



**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION MANAGEMENT ADMINISTRATION
1800 WASHINGTON BLVD, SUITE 720
BALTIMORE, MARYLAND 21230-1720**

**Air Quality
GENERAL PERMIT TO CONSTRUCT
Application Package For**

**MEDIUM
Motor Vehicle
Refueling Facilities**

CONTENTS

**FACT/CHECK SHEET
PERMIT TO CONSTRUCT (CONDITIONS)
PERMIT APPLICATION**

March 31, 2017

www.mde.maryland.gov

1.01 AIR QUALITY GENERAL PERMITS TO CONSTRUCT – MEDIUM Motor Vehicle Refueling Facilities

Question: Will I need a permit for installing new medium motor vehicle refueling facilities?

Why do I need this permit?

All new, modified, or replacement installations which are potential sources of air pollution (including motor vehicle refueling facilities) are regulated and require an air quality permit from the Maryland Department of the Environment except those installations which are exempt under Maryland's Air Quality Regulations, Code of Maryland Regulations COMAR 26.11.02. The Department has decided to regulate certain small stationary source installations through the issuance of an air quality general permit to construct (also referred to as a General Permit to Construct).

What laws or regulations give MDE the legal authority to issue this permit?

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.

What types of motor vehicle refueling facilities are eligible for this type of general permit?

This general permit covers motor vehicle refueling facilities which dispense between 10,000 and 100,000 gallons of gasoline per month.

Diesel fuel and kerosene dispensing does not require an air permit.

What is the process to get this permit?

- (1) Obtain an application packet at: <http://www.mde.maryland.gov/airpermits>
Click on first link for General Permits, Right click the link for the packet, and select save link as to download. The packet includes the permit document and a "request for coverage" form.

Complete a "request for coverage" application form (which is the last page of the packet).

- (2) Mail the completed form and payment to:

**MDE/ARMA
P.O. Box 2037
Baltimore MD 21203-2037**

- (3) The Department mails a confirmation letter acknowledging the receipt of the request and fee payment.

How much will this permit cost?

The processing fee is \$500 per refueling facility.

Make Checks payable to: Maryland Clean Air Fund

When does this permit become effective?

Coverage under the general permit becomes effective on the date the Department receives the completed request for coverage form and fee. Retain the permit document (document with blue border) for your official records.

How long does it take to receive this confirmation letter once I submit a complete application?

30 days

Once I get this permit, how long will it last?

This is a one-time permit required prior to construction and/or installation or modification of the regulated emission source. If construction or installation does not take place within 18 months of permit issuance, then approval terminates.

Who do I contact with additional questions?

Nolan Penney
Air Quality Permits Program
Nolan.penney@maryland.gov
(410) 537-3230

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MEDIUM MOTOR VEHICLE REFUELING FACILITIES**

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Part I Applicability

This general permit applies to all facilities that:

- A) Dispense gasoline into the fuel tanks of motor vehicles;
- B) Have gasoline storage tanks larger than 2,000 gallons;
- C) Dispense between 10,000 and 100,000 gallons of gasoline per month; and
- D) Are equipped with Stage I vapor recovery only.

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Part II Requirements for facilities with between 10,000 and 100,000 gallons per month throughput.

1) **Equipment**

- A) Stage I vapor recovery. An owner or operator of a gasoline tank truck or an owner or operator of a gasoline dispensing facility subject to this regulation may not cause or permit gasoline to be loaded into a stationary tank unless the loading system is equipped with a Stage I vapor balance system that is properly installed, maintained and operated.
- B) You must only load gasoline into storage tanks by utilizing a submerged fill pipe no higher than 6 inches from the bottom of the storage tank, or bottom filling.
- C) Gasoline storage tanks with a capacity of less than 250 gallons are not required to comply with the submerged fill pipe requirement above.

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2) **Work Practices**

You must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

- A) Minimize gasoline spills;
- B) Clean up spills as expeditiously as practicable;
- C) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
- D) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

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3) **Recordkeeping**

- A) You shall create and maintain a record file at the facility.
- B) The record file shall contain copies of:
 - (1) Monthly gasoline throughput;
 - (2) Records of the occurrence and duration of each malfunction of operation (i.e., leaks, spills and process equipment) or the air pollution control and monitoring equipment.
 - (3) Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal and usual manner of operation.
 - (4) All test reports;
 - (5) This permit;
 - (6) Violation notices;
 - (7) Correspondence with the Department;
 - (8) Equipment maintenance records,
 - (9) All other information pertinent to the requirements of COMAR 26.11.24.
- C) Records documenting gasoline throughput shall be kept for a minimum of five years.
- D) Equipment maintenance records required under COMAR 26.11.24 shall be maintained for at least 2 years.
- E) All other records shall be maintained for at least 5 years.
- F) Records documenting gasoline throughput must be made available to the Department within 24 hours of a request.

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4) **Reporting**

A) The following reporting requirements apply to any test required under COMAR 26.11.24:

- (1) The Department shall be notified 5 days before a test is to be conducted;
- (2) A test protocol shall be available at the test site during testing;
- (3) Copies of all test results shall be forwarded to the Department within 30 days of the test; and
- (4) Test failures shall be reported to the Department in writing within 5 days following the date of the failure.

B) Each owner or operator shall report, by March 15 of each year, the number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded. The report must include a description of the actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with CFR 40, Chapter I, Subchapter C, Part 63, Subpart CCCCCC §63.1116(a), including actions taken to correct a malfunction. No report is necessary for a calendar year in which no malfunctions occurred. 63.11126(b)

C) Reports shall be sent to:

EPA Region III
Director, Air Protection Division
1650 Arch Street
Philadelphia, PA 19103

and

Maryland Department of the Environment
Air and Radiation Management Administration, Compliance Program
1800 Washington Blvd, Suite 715
Baltimore, MD 21230

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5) **Notifications**

A) Initial Notification

- (1) You must submit an initial notification by start up.
- (2) The initial notification must contain the following information:
 - (a) The name and address of the owner and operator;
 - (b) The address (i.e., physical location) of the gasoline dispensing facility; and
 - (c) A statement that the notification is being submitted in response to 40 CFR part 63, subpart CCCCCC and identifying the requirements that apply to you.
- (3) The initial notification shall be sent to:

EPA Region III
Director, Air Protection Division
1650 Arch Street
Philadelphia, PA 19103

B) Compliance Notification

- (1) You must submit a compliance notification by:
 - (a) Within 60 days of Start up for new or reconstructed facilities; or,
 - (b) Within 3 years if your facilities gasoline throughput has increased to 10,000 gallons or more per month.
- (2) The compliance notification must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of 40 CFR part 63, subpart CCCCCC by the time the compliance notification is due, and must indicate whether the facilities' monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks.
- (3) The compliance notification may be submitted in lieu of the initial notification provided it contains the information required in the initial notification.
- (4) The compliance notification shall be sent to:

EPA Region III
Director, Air Protection Division

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1650 Arch Street
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1800 Washington Blvd, Suite 715
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C) Change in Information Notification

- (1) Any change in the information provided in either the initial notification or compliance notification shall be provided in writing within 15 calendar days after the change.
- (2) The change in information notification shall be sent to:

EPA Region III
Director, Air Protection Division
1650 Arch Street
Philadelphia, PA 19103

and

Maryland Department of the Environment
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6) **Testing, Inspection and Monitoring**

- A) You shall monitor and inspect operations to assure compliance with the work practices of permit section Part II(2).
- B) For facilities located in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's County and Baltimore City, the following tests must be performed at the time of installation, and every 12 months thereafter:
- (1) A leak test in accordance with the Vapor Recovery Test Procedure TP-201.3 referenced in COMAR 26.11.24.01-1B(1),
 - (2) A leak rate and cracking pressure test in accordance with TP-201.1E referenced in COMAR 26.11.24.01-1B(6), and
 - (3) A tie tank test in accordance with TP-201-3C as referenced in COMAR 26.11.24.01-1B(7).
- C) The tests in permit section Part II(6)B above shall be performed by a Certified Inspector as defined in COMAR 26.11.24.01B(2-1).
- (1) Operator Requirements.
 - (a) A person that operates a gasoline dispensing facility or a gasoline storage tank with a vapor recovery system shall ensure that a certified inspector performs an inspection of each vapor recovery system.
 - (b) Each vapor recovery system shall be inspected by a certified inspector in accordance with the schedules set forth in COMAR 26.10.03.10.
 - (2) Inspection Requirements.
 - (a) The certified inspector shall inspect each vapor recovery system to confirm that:
 - (i) All the necessary equipment has been installed;
 - (ii) The equipment is functioning properly; and,
 - (iii) There is no defective equipment in use.
 - (b) The certified inspector shall review the facility files to confirm that:
 - (i) All testing required by this chapter has been completed;
 - (ii) The records required by this chapter are complete and maintained onsite; and

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(iii) All other requirements of this chapter are being met.

(c) The certified inspector shall complete an inspection form provided by the Department and submit the completed form to the Department within 30 days after completing the inspection.

D) Facilities located elsewhere in the state are not subject to the testing requirements of COMAR 26.11.24 and the requirements of permit sections Part II(6)B and Part II(6)C above do not apply.

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Part III General Requirements:

- 1) Incorporation of Request for Coverage into permit
This permit includes the completed one page Request for Coverage, which serves as the application for the permit. If there is any conflict between the specific and general requirements and the Request for Coverage, the specific and general requirements take precedence. If there is any conflict between the specific and general requirements, the specific requirements take precedence.
- 2) Effective Date/Failure to Pay Fee
This permit is effective on the date that the Request for Coverage is completed and the permit fee is paid to the Department. If the fee is paid by check or money order and mailed to the Department, the fee is considered to be paid on the date of mailing. If the fee is paid to the Department by any manner other than by mailing a check or money order, the effective date of the permit is the date the Department receives payment. If a check or money order does not clear for any reason, the permittee will be given 30 days to make proper payment including any interest and other charges that are due. If payment is not made within this time, the permit shall be considered to have been void from the outset. In order to establish the effective date of a permit, the permittee should save the canceled check or money order receipt, a copy of the Request for Coverage, and related documents. These documents shall be provided to the Department on request.
- 3) Applicant
The applicant for this permit shall be the legal entity or individual that, owns or operates the proposed source for which a permit to construct is required. After the permit is effective, the applicant may be referred to as the "permittee."
- 4) Location of Source
This permit authorizes the permittee to construct and operate the installation or other source described in the Request for Coverage at the installation or other location described in the application. The permit is not valid for any other source at the described location nor is it valid for the described source at any other location.
- 5) Duration
This permit expires as determined in writing by the Department, if:
Substantial construction or modification is not commenced within 18 months after the effective date of the permit;
Construction or modification is substantially discontinued for a period of 18 months after it has commenced; or
Construction or modification of the source for which the permit was issued is not completed within a reasonable period after the effective date of the permit.
- 6) Permit to be Available
The permittee shall maintain this permit at the location for which the permit was issued, unless it is clearly impractical to do so, and shall make the permit immediately available to authorized representatives of the Department upon request.

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7) Other Permits may be Needed

This permit does not constitute a permit for any activity other than expressly authorized by this permit.

8) Permit Not Transferable

This permit is not transferable. The permittee should provide a copy of this permit to any subsequent owner or operator. The subsequent owner or operator should contact the Department to determine if a new permit is required. The provisions of COMAR 26.11 apply to the subsequent owners or operators whether or not the source is covered by a permit.

9) Compliance with all Laws and Regulations

This permit does not authorize violation of any law or regulation. The permittee shall at all times comply with all applicable laws and regulations, including:

The Maryland Ambient Air Quality Control statute. Annotated Code of Maryland, Environment Article, §§2-101 et seq.;

Maryland air pollution control regulations. Code of Maryland Regulations (COMAR) 26.11, as amended by the Maryland Register;

The Federal Clean Air Act. 42 United States Code (U.S.C.) §§7401 et seq.;

Federal air pollution control regulations. 40 Code of Federal Regulations (CFR) Parts 50-99, as amended by the Federal Register.

10) Odors and Other Nuisances

This permit does not authorize construction or operation in a manner that unreasonably interferes with the proper enjoyment of the property of other persons, such as by causing unreasonable odors, or by otherwise creating air pollution.

11) Workers' Compensation Act

Submission of the application for this permit constitutes certification that the applicant is in compliance with the Maryland Workers' Compensation Act, as required by The Annotated Code of Maryland, Environment Article, §1-202, and Labor and Employment Article, Title 9. The permit shall be considered to have been void from the outset if this certification is invalid.

12) Modifications

A "modification" normally means any physical change in, or change in the operation of, an installation which causes a change in the quantity, nature or characteristics of emissions from the installation. However, this term excludes routine maintenance and routine repair, and increases in the hours of operation or in the production rate, unless these increases are prohibited under any permit or approval issued by the Department.

A modification to the facility for which this general permit to construct applies is prohibited. Before making such a modification, the permittee must apply for and obtain an individual permit to construct if the source would no longer be eligible for a general permit to construct.

13) Inspections/Right of Entry

Inspectors and other authorized officials from the Department or the appropriate local health or environmental department shall be allowed access to the property where the source is constructed or

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modified at any reasonable time for the purpose of determining compliance with this permit and applicable air pollution control laws and regulations, including:

Inspecting all activities authorized by this permit;

Taking samples of materials or other substances stored or processed at the property or discharged or otherwise removed from the property;

Inspecting any monitoring equipment required by the permit and applicable laws and regulations;

Having access to and copying any records related to the Department's determination of compliance, including all documents required to be kept by this permit and by applicable laws and regulations; and

Taking photographs and making video recordings.

14) Duty to Provide Information

The permittee shall furnish to the Department, within 15 working days of the date of any request or other period of time that may be specified, all documents and other information which the Department requests to determine compliance with this permit and applicable air pollution control laws and regulations.

15) Penalties for Violations

Maryland law provides for substantial penalties for violations of this permit and applicable air pollution control laws and regulations. These penalties include civil penalties of up to \$25,000 per day per violation, administrative penalties of up to \$2,500 per day per violation (not to exceed \$50,000 per action), injunctive relief, and criminal penalties for knowing violations (including up to one year in jail and a \$25,000 fine per violation per day). Additional criminal penalties apply to any person who knowingly provides false information to the Department or who knowingly tampers with any monitoring device required by State air pollution control law. Federal law may also provide for penalties for violations.

16) Violations That Occurred Prior to Obtaining This Permit

This permit does not protect the permittee for any violation of laws or regulations that may have occurred prior to the effective date of the permit, including constructing, modifying, or operating a source without a required permit.

17) Revocation or Suspension of a Permit

The Department may issue an order proposing to revoke or suspend this permit if it determines that:

Any condition of the permit has been violated; or

The permit was improperly obtained or has been improperly used.

The order shall become final unless the permittee requests a hearing within 10 days after being served. If a hearing is requested, it shall be held pursuant to the Maryland Administrative Procedure Act, Annotated Code of Maryland, State Government Article, §§10-201 et seq. and Environment Article, §2-605.

A person to whom a proposed or final order or revocation or suspension has been issued may not obtain another general permit for the same source or similar source at the same location until it has been determined in writing by the Department that the revocation or suspension is no longer in effect or pending.

18) Property Rights Not Created by Permit

This permit does not create any property rights.

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19) Severability

If any provision of this permit is determined to be invalid for any reason, the other provisions remain in effect to the extent reasonable, and the invalid provision shall be considered deleted from the permit.

20) Federal Enforceability

The terms and conditions of this general permit to construct are federally enforceable only to the extent that they reflect regulations or other requirements that have been approved by the U.S. Environmental Protection Agency for inclusion in the Maryland State Implementation Plan (SIP) for the control of air pollution.

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Part IV Request for Coverage

1) Request for Coverage Cost

A person who desires to be covered by this general permit to construct shall provide all required information on the Request for Coverage form and submit the form to the Department together with the required fee of \$200. The fee must be paid by check or money order payable to: Maryland Department of the Environment/Clean Air Fund.

2) Required Signatures

The Request for Coverage form shall be signed by the applicant or an authorized representative of the applicant who shall make the following certification:

"I certify under penalty of law that the information submitted in the Request for Coverage is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3) Where to Submit

A person shall submit the original of the Request For Coverage form and the required fee to the following address:

Maryland Department of the Environment
Air and Radiation Management Administration
P.O. Box 2037
Baltimore, Maryland 21203-2037

The Request for Coverage form and the permit fee may be delivered in person to the Department at the following address:

Maryland Department of the Environment
Air and Radiation Management Administration
1800 Washington Blvd, STE 720
Baltimore, Maryland 21230-1720

4) Effective Date

The Air Quality General Permit to Construct is effective on the date that the Request for Coverage is completed, signed, and the permit fee paid to the Department. See Permit Part III(2). The Department will mail a letter to the applicant acknowledging the receipt of the Request for Coverage and fee and that the source is now covered by the specifically requested Air Quality Permit to Construct.

5) Questions

Questions regarding the Air Quality General Permit to Construct program may be directed to the Department's Air and Radiation Management Administration by calling (410) 537-3230.

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George (Tad) S. Aburn, Jr., Director
Air and Radiation Management Administration

MARYLAND DEPARTMENT OF THE ENVIRONMENT
 Air and Radiation Management Administration • Air Quality Permits Program
 1800 Washington Boulevard • Baltimore, Maryland 21230
 (410)537-3230 • 1-800-633-6101 • www.mde.maryland.gov

Mail application and payment to the following address:

**MDE/ARMA, PO Box 2037
 Baltimore, MD 21203-2037**

Don't forget to sign the application!

Make checks payable to the following:

MDE Clean Air Fund

\$200 per refueling facility

**Request for Coverage: Air Quality General Permit to Construct
 MEDIUM Motor Vehicle Refueling Facility**

1) Business/Institution/Facility where the equipment will be located		<input type="checkbox"/> Check if this is a federal facility
Business/Institution/Facility Name:		Phone:
Contact Person's Name:		Email Address:
Street Address:		
City:	State:	Zip Code: County:
2) Owner <input type="checkbox"/> Check if different from above. If checked, complete the following:		
Name:		Phone:
Mailing Address:		Email Address:
City:	State:	Zip Code:
3) Gasoline Tank Information		
Tank Capacity:		Installation Date:
Tank Capacity:		
Tank Capacity:		Above or Underground:
4) Business Operational Information		
Gallons per month: _____		
5) Workers Compensation Information (Environmental Article §1-202)		
Workers insurance policy or binder number: _____		
<input type="checkbox"/> Check is self-employed or otherwise exempt from this requirement		
<p>“I CERTIFY UNDER PENALTY OF LAW THAT THE INFORMATION SUBMITTED IN THIS REQUEST FOR COVERAGE IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.”</p>		
Owners Signature	Printed Name and Title	Date