv*
Wheelabrator Baltimore Inc.	*145 ppmv*

D. Startup and Shutdown NO_x Emission Limitations. As of May 1, 2019, during periods of startup and shutdown the following emission limitations shall apply:

(1) For Montgomery County Resource Recovery Facility, a facility-wide NO_x emission limit of 202 lbs/hr timed average mass loading over a 24-hour period.

(2) For Wheelabrator Baltimore Inc., a facility-wide NO_x emission limit of 252 lbs/hr timed average mass loading over a 24-hour period.

(3) On days when the unit is in startup, the NO_x 24-hour block average emission rate under §B of this regulation will apply for the 24-hour period after startup is completed.

(4) On days when the unit is in shutdown, the NO_x 24-hour block average emission rate under §B of this regulation will apply for the 24-hour period prior to the commencement of shutdown.

E. Additional NO_x Emission Control Requirements.

(1) Not later than January 1, 2020, the owner or operator of Wheelabrator Baltimore Inc. shall submit a feasibility analysis for additional control of NO_x emissions from the Wheelabrator Baltimore Inc. facility to the Department. This analysis shall be prepared by an independent third party and include the following:

(a) A written narrative and schematics detailing existing facility operations, boiler design, NO_x control technologies, and relevant emission performance;

(b) A written narrative and schematics detailing various state-of-the-art NO_x control technologies for achieving additional NO_x emission reductions from existing MWCs, including technologies capable of achieving NO_x emission levels comparable to those for a new source in consideration of the overall facility design at Wheelabrator Baltimore Inc.;

(c) An analysis of whether each state-of-the-art control technology identified under §E(1)(b) of this regulation could technically be implemented at the Wheelabrator Baltimore Inc. facility;

(d) Capital and operating costs, NO_x emission benefits, and air quality impacts resulting from installation of each state-of-the-art control technology as identified under §E(1)(b) of this regulation; and

(e) An estimated timeline for installation of each state-of-the-art control technology as identified under §E(1)(b) of this regulation which shall include design time, construction, operational testing, and start up.

(2) Upon written request, Wheelabrator Baltimore Inc. shall submit any other information that the Department determines is necessary to evaluate the feasibility analysis.

(3) Not later than January 1, 2020, based upon the results of the feasibility analysis as required under §E(1) of this regulation, the owner or operator of Wheelabrator Baltimore Inc. shall propose and submit a NO_x 24-hour block average emission rate, NO_x 30-day rolling average emission rate, and NO_x mass loading emission limitation for periods of startup, shutdown and malfunction.

F. The owner or operator of a Large MWC shall continuously monitor NO_x emissions with a continuous emission monitoring system in accordance with COMAR 26.11.01.11.

G. Not later than 45 days after the effective date of this regulation, the owner or operator of a Large MWC shall submit a plan to the Department and EPA for approval that demonstrates how the Large MWC will operate installed pollution control technology and combustion controls to meet the requirements of §A of this regulation. The plan shall summarize the data that will be collected to demonstrate compliance with §A of this regulation. The plan shall cover all modes of operation, including but not limited to normal operations, startup, and shutdown.

H. Beginning July 1, 2019, the owner or operator of a Large MWC shall submit a quarterly report to the Department containing:

(1) Data, information, and calculations which demonstrate compliance with the NO_x 24-hour block average emission rate as required in §B of this regulation;

(2) Data, information, and calculations, including NO_x continuous emission monitoring data and stack flow data, which demonstrate compliance with the startup and shutdown mass NO_x emission limits as required in §D of this regulation;

(3) Flagging of periods of startup and shutdown and exceedances of emission rates;

(4) NO_x continuous emission monitoring data and total urea flow rate to the boiler averaged over a 1-hour period, in a Microsoft Excel format; and

(5) Documented actions taken during periods of startup and shutdown in signed, contemporaneous operating logs.

I. Beginning July 1, 2020, the quarterly report to be submitted pursuant to §H of this regulation shall also include data, information, and calculations which demonstrate compliance with the NO_x 30-day rolling average emission rate as required in §C of this regulation.

J. No less than 2 weeks advance notice and the opportunity to observe activities shall be provided to the Department prior to any optimization procedure, including installation or operation of NO_x emission control technology, for the express purpose of complying with the requirements of §E(1) of this regulation.

K. Compliance with the NO_x emission standards in §§B, C, and D of this regulation shall be demonstrated with a continuous emission monitoring system.

L. Compliance with the NO_x Mass Loading Emission Limitation for the Montgomery County Resource Recovery Facility.

(1) Compliance with the NO_x mass loading emission limitation for periods of startup and shutdown in §D(1) of this regulation shall be demonstrated by calculating the 24-hour average of all hourly average NO_x emission concentrations from continuous emission monitoring systems.

(2)The calculations in §L(1) of this regulation shall utilize stack flow rates derived from flow monitors, for all the hours during the 3-hour startup or shutdown period and the remaining 21 hours of the 24-hour period.

M. Compliance with the NO_x Mass Loading Emission Limitation for the Wheelabrator Baltimore Inc.

(1) Compliance with the NO_x mass loading emission limitation for periods of startup and shutdown in §D(2) of this regulation shall be demonstrated by calculating the 24-hour average of all hourly average NO_x emission concentrations from continuous emission monitoring systems.

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(2) The calculations in §M(1) of this regulation shall utilize the applicable Prevention of Significant Deterioration calculation methodology, for all the hours during the 3-hour startup or shutdown period and the remaining 21 hours of the 24-hour period.

26.11.09 Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations

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

.08 Control of NO_x Emissions for Major Stationary Sources.

A. — G. (text unchanged)

[H. Requirements for Municipal Waste Combustors, and Hospital, Medical, and Infectious Waste Incinerators.

(1) A person who owns or operates a municipal waste combustor shall install, operate, and maintain a CEM for NO_x emissions.

(2) NO_x emissions from municipal waste combustors may not exceed the NO_x emissions standards in COMAR 26.11.08.07 and COMAR 26.11.08.08 or applicable Prevention of Significant Deterioration limits, whichever is more restrictive.

(3) NO_x emissions from hospital, medical, and infectious waste incinerators as defined in COMAR 26.11.08.01B(18) may not exceed the NO_x emission standards in COMAR 26.11.08.08-1A(2) (250 ppm 24-hour average) as applicable.]

I.— K. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31
MARYLAND INSURANCE ADMINISTRATION

Subtitle 15 UNFAIR TRADE PRACTICES

31.15.03 Life Insurance Disclosure

Authority: Insurance Article, §§2-109(a)(1) and 27-202, Annotated Code of Maryland

Notice of Proposed Action

[18-210-P]

The Insurance Commissioner proposes to amend Regulation **.05** under **COMAR 31.15.03 Life Insurance Disclosure**.

Statement of Purpose

The purpose of this action is to amend COMAR 31.15.03.05C(2)(f) to allow carriers to display zero amounts on forms either numerically or as a blank space. Previously zero amounts displayed as anything other than a blank space were considered incorrect by the Life and Health Examination unit.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Insurance carriers will save administrative costs because they will no longer have to make corrections to their forms when displaying zero amounts numerically rather than using a blank space.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	**Magnitude**
D. On regulated industries or trade groups:	NONE	
Administrative costs	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. Assuming insurance carriers will save administrative costs because they will no longer have to make corrections to their forms when displaying zero amounts numerically rather than using a blank space.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tyler Hoblitzell, Legislative and Regulatory Analyst, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2488, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through September 4, 2018. A public hearing has not been scheduled.

.05 Duties of Carriers.

A. — B. (text unchanged)

C. Policy Forms Not Marketed with an Illustration.

(1) (text unchanged)

(2) Requirements for Forms Not Marketed with an Illustration.

(a) — (e) (text unchanged)

(f) Zero amounts shall be displayed *numerically or* as a blank space.

(g) (text unchanged)

D. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

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