

# 1.01 AIR QUALITY GENERAL PERMITS TO CONSTRUCT – CHARBROILERS, PIT BARBECUES, AND SMOKERS

*Question: Will I need a permit for installing a new charbroiler, pit barbecue, or smoker or replacing or moving existing equipment?*

## Why do I need this permit?

All new, modified, or replacement installations which are potential sources of air pollution (including fuel burning equipment) 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 approval?

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

## Is my facility eligible for this type of general permit?

To obtain coverage under the general permit, all of the applicability requirements listed in the air quality general permit to construct package must be met. This includes:

- Any person who owns, constructs, or operates a non-residential Charbroiler, Pit Barbecue, or Smoker with a total cooking area that is 5 square feet or greater, and
- Charbroilers, Pit Barbecues, or Smokers that are operated at one location for:
  - more than 2 days in 7 day period; or
  - 15 days or more in any 365 day period.

## Who is not required to get this permit?

- Residential Charbroilers, Pit Barbecues, or Smokers

## 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 \$100 per piece of equipment.

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



**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION MANAGEMENT ADMINISTRATION**

**1800 WASHINGTON BLVD, STE 720**

**BALTIMORE, MARYLAND 21230-1720**

**AIR QUALITY GENERAL PERMIT TO CONSTRUCT PACKAGE**

**CHARBROILERS  
and  
PIT BARBECUES**

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**GENERAL PERMIT TO CONSTRUCT**

**APPLICATION FORM**

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AIR AND RADIATION MANAGEMENT ADMINISTRATION**

**AIR QUALITY GENERAL PERMIT TO CONSTRUCT  
CHARBROILERS and PIT BARBECUES**

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**PART I - Applicability**

- (A) This permit applies in all areas of Maryland.**
- (B) This permit applies to a person who owns, constructs (installs), or operates a charbroiler or pit barbecue with a total cooking area greater than 5 square feet (0.46 square meters) which:**
  - (1) Operates at one location 15 days or more in any 365-day period; or
  - (2) Operates at one location more than 2 days in any 7-day period.
- (C) A Permit to Construct is not required for:**
  - (1) Charbroilers or Pit Barbecues that are five square feet or less of total cooking area.
  - (2) Charbroilers or Pit Barbecues that are operated at a single location for a shorter period of time than described in (B) above.
  - (3) Residential Charbroilers or Pit Barbecues.

**PART II - Definitions**

"Charbroiler"- means any equipment, device, or contrivance used for cooking on a grill through radiant heating. (An oven style broiler or rotisserie which uses electric or gas-fired radiant heat and in which the heat is radiated from the sides or top to the food to be cooked is not considered a charbroiler and is not required to have a permit to construct.)

"Cooking Area"- means the area of a grill or pit opening, as determined by the inside dimensions bordering on the retaining framework or containment wall.

"Department"- means the Maryland Department of the Environment.

"Grill"- means any perforated framework used to broil meat or other foods.

"Habitable dwelling" - means a dwelling that is inhabited on a full or part time basis as a residence. Habitable dwelling does not include a dwelling located on the same property that has a charbroiler or pit barbecue.

"Opacity" - means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Pit Barbecue" - means any equipment, device, or contrivance for the cooking of meat on a spit using radiant heat.

"Request for Coverage" (RFC)- means a completed form obtained from the Department requesting to be covered by this permit.

"Spit" - means any pointed rod or similar device used to support meat or other food over a heat source.

### **PART III - Specific Requirements for Charbroiler and Pit Barbecues**

- (A) If the charbroiler or pit barbecue is located within 300 feet of the property line of any
- (1) The owner or operator shall limit visible emissions to 10 percent opacity or less.
  - (2) The owner or operator shall install a control device approved by the Department, if the installation cannot meet the 10 percent opacity limit without controls.
- (B) If the charbroiler or pit barbecue is located more than 300 feet from the property line of any habitable dwelling, the owner or operator shall limit visible emissions to 30 percent opacity or less.
- (C) If your equipment cannot meet the opacity limits stated in this permit, you will be required to install a control device approved by the Department.

### **PART IV – General Requirements**

#### **(A) 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 (Parts III and IV) 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.

#### **(B) 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 that is

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 other manner other than by mailing a check or money order, the effective date of the permit is the date that 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.

**(C) Applicant**

The applicant for this permit shall be the individual who, or other legal entity 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."

**(D) 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 facility 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.

**(E) Duration**

- (1) This permit expires if, as determined in writing by the Department: substantial construction or modification is not commenced within 18 months after the effective date of the permit;
- (2) construction or modification is substantially discontinued for a period of 18 months after it has commenced; or
- (3) 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.

**(F) 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.

**(G) Other Permits May Be Needed**

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

**(H) 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.

**(I) Compliance With All Laws and Regulations**

- (1) 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.;
- (2) Maryland air pollution control regulations. Code of Maryland Regulations (COMAR) 26.11, as amended by the Maryland Register;
- (3) the Federal Clean Air Act. 42 United States Code (U.S.C.) 7401 et seq.;
- (4) federal air pollution control regulations. 40 Code of Federal Regulations (CFR) Parts 50-99, as amended by the Federal Register.

**(J) 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.

**(K) 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.

**(L) Modifications**

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

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

- (1) inspecting all activities authorized by this permit;
- (2) taking samples of materials or other substances stored or processed at the property or discharged or otherwise removed from the property;
- (3) inspecting any monitoring equipment required by the permit and applicable laws and regulations;
- (4) 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
- (5) taking photographs and making video recordings.

**(N) 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.

**(O) 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.

**(P) 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. The Department will consider all efforts made by the person to come into compliance with the laws and regulations in determining whether to seek a penalty for past violations and the amount of any penalty to be sought.

**(Q) Revocation or Suspension of a Permit**

- (1) The Department may issue an order proposing to revoke or suspend this permit if it determines that:
  - (a) Any condition of the permit has been violated; or
  - (b) The permit was improperly obtained or has been improperly used.
- (2) This proposed order shall be served as a summons is served or by certified mail. 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.

**(R) Property Rights Not Created By Permit**

This permit does not create any property rights.

**(S) 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.

**(T) 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.

**PART V. - Request for Coverage Requirements**

**(A) Request for Coverage**

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 \$100 for each unit.** The fee must be paid by check or money order payable to: **Maryland Department of the Environment/Clean Air Fund.**

**(B) 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."

**(C) 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  
Baltimore, Maryland 21230-1720

The Air Quality General Permit to Construct is effective on the date that the Request for Coverage form is completed, signed, and the permit fee paid to the Department. See V (B) of this permit. 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 General Permit to Construct.

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.



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

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**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](http://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**

***\$100 per unit***

**Request for Coverage: Air Quality General Permit to Construct  
 CHARBROILER / PIT BARBECUE INSTALLATIONS**

<b>1) Business/Institution/Facility where the equipment will be located</b>		<input type="checkbox"/> <b>Check if this is a federal facility</b>
Business/Institution/Facility Name:		Phone:
Contact Person's Name:		Email Address:
Street Address:		
City:	State:	Zip Code: County:
<b>2) Owner</b> <input type="checkbox"/> <b>Check if different from above. If checked, complete the following:</b>		
Name:		Phone:
Mailing Address:		Email:
City:	State:	Zip Code:
<b>3) Equipment Information</b>		
Manufacturer:	Model:	Installation Date:
Smoke Control Equipment (if any): _____		
Distance to nearest habitable dwelling (approximate distance): _____ ft		
<p><b>"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."</b></p>		
<b>Owners Signature</b>	<b>Printed Name and Title</b>	<b>Date</b>

*For MDE use only:*

AI#

PREMISES#