



**AIR QUALITY CONTROL ADVISORY COUNCIL
AGENDA
December 12, 2022**

WEBINAR ONLY

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9:00 a.m.	Welcome and Introductions	John Quinn, Advisory Council Chair Chris Hoagland, Air and Radiation Director
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9:15 a.m.	Approval of Meeting Minutes	John Quinn
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Action Items:

9:25 a.m.	Interprecursor Trading repeal COMAR 26.11.17.04F	Randy Mosier
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Briefings:

9:40 a.m.	Building Energy Performance Standards	Mark Stewart
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10:00 a.m.	Adjourn	
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Next Meeting Dates:

March 13, 2023, June 12, 2023, September 11, 2023, December 11, 2023



Facts About ...

Repeal COMAR 26.11.17 Regulation .01B(14-1) and .04F – Interprecursor Trading

7/15/2022

Purpose

The purpose of this action is to repeal Regulation .01B(14-1) and .04F from COMAR 26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications.

Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)

This repeal will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan.

Background

On April 9, 2018, the Department adopted new amendments to specifically address the nonattainment New Source Review (NSR) requirement to offset new emissions with creditable emission reductions. The amendments allowed interprecursor trading (IPT) for the ozone precursors—NO_x and VOC. The amendments to COMAR 26.11.17.04 were adopted at the time in accordance with EPA guidance contained in EPA's proposed 2008 and 2015 Ozone Implementation Rules.

Subsequently, on January 29, 2021, the D.C. Circuit ruled that IPT provisions of ozone precursors (NO_x and VOC), which were finalized in the Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements Rule (2015 Ozone SRR) for the 2015 8-hour ozone national ambient air quality standard (NAAQS) violated the Clean Air Act. As a result of the court's decision, IPT provisions in the SRR were vacated. Consequently, the Department by this action repeals the IPT provisions from COMAR 26.11.17.

Projected Emission Reductions

The proposed action does not impact emissions.

Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public and Small Businesses

The proposed action has minimal or no economic impact.



Maryland
Department of
the Environment

Facts About ...

Repeal COMAR 26.11.17 Regulation .01B(14-1) and .04F – Interprecursor Trading

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 17 Nonattainment Provisions for Major New Sources and Major Modifications

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) – (14) (text unchanged)

[(14-1) “Interprecursor trading” means that the use of emission reduction credits for any ozone precursor, NO_x and VOCs, may be used to offset increased emissions of ozone precursors at a specified ratio, as determined in COMAR 26.11.17.04F.]

(15) – (27) (text unchanged)

.02 - .03 (text unchanged)

.04 Creating Emission Reduction Credits (ERCs).

A. – E. (text unchanged)

[F. Interprecursor Trading.

(1) Provided that the other requirements for such offsets are satisfied, the offset requirements of COMAR 26.11.17.03B(3) for emissions of NO_x and VOC may be satisfied through interprecursor trading by offsetting reductions of emissions of either NO_x or VOC, by submitting to the Department for written approval the following information:

(a) A description of the EPA approved air quality model(s) used to establish the appropriate ratio for the precursor substitution;

(b) A proposed ratio, not to be less than the ratio required under COMAR 26.11.17.03B(3), for the precursor substitution and accompanying calculations; and

(c) A technical demonstration substantiating that the ratio achieves an equivalent or greater air quality benefit for ozone in the nonattainment area than what would be achieved without interprecursor trading.

(2) Approvals of precursor substitutions shall be made by the Department on a case-by-case basis and are permit specific.]

.05 - .09 (text unchanged)