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***Maryland State Implementation Plan
For Clean Air Act Section 110(a)(2) for Lead (Pb)***

Addendum to SIP 12-09, dated December 12, 2012

**Prepared for:
U.S. Environmental Protection Agency**

**June 20, 2013
SIP # 13-04**

**Prepared by:
Maryland Department of the Environment**



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MARYLAND CLEAN AIR ACT SECTION 110(a)(2)

Background

A State Implementation Plan (SIP) is a plan for each state that identifies how that state will attain and maintain the primary and secondary National Ambient Air Quality Standards (NAAQS). The SIP contains regulations, source-specific requirements, non-regulatory items such as plans and inventories, and other types of submittals designed to satisfy requirements promulgated by the U.S. Environmental Protection Agency (EPA). The initial SIPs for states were approved on May 31, 1972. SIPs may be revised by the state with EPA approval. The federally enforceable SIP for the State of Maryland is compiled under 40 CFR Part 52 Subpart V.

Section 110(a) of the federal Clean Air Act requires that each SIP provide for the implementation, maintenance, and enforcement of the NAAQS. This section also requires that within three years of the promulgation of a NAAQS, a state must adopt and submit such a plan to EPA. These “infrastructure SIPs” provide assurances of state resources and authorities, and where necessary establish the basic state programs, to implement, maintain, and enforce new or revised standards. This document summarizes where the §110(a)(2)(J) “Public Notification” and §110(a)(2)(M) requirements for the 2008 revised lead NAAQS are addressed in Maryland’s current SIP or pending SIP revisions.

Note that this document is an addendum to Maryland’s Lead (Pb) Infrastructure SIP, SIP Number 12-09, dated December 12, 2012, submitted to EPA on January 3, 2013.

This certification addresses Maryland's obligations under §§110(a)(2) of the Clean Air Act for the following National Ambient Air Quality Standards:

Lead: A revised NAAQS for lead was promulgated by EPA on October 15, 2008. This rule establishes a primary ambient air quality standard of $0.15 \mu\text{g}/\text{m}^3$ on a rolling three-month average basis and a secondary standard equal to the primary standard.

Maryland's Plan Elements

The following sections indicate the statutes, regulations, plans and other elements used in the Maryland State Implementation Plan to meet the required elements of §110(a)(2)(J) regarding Public Notification and all of §110(a)(2)(M) of the Clean Air Act.

Clean Air Act § 110(a)(2)(J)

§ 110(a)(2)(J), Public Notification of NAAQS Exceedances:

Requires states to notify the public if NAAQS are exceeded in an area, to advise the public of health hazards and to enhance public awareness of measures to prevent exceedances and ways that they can participate in regulatory and other efforts to improve air quality. (§ 127¹ public notification)

- Public hearings on proposed Maryland regulations are held in accordance with the following statutory provisions, not currently in the Maryland SIP:
 - Section 2-303(b), Environment Article, Annotated Code of Maryland; this requires public hearings to be held before adopting air quality regulations.
 - Subtitle 1 of Title 10, State Government Article, Annotated Code of Maryland; this sets forth the administrative procedure requirements for adopting or modifying regulations, including public notification and participation requirements.
- Public hearings on proposed Maryland regulations are also held in accordance with EPA requirements under 40 CFR §51.102.
- Notice of public hearings and public comment on proposed Maryland permits are held in accordance with the following Maryland regulatory provisions:
 - In COMAR 26.11.02, “Permits, Approvals, and Registration”:
 - The Maryland SIP-approved portions of COMAR 26.11.02.11, “Procedures for Obtaining Permits to Construct Certain Significant Sources.”
 - COMAR 26.11.02.12, “Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permit to Construct

¹ § 127. (a) Each plan shall contain measures to regularly notify the public of when any NAAQS is exceeded or was exceeded during the preceding year, to advise the public of health hazards associated with such pollution, and to enhance awareness of measures which can be taken to prevent the standards from being exceeded and ways in which the public can participate in regulatory and other efforts to improve air quality.

MACT Determinations On a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources.”

- The regulations below, under the chapter “Permits, Approvals, and Registration — Title V Permits,” COMAR 26.11.03. Note that these regulations are cited here for reference purposes only. They are not included in Maryland’s SIP-approved regulations.
 - .01, “Applicability and General Requirements”
 - .07, “Public Participation Procedures”
 - .08, “Review by Affected States of Part 70 Permits,”
 - .17, “Significant Permit Modifications”
- Public notification of air quality emergencies: Under the Environment Article, §2-105, Annotated Code of Maryland, the Governor of Maryland has the authority to issue an executive order that proclaims an air pollution emergency.
- Maryland also provides public access to all air monitoring data via the Internet, as required under Section 2-103.2(b), Environment Article, Annotated Code of Maryland.

Clean Air Act § 110(a)(2)(M)

§110(a)(2)(M), Consultation/Participation by Local Entities: Requires SIPs to “provide for consultation and participation by local political subdivisions affected by the plan.”²

- Statutory authority under §2-103 and §2-302 of the Environment Article, Annotated Code of Maryland.

Maryland has formal consultation procedures in place that are adapted to serve multiple pollutants and processes. These processes address the consultation requirements for the purposes of §121 of the Clean Air Act.

- COMAR 26.11.26 provides the structure for a consultation process between the Maryland Department of the Environment (MDE), Maryland Department of Transportation (MDOT), and Metropolitan Planning Organizations (MPOs). This consultation process is for analyzing the conformity of transportation plans and projects with the State Implementation Plan, and for giving transportation agencies the opportunity to provide comment on the SIP. Overall, the MPOs

² See 42 USC 7410(a)(2)(M)

provide a forum for consultation with local governments. Maryland's MPOs located in nonattainment areas are as follows:

- Baltimore Regional Transportation Board (BRTB)
 - National Capital Transportation Planning Board (TPB) for the Washington region
 - Wilmington Area Planning Council (WILMAPCO)
 - Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO)
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