AIR QUALITY CONTROL ADVISORY COUNCIL

AGENDA

September 21, 2015
8:15 a.m.

Montgomery Park
Aeris Conference Room, 1st Floor
1800 Washington Boulevard
Baltimore, Maryland 21230

Conference Call Number: 1-866-247-6034
Code: 8803038423

8:15 a.m.	**Welcome and Introductions** **Certificates of Appreciation**	**John Quinn, Advisory Council Chair** **Tad Aburn, Air Director**
8:25 a.m.	**Approval of Meeting Minutes** **Scheduling Meetings**	**John Quinn**

Action Items for Discussion/Approval:

8:30 a.m.	**Architectural and Industrial Maintenance (AIM) Coatings** **COMAR 26.11.41**	**Eddie Durant**
9:00 a.m.	**Clean Air Interstate Rule** **COMAR 26.11.28** **COMAR 26.11.01.01** **COMAR 26.11.14**	**Diane Franks**
9:25 a.m.	**Control of Iron and Steel Production Installations** **COMAR 26.11.10.06**	**Randy Mosier**

Briefings:

9:40 a.m.	**Stage II Vapor Recovery**	**Randy Mosier**
9:50 a.m.	**Good Neighbor SIP status**	**Tad Aburn**
10:15 a.m.	**Adjourn**	

Next Meeting Dates
December 7, 2015

Department of the Environment

Facts About...

COMAR 26.11.41 – Architectural and Industrial Maintenance (AIM) Coatings

9-1-2015

Purpose of New Regulation

The primary purpose of this regulation is to establish new VOC content limits and standards for a variety of architectural and industrial maintenance coatings made available for sale and use in Maryland.

Submission to EPA as Revision to Maryland's SIP (or 111(d) Plan, or Title V Program)

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

Background

In December 1999, the U.S. Environmental Protection Agency (EPA) informed Maryland and several other Northeastern and Mid-Atlantic states of the Ozone Transport Region (OTR) that their air quality plans did not provide for emission reductions sufficient to attain the one-hour ozone standard by 2005. In order to address shortfalls in achieving the one-hour ozone standard by 2005, Maryland promulgated several measures to achieve reductions of at least 13 tons per day of volatile organic compounds (VOCs) in the Baltimore Nonattainment Area.

EPA stated that it would grant additional time to implement new measures if those states pursued regional strategies to control ozone and its precursors. In response to this EPA mandate, the Ozone Transport Commission (OTC) developed several VOC reduction measures that were formally supported by the OTC Commissioners in March 2001.

One of the VOC reduction measures developed by a state-led workgroup was a model rule for architectural and industrial maintenance (AIM) coatings, which was based upon existing rules developed by the California Air Resources Board (CARB). The model rule was developed to address VOC reduction needs in the OTR, and was based on an analysis and review of proposed coating limits and the availability of compliant coatings on the market. In 2004, the Maryland Department of the Environment (MDE) adopted COMAR 26.11.33 - *Architectural Coatings* which established stringent VOC content limits for architectural and industrial coatings, established recordkeeping and container labeling requirements for manufactures of paints and coatings, and painting practices for the use and application of coatings. COMAR 26.11.33 is based on the model rule developed by the OTC.

In 2011, the OTC developed the amended OTC model rule (Phase II) in consultation with a state-led workgroup to replace the 2001 AIM model rule. Phase II of the AIM model rule was developed for states that need additional VOC emission reductions for the attainment or maintenance of federal ambient air quality standards. This new, proposed regulation is based on the OTC Phase II model rule, and updates the current version of COMAR 26.11.33 – *Architectural Coatings* by lowering the VOC content limits and improving definitions for many coating categories.

Sources Affected and Location

The new regulation applies to any person that manufacturers, blends, thins, supplies, sells, offers for sale, repackages for sale, or applies architectural and industrial maintenance coatings in Maryland. This includes manufacturers and distributors of architectural and industrial coatings that are made available for sale and use in Maryland, painting contractors and government agencies specifying coatings, and to any person who applies architectural and industrial maintenance coatings in Maryland.

Requirements

This regulation establishes the following VOC content limits and standards for architectural and industrial maintenance coatings as of January 1, 2017:

VOC Content Limits. All architectural and industrial coatings made available for sale and use in Maryland must meet specific VOC limits as specified in the regulation, minus water and exempt compounds.

Container Labeling Requirements. Manufacturers of architectural and industrial maintenance coatings are that are sold, distributed, or made available for use are required to prominently display the following product information on the coating container or on the label affixed to the container:

- The date the coating was manufactured, or a date code representing the date of manufacture (*manufacturers must file an explanation of date codes with the Department*);
- Thinning recommendations;
- VOC content; and
- Specific labeling requirements for:
    - Faux finishing coatings
    - Industrial maintenance coatings
    - Rust preventive coatings
    - Specialty primers, sealers, and undercoaters
    - Non-flat – High gloss coatings
    - Reactive penetrating sealers
    - Reactive penetrating carbonate stone sealers
    - Stone consolidants
    - Wood coatings; and
    - Zinc rich primers

Expected Emissions Reductions

Based upon calculations and emissions estimates by the Department, the proposed regulation has an estimated statewide VOC emissions reduction potential of 6 percent from the architecture and industrial maintenance coatings category of the current baseline emissions inventory. Maryland's 2018 baseline emissions inventory indicates that VOC emissions from architecture and industrial maintenance coatings total 54 tons/day. The proposed regulation will reduce 2.6 tons/day of VOC emissions through implementation of the coating limits and standards that have been established in the OTC Model Rule for AIM Coatings.

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

Businesses that supply resins, solvents, other ingredients and equipment to coating manufacturers may be potentially impacted by the new regulation. Companies – which include home improvement retailers, painting contractors, government agencies, and consumers who distribute, sell or use architectural and industrial maintenance coatings also may be potentially impacted by the new regulation. The new regulation may significantly impact manufacturers of architectural coatings. However, the Department believes that the January 1, 2017 implementation date will give manufacturers the needed time to both reformulate coatings and make coatings compliant with the VOC content limits and standards in the regulation available to the public.

There will be no additional impact on the Department as a result of this regulation.

Economic Impact on Small Businesses

There is no small business in Maryland that has been identified to incur substantial economic impact as a result of the proposed action. Small businesses that purchase and use architectural and industrial maintenance coatings are likely to meet the standards at minimum cost.

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

Yes, 40 CFR Part 59, Subpart D - *National Volatile Organic Compound Emission Standards for Architectural Coatings* (1998) establishes nationwide VOC content limits and standards for architectural coatings. The applicable VOC content limits and standards in the proposed regulation are more stringent than those in the federal regulations that were mentioned.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 41 Architectural and Industrial Maintenance (AIM) Coatings

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 Applicability and Exemptions.

A. Except as provided in §B of this regulation, this chapter applies to a person who, on or after January 1, 2017:

(1) Supplies, sells, offers for sale, or manufactures an architectural coating for use within the State; or

(2) Uses or applies an architectural coating within the State.

B. This chapter does not apply to the following products:

(1) Any architectural coating that is supplied, sold, offered for sale or manufactured for:

(a) Use outside of the State; or

(b) Shipment to other manufacturers for reformulation or repackaging.

(2) Any aerosol coating product; or

(3) An architectural coating that is sold in a container with a volume of 1 liter (1.057 quart) or less, including kits of containers of different colors, types, or categories of coatings and two component products.

C. The exemption in §B(3) of this regulation does not include:

(1) Bundling of containers 1 liter or less, which are sold together as a unit; or

(2) Coatings with packaging or marketing which implies that multiple containers 1 liter or less be combined into one container.

D. The exemption in §B(3) of this regulation includes multiple containers of 1 liter or less that are packaged and shipped together, but are sold individually.

.02 Test Methods—Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) Fire-Resistance Rating. The fire-resistance rating of a fire-resistive coating shall be determined by ASTM Test Method E 119-08, "Standard Test Methods for Fire Tests of Building Construction and Materials".

(2) Gloss Determination. The gloss of a coating shall be determined by ASTM Test Method D 523-89 (1999), "Standard Test Method for Specular Gloss".

(3) Metal Content of Coatings. The metallic content of a coating shall be determined by South Coast Air Quality Management District (SCAQMD) Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", (Approved July 1996) SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(4) Acid Content of Coatings. The acid content of a coating shall be determined by ASTM Test Method D 1613-06, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products".

(5) Exempt Compounds—Siloxanes. Exempt compounds that are cyclic, branched, or linear, completely methylated siloxanes, shall be analyzed as exempt compounds by methods referenced in ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" or Bay Area Air Quality Management District (BAAQMD) Method 43, "Determination of Volatile Methylsiloxanes in Solvent Based Coatings, Inks and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted November 6, 1996.

(6) Exempt Compounds—Parachlorobenzotrifluoride (PCBTF). The exempt compound parachlorobenzotrifluoride, shall be analyzed by methods referenced in ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" or BAAQMD Method 41 "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted December 20, 1995.

(7) Exempt Compounds. The content of compounds exempt under U.S. EPA Method 24 shall be analyzed by methods referenced in ASTM D 3960-05 "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings" or South Coast Air Quality Management District (SCAQMD) Method 303-91 "Determination of Exempt Compounds (Revised 1993)", SCAQMD Laboratory Methods of Analysis for Enforcement Samples.

(8) VOC Content of Coatings. The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in Appendix A of 40 CFR Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".

(9) Alternative VOC Content of Coatings. The VOC content of coatings may be analyzed by either U.S. EPA Method 24 as it exists in Appendix A of 40 CFR Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings" or SCAQMD Method 304-91 "Determination of

Volatile Organic Compounds (VOC) in Various Materials (Revised 1996)", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(10) Methacrylate Traffic Marking Coatings. The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings".

(11) Radiation Resistance - Nuclear Coatings. The radiation resistance of a nuclear coating shall be determined by ASTM D 4082-02 "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants"

(12) Chemical Resistance - Nuclear Coatings. The chemical resistance of nuclear coatings shall be determined by ASTM D 3912-95 (2001) "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants".

(13) Hydrostatic Pressure for Basement Specialty Coatings. The hydrostatic pressure resistance for basement specialty coatings shall be analyzed using ASTM D7088-04, "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry".

(14) Tub and Tile refinishing Coating Adhesion. The adhesion of tub and tile coating shall be determined by ASTM D4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D3359-02, "Standard Test Methods for Measuring Adhesion by Tape Test".

(15) Tub and Tile Refinish Coating Hardness. The hardness of tub and tile refinish coating shall be determined by ASTM D3363-05, "Standard Test Method for Film Hardness by Pencil Test".

(16) Tub and Tile Refinish Coating Abrasion Resistance. Abrasion resistance of tub and tile refinish coating shall be analyzed by ASTM D4060-07, "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser".

(17) Tub and Tile Refinish Coating Water Resistance. Water resistance of tub and tile refinish coatings shall be determined by ASTM D4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D714-02e1, "Standard Test Method for Evaluating Degree of Blistering of Paints".

(18) Waterproofing Membrane. Waterproofing membrane shall be tested by ASTM C836-06, "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course".

(19) Mold and Mildew Growth for Basement Specialty Coatings. Mold and mildew growth resistance for basement specialty coatings shall be determined by ASTM D3273-00, "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber" and ASTM D3274-95, "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation".

(20) Reactive Penetrating Sealer Water Repellency. Reactive penetrating sealer water repellency shall be analyzed by ASTM C67-07, "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97-02, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; or ASTM C140-06, "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units".

(21) Reactive Penetrating Sealer Water Vapor Transmission. Reactive penetrating sealer water vapor transmission shall be analyzed ASTM E96/E96M-05, "Standard Test Method for Water Vapor Transmission of Materials".

(22) Reactive Penetrating Sealer - Chloride Screening Applications. Reactive penetrating sealers shall be analyzed by National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures".

(23) Stone Consolidants. Stone consolidants shall be tested using ASTM E2167-01, "Standard Guide for Selection and Use of Stone Consolidants".

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Adhesive" means a chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(2)"Aerosol coating product" means a pressurized coating product containing pigments or resins that:

(a) Dispenses product ingredients by means of a propellant; and

(b) Is packaged in a disposable can for handheld application, or for use in specialized equipment for ground traffic/marking applications.

(3) "Aluminum roof coating" means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon).

(4) Appurtenance.

(a) "Appurtenance" means an accessory to a stationary structure that is coated at the site of installation, whether installed or detached.

(b) "Appurtenance" includes:

(i) Bathroom and kitchen fixtures;

(ii) Cabinets;

(iii) Concrete forms;

(iv) Doors;

(v) Elevators;

(vi) Fences;

(vii) Hand railings;

(viii) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools;

(ix) Lampposts;

(x) Partitions;

(xi) Pipes and piping systems;

(xii) Rain gutters and downspouts;

(xiii) Stairways;

(xiv) Fixed ladders;

(xv) Catwalks and fire escapes; and

(xvi) Window screens.

(5) Architectural Coating.

(a) "Architectural coating" means a coating to be applied to:

(i) Stationary structures or their appurtenances at the site of installation;

(ii) Portable buildings at the site of installation;

(iii) Pavements; or

(iv) Curbs.

(b) "Architectural coating" does not include:

(i) Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, or automobiles; or

(ii) Adhesives.

(6) "Basement specialty coating" means a clear or opaque coating that:

(a) Is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces;

(b) Is capable of withstanding at least 10 psi of hydrostatic pressure;

(c) Is resistant to mold and mildew growth; and

(d) Achieves a microbial growth rating of 8 or more.

(7) "Bituminous roof coating" means a coating that:

(a) Incorporates bitumens;

(b) Is labeled and formulated exclusively for roofing; and

(c) Is intended for the primary purpose of preventing water penetration.

(8) "Bituminous roof primer" means a primer that:

(a) Incorporates bitumens;

(b) Is labeled and formulated exclusively for roofing; and

(c) Is intended for one of the following purposes:

(i) Preparing a weathered or aged surface; or

(ii) Improving the adhesion of subsequent surfacing components.

(9) "Bond breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

(10) "Calcimine recoater" means a flat solvent borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

(11) Coating.

(a) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes.

(b) "Coating" includes paints, varnishes, sealers, and stains.

(12) "Colorant" means a concentrated pigment dispersion in water, solvent, or binder that is added to an architectural coating to produce a desired color.

(13) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

(a) Retard the evaporation of water; or

(b) Harden or dustproof the surface of freshly poured concrete.

(14) "Concrete/masonry sealer" means a clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

(a) Prevent penetration of water;

(b) Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or

(c) Harden or dustproof the surface of aged or cured concrete.

(15) "Concrete surface retarder" means a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(16) Conjugated oil varnish.

(a) "Conjugated oil varnish" means a clear or semi-transparent wood coating that:

(i) Is labeled as such;

(ii) Is based on a natural occurring conjugated vegetable oil (tung oil) and modified with other natural or synthetic resins, with a minimum of 50 percent of the resins solids consisting of conjugated oil;

(iii) Is supplied as a single component that penetrates and seals the wood;

(iv) Results in film formation due to polymerization of the oil; and

(v) Contains small amounts of pigment to control the final gloss or sheen.

(b) "Conjugated oil varnish" does not include lacquers or shellacs.

(17) "Conversion varnish" means a clear acid curing coating with an alkyd, or other resin blended with amino resins that:

(a) Is supplied as a single component or two-component product designed for professional application to wood flooring to produce a hard, durable, clear finish; and

(b) Results in a film formation from an acid-catalyzed condensation reaction, affecting a transetherification of the reactive ethers of the amino resins.

(18) "Driveway sealer" means a coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

(a) Fill cracks;

(b) Seal the surface to provide protection; or

(c) Restore or preserve the appearance.

(19) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

(20) "Exempt compound" means a compound identified as exempt under the definition of volatile organic compound (VOC) under COMAR 26.11.01.01B(53).

(21) "Faux finishing coating" means a coating labeled and formulated to meet one or more of the following criteria:

(a) A glaze or textured coating used to create artistic effects, including:

(i) Dirt;

(ii) Suede;

(iii) Old age;

(iv) Smoke damage;

(v) Simulated marble; and

(vi) Wood grain;

(b) A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon);

(c) A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon);

(d) A decorative coating used to create a metallic appearance that:

(i) Contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon); or

(ii) Requires a clear topcoat to prevent the degradation of the finish under normal use conditions.

(e) A clear topcoat sold and used solely as part of a faux finishing coating system to seal and protect a faux finishing coating that meets one or more of the requirements in §B(21)(a)—(d) of this regulation.

(22) Fire-Resistive Coating.

(a) "Fire-resistive coating" means a coating that has been labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior structural materials.

(b) "Fire-resistive coating" includes sprayed fire resistive materials and intumescent fire coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements.

(23) "Flat coating" means a coating that is not defined under any other definition in this regulation and that registers a gloss of less than 15 on an 85-degree meter or less than 5 on a 60-degree meter.

(24) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring such as decks, porches, steps, garage floors and other horizontal surfaces that may be subjected to foot traffic.

(25) "Form-release coating" means a coating labeled and formulated for application to a form to prevent freshly poured concrete from bonding to the form.

(26) Graphic Arts Coating (Sign Paint).

(a) "Graphic arts coating (sign paint)" means a coating labeled and formulated for hand-application, using brush, airbrush, or roller techniques to one or more of the following:

(i) Indoor and outdoor signs; and

(ii)Murals.

(b) "Graphic arts coating (sign paint)" includes letter enamels, poster colors, copy blockers, and bulletin enamels.

(c) "Graphic arts coating (sign paint)" does not include coatings applied to structural components.

(27) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(28) "Impacted immersion coating" means a high performance maintenance coating that is:

(a) Formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water; and

(b) Specifically resistant to high-energy impact damage caused by floating ice or debris.

(29) Industrial maintenance coating.

(a) "Industrial maintenance coating" means a high performance architectural coating formulated for application to substrates exposed to one or more of the following extreme environmental conditions:

(i) Immersion in water, wastewater, chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation;

(ii) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;

(iii) Frequent exposure to temperatures above 121°C (250°F)

(iv) Frequent and heavy abrasion, including mechanical wear and scrubbing with industrial solvents, cleansers, or scouring agents; or

(v) Exterior exposure of metal structures and structural components.

(b)"Industrial maintenance coating includes primers, sealers, undercoaters, intermediate coats, and topcoats,.

(30) "Low-solids coating" means a coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer.

(31) "Magnesite cement coating" means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(32) "Mastic texture coating" means a coating:

(a) Labeled and formulated to cover holes and minor cracks and to conceal surface irregularities; and

(b) Applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

(33) "Metallic pigmented coating" means a coating labeled and formulated to provide a metallic appearance that contains at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (0.4 pounds per gallon).

(34) "Multi-color coating" means a coating that is:

(a) Packaged in a single container; and

(b) Labeled and formulated to exhibit more than one color when applied in a single coat.

(35) "Non-flat coating" means a coating that:

(a) Is not defined under any other definition in this regulation; and

(b) Registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter.

(36) "Non-flat—high gloss coating" means a non-flat coating that registers a gloss of 70 or greater on a 60-degree meter.

(37) "Nuclear coating" means a protective coating that:

(a) Is formulated and recommended to seal porous surfaces that otherwise would be subject to intrusion by radioactive materials;

(b) Is resistant to long-term (service life) cumulative radiation exposure;

(c) Is relatively easy to decontaminate; and

(d) Is resistant to various chemicals to which the coatings are likely to be exposed.

(38) "Post-consumer coating" means finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

(39) "Pre-treatment wash primer" means a primer that:

(a) Contains a minimum of 0.5 percent acid, by weight; and

(b) Is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and promote adhesion of subsequent topcoats.

(40) "Primer, sealer and undercoater" means a coating labeled and formulated for one or more of the following purposes:

(a) To provide a firm bond between the substrate and subsequent coatings;

(b) To prevent subsequent coatings from being absorbed by the substrate;

(c) To prevent harm to subsequent coatings by materials in the substrate;

(d) To provide a smooth surface for the subsequent application of coatings;

(e) To provide a clear finish coat to seal the substrate; or

(f) To block materials from penetrating into or leaching out of a substrate.(41) Reactive Penetrating Sealer.

(41) Reactive penetrating sealer.

(a) "Reactive penetrating sealer" means a clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including:

(i) Alkalis;

(ii) Acids; and

(iii) Salts.

(b) "Reactive penetrating sealers" meet the following criteria:

(i) Penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate;

(ii) Line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film;

(iii) Improve water repellency at least 80 percent after application on a concrete or masonry substrate as verified on standardized test specimens; and

(iv) Do not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate.

(c) "Reactive penetrating sealers" labeled and formulated for vehicular traffic surface chloride screening applications shall meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981).

(42) Reactive Penetrating Carbonate Stone Sealer.

(a) "Reactive penetrating carbonate stone sealer" means a clear or pigmented coating that is labeled and formulated for application to above-grade carbonate stone substrates to provide protection from water and waterborne contaminants, including:

(i) Alkalis;

(ii) Acids; and

(iii) Salts.

(b) "Reactive penetrating sealers" meet the following criteria:

(i) Penetrate into carbonate stone substrates and chemically reacts to form covalent bonds with naturally occurring minerals in the substrate;

(ii) Line the pores of carbonate stone substrates with a hydrophobic coating, but do not form a surface film;

(iii) Improve water repellency at least 80 percent after application on a carbonate stone substrate; and

(iv) Do not reduce the water vapor transmission rate by more than 10 percent after application on a carbonate stone substrate.

(43) "Recycled coating" means an architectural coating formulated so that it contains a minimum of 50 percent by volume post-consumer coating, with a maximum of 50 percent secondary industrial materials or virgin materials.

(44)"Roof coating" means a non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

(45) Rust Preventive Coating.

(a) "Rust preventive coating" means a coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

(i) Direct-to-metal coating; or

(ii) Coating intended for application over rusty, previously coated surfaces.

(b) "Rust preventive coating" does not include:

(i) Coatings that are required to be applied as a topcoat over a primer; or

(ii) Coatings that are intended for use on wood or any other nonmetallic surface.

(46) "Secondary industrial materials" means products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.

(47) "Shellac" means a clear or opaque coating formulated solely with the resinous secretions of the Lac beetle (Laciffer lacca), and formulated to dry by evaporation without a chemical reaction.

(48) "Shop application" means application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g. original equipment manufacturing coatings).

(49) "Specialty primer, sealer, and undercoater" means a coating that is formulated for application to a substrate to block water-soluble stains resulting from:

(a) Fire damage;

(b) Smoke damage; or

(c) Water damage.

(50) "Stain" means a semi-transparent, or opaque coating labeled and formulated to change the color of a surface, but not conceal the grain pattern or texture.

(51) "Stone consolidant" means a coating that:

(a) Is labeled and formulated for application to stone substrates to repair structures that have been damaged by weathering or other decay mechanisms; and

(b) Penetrates into stone substrates to create bonds between particles and consolidate deteriorated material.

(52) Swimming Pool Coating.

(a) "Swimming pool coating" means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

(b) "Swimming pool coating" includes coatings used for swimming pool repair and maintenance.

(53) "Thermoplastic rubber coating and mastic" means a coating or mastic that:

(a) Is formulated and recommended for application to roofing or other structural surfaces; and

(b) Incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids.

(54) "Tint base" means colorant which is added to an architectural coating.

(55) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces such as curbs, berms, driveways, parking lots, sidewalks, and airport runways.

(56) "Tub and tile refinish coating" means a clear or opaque coating that:

(a) Is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop;

(b) Has a scratch hardness of 3H or harder and a gouge hardness of 4H or harder that is determined on bonderite 1000;

(c) Has a weight loss of 20 milligrams or less after 1000 cycles determined with CD-17 wheels on bonderite 1000;

(d) Withstands 1000 hours or more of exposure with few or no #8 blisters that is determined on unscribed borderite; and

(e) Has an adhesion rating of 4B or better after 24 hours of recovery that is determined on inscribed bonderite.

(57) "VOC actual" means the weight of VOC per volume of coating, including water and exempt compounds.

(58) VOC Content.

(a) "VOC content" means the weight of VOC per volume of coating and is VOC regulatory for all coatings except those in the low solids category.

(b) "VOC content" includes the following:

(i) The VOCs emitted during curing if the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process; and

(ii) The maximum amount of thinning solvent recommended by the manufacturer.

(59) "VOC regulatory" means the weight of VOC per volume of coating, less the volume of water and exempt compounds.

(60) Waterproofing Membrane.

(a) "Waterproofing membrane" means a clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate.

(b) "Waterproofing membrane" is intended for one or more of the following waterproofing applications:

(i) Below-grade surfaces;

(ii) Between concrete slabs;

(iii) Inside tunnels;

(iv) Inside concrete planners; or

(v) Under flooring materials.

(c) "Waterproofing membrane" is applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness.

(d) "Waterproofing membrane" does not include topcoats that are included in the concrete masonry sealer category.

(61) Wood Coatings.

(a) "Wood coatings" means coatings labeled and formulated for application to wood substrates only.

(b) "Wood coatings" includes the following clear and semitransparent coatings:

(i) Lacquers;

(ii) Varnishes;

(iii) Sanding sealers;

(iv) Penetrating oils;

(v) Clear stains;

(vi) Wood conditioners used as undercoats; and

(vii) Wood sealers used as topcoats.

(c) "Wood coatings" also includes the following opaque wood coatings:

(i) Opaque lacquers;

(ii) Opaque sanding sealers; and

(iii) Opaque lacquer undercoaters.

(d) "Wood coatings" does not include the following:

(i) Clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or

(ii) Coatings intended for substrates other than wood.

(62) "Wood preservative" means a coating that:

(a) Is labeled and formulated to protect exposed wood from decay or insect attack; and

(b) Registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §136 et seq.) and with the State.

(63) Wood Substrate.

(a) "Wood substrate" means a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain.

(b) "Wood substrate" does not include items comprised of simulated wood.

(64) "Zinc-rich primer" means a coating that:

(a) Contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and

(b) Is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings.

.04 General Requirements and Standards.

A. VOC Content Limits.

(1) Except as provided in this regulation, a person may not manufacture, blend, repackage for sale, supply, sell, offer for sale, or apply within the State an architectural coating with a VOC content in excess of the corresponding limit specified in Regulation .05 of this chapter.

(2) Limits are expressed as VOC content, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

B. Most Restrictive VOC Limit. If anywhere on the container of an architectural coating, label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on behalf of a manufacturer, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Regulation .05 of this chapter, then the most restrictive VOC content limit applies.

C. The provisions of §B of this regulation do not apply to the following coating categories:

(1) Aluminum roof coatings;

(2) Bituminous roof primers;

(3) High-temperature coatings;

(4) Industrial maintenance coatings;

(5) Low-solids coatings;

(6) Metallic pigmented coatings;

(7) Pretreatment wash primers;

(8) Shellacs;

(9) Specialty primers, sealers, and undercoaters;

(10) Wood coatings;

(11) Wood preservatives;

(12) Zinc-rich primers

(13) Calcimine recoaters;

(14) Impacted immersion coatings;

(15) Nuclear coatings;

(16) Thermoplastic rubber coatings and mastic; and

(17) Concrete surface retarders.

D. Sell-Through of Coatings.

(1) A coating manufactured before the effective date of January 1, 2017, that complied with the standards in effect at the time the coating was manufactured may be sold, supplied, or offered for sale until January 1, 2020.

(2) A coating that complies with the standards in effect in this State at the time of manufacture may be applied at any time.

(3) The provisions of this section do not apply to a coating that does not display the date or date code required under Regulation .06B of this chapter.

(4) Notwithstanding §D(2), a person may not apply any rust preventative coating manufactured before January 1, 2017 for industrial use, unless such a rust preventative coating complies with the industrial maintenance coating limit specified in Regulation .05 of this chapter.

E. Painting Practices.

(1) All architectural coating containers used to apply the contents therein to a surface by pouring, siphoning, brushing, rolling, padding, ragging, or other means, shall be closed when not in use.

(2) Architectural coatings containers include, but are not limited to drums, buckets, cans, pails, trays, or other application containers.

(3) Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

F. Thinning. A person may not apply any architectural coating if the coating is thinned to exceed the applicable VOC limit specified in Table 1 of Regulation .05 of this chapter.

G. Coatings Not Listed in Regulation .05. A coating that does not meet the definitions for the specialty coatings categories listed in Regulation .05 of this chapter is subject to the VOC content limit for either a flat, non-flat, or non-flat high gloss coating based on its gloss as determined in Regulation .02B(2) of this chapter.

.05 VOC Content Limits.

Table 1. VOC Content Limits for Architectural and Industrial Maintenance Coatings.

Coating Category	*VOC Content Limit (grams per liter)*
Flat coatings	*50*
Non-flat coatings	*100*
Non-flat – high gloss coatings	*150*
Specialty coatings:	
Aluminum roof coatings	*450*
Basement specialty coatings	*400*
Bituminous roof coatings	*270*
Bituminous roof primers	*350*
Bond breakers	*350*
Calcimine recoater	*475*
Concrete curing compounds	*350*
Concrete/masonry sealers	*100*
Concrete surface retarders	*780*
Conjugated oil varnish	*450*
Conversion varnish	*725*
Driveway sealers	*50*
Dry fog coatings	*150*
Faux finishing coatings	*350*
Fire-resistive coatings	*350*
Floor coatings	*100*
Form-release coatings	*250*
Graphic arts coatings (Sign paints)	*500*
High-temperature coatings	*420*
Impacted immersion coatings	*780*
Industrial maintenance coatings	*250*
Low-solids coatings	*120*
Magnesite cement coatings	*450*
Mastic texture coatings	*100*

Metallic pigmented coatings	*500*
Multi-color coatings	*250*
Nuclear coatings	*450*
Pre-treatment wash primers	*420*
Primers, sealers, and undercoaters	*100*
Reactive penetrating sealers	*350*
Reactive penetrating carbonate stone sealers	*500*
Recycled coatings	*250*
Roof coatings	*250*
Rust preventative coatings	*250*
Shellacs:	
Clear	*730*
Opaque	*550*
Specialty primers, sealers, and undercoaters	*100*
Stains	*250*
Stone consolidant	*450*
Swimming pool coatings	*340*
Thermoplastic rubber coatings and mastic	*550*
Traffic marking coatings	*100*
Tub and tile refinish coatings	*420*
Waterproofing membranes	*250*
Wood coatings	*275*
Wood preservatives	*350*
Zinc-rich primers	*340*

.06 Container Labeling Requirements.

A. A person who manufactures an architectural coating subject to this chapter shall display the information listed in this regulation on the coating container or container label in which the coating is sold or distributed.

B. Date Code.

(1) The date the coating was manufactured, or a date code representing the date of manufacture, shall be indicated on the label, lid, or bottom of the container.

(2) If the manufacturer uses a date code for a coating, the manufacturer shall file an explanation of each code with the Department.

C. Thinning Recommendations.

(1) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(2) This requirement does not apply to the thinning of architectural coatings with water.

(3) If thinning of the coating before use is not necessary, the recommendation shall specify that the coating is to be applied without thinning.

D. VOC Content.

(1) A container of a coating subject to this chapter shall display one of the following values in grams of VOC per liter of coating:

(a) Maximum VOC content as determined from all potential product formulations;

(b) VOC content as determined from actual formulation data; or

(c) VOC content as determined using the procedures specified in Regulation .08 of this chapter.

(2) If the manufacturer does not recommend thinning, the container shall display the VOC content, as supplied.

(3) If the manufacturer recommends thinning, the container shall display the VOC content including the maximum amount of thinning solvent recommended by the manufacturer.

(4) If the coating is a multi-component product, the container shall display the VOC content as mixed or catalyzed.

(5) If the coating contains silanes, siloxanes, or other ingredient that generate ethanol or other VOCs during the curing process, the VOC content shall include the VOCs emitted during curing.

(6) The VOC content shall be determined using the procedures in Regulation .08 of this chapter.

E. Faux Finishing Coatings. The labels of all clear topcoat faux finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system."

F. Industrial Maintenance Coatings. A manufacturer of an industrial maintenance coating shall prominently display at least one of the following statements:

(1) "For industrial use only";

(2) "For professional use only";

(3) "Not for residential use"; or

(4) "Not intended for residential use".

G. Rust Preventive Coatings. The labels of a rust preventive coating shall prominently display the statement "For Metal Substrates Only".

H. Specialty Primers, Sealers, and Undercoaters. The label of a specialty primer, sealer, or undercoater shall, as applicable, prominently display one or more of the following descriptions:

(1) "For blocking stains";

(2) "For fire-damaged substrates";

(3) "For smoke-damaged substrates"; or

(4) "For water-damaged substrates";

I. Non-Flat—High-Gloss Coatings. The label of a non-flat—high-gloss coating shall prominently display the words "High Gloss".

J. Reactive Penetrating Sealers. The labels of all reactive penetrating sealers shall prominently display the statement "Reactive Penetrating Sealer".

K. Reactive Penetrating Carbonate Stone Sealers. The labels of all reactive penetrating carbonate stone sealers shall prominently display the statement "Reactive Penetrating Carbonate Stone Sealers".

L. Stone Consolidants. The labels of all stone consolidants shall prominently display the statement "Stone Consolidants – For Professional Use Only".

M. Wood Coatings. The labels of all wood coatings shall prominently display the statement "For Wood Substrates Only".

N. Zinc Rich Primers. The labels of all zinc rich primers shall prominently display one or more of the following statements:

(1) "For professional use only";

(2) "For industrial use only";

(3) "Not for residential use"; or

(4) "Not intended for residential use".

***07. Reporting Requirements.** A person who manufactures a coating subject to this chapter shall provide within 180 days of written request, data concerning the distribution and sales of architectural coatings, including:*

A. The name and mailing address of the manufacturer;

B. The name, address, and telephone number of a contact person;

C. The name of the coating product as it appears on the label;

D. The application coating category;

E. A description whether the product is marketed for interior or exterior use or both;

F. The number of gallons sold in the State in containers greater than 1 liter and equal to or less than 1 liter;

G. The VOC actual content and VOC regulatory content in grams per liter.

(1) If thinning is recommended, list the VOC actual content and VOC regulatory content after maximum recommended thinning.

(2) If containers less than 1 liter have a different VOC content than containers greater than 1 liter, list separately.

(3) If the coating is a multi-component product, provide the VOC content as mixed or catalyzed.

H. The names and CAS numbers of the VOC constituents in the product;

I. The names and CAS numbers of any compounds in the product specifically exempted from the VOC definition under COMAR 26.11.01.01B(53);

J. A description whether the product is marketed as solventborne, waterborne, or 100 percent solids;

K. A description of resin or binder in the product;

L. A description whether the coating is a single-component or multi-component product;

M. The density of the product in pounds per gallon;

N. The percent by weight of solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition under COMAR 26.11.01.01B(53); and

O. The percent by volume of solids, water, and any compounds in the product specifically exempted from the VOC definition under COMAR 26.11.01.01B(53).

08. Compliance Procedures.

A. Calculation of VOC Content.

(1) For the purpose of determining compliance with the VOC content limits in Table 1 of Regulation .05 of this chapter, the VOC content of a coating shall be determined using the following procedures, as applicable:

(a) With the exception of low solids coatings, determine the VOC content (regulatory) in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds using the following equation:

VOC Regulatory = (Ws - Ww - Wec) / (Vm - Vw - Vec)

Where:

VOC Regulatory = grams of VOC per liter of coating;
Ws = weight of volatiles, in grams;
Ww = weight of water, in grams;
Wec = weight of exempt compounds, in grams;
Vm = volume of coating, in liters;
Vw = volume of water, in liters; and
Vec = volume of exempt compounds, in liters.

(*b) For low solids coatings, determine the VOC content (actual) in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds using the following equation:*

VOC Actual = (Ws - Ww - Wec) / (Vm)

Where:

VOC Actual = the VOC content of a low solids coating, in grams per liter of coating;
Ws = weight of volatile, in grams;
Ww = weight of water, in grams;
Wec = weight of exempt compounds, in grams; and
Vm = volume of coating, in liters.

(2) The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

(3) If the manufacturer does not recommend thinning, the VOC content shall be calculated for the product as supplied.

(4) If the manufacturer recommends thinning, the VOC content shall be calculated including the maximum amount of thinning solvent recommended by manufacturer.

(5) If the coating is a multi-component product, the VOC content shall be calculated as mixed or catalyzed.

(6) If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content shall include the VOCs emitted during curing.

B. VOC Content of Coatings.

(1) Except as provided in §C of this regulation, a person shall determine the VOC content of a coating using one of the test methods listed in Regulation .02 of this chapter, or an alternative method approved by the Department.

(2) If there are any inconsistencies between the results of EPA Method 24 test and any other means for determining VOC content, the EPA Method 24 test results will govern.

(3) The exempt compounds content shall be determined by one of the test methods listed in Regulation .02 of the chapter, as applicable.

C. Methacrylate Traffic Coating Markings. Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A). This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

Department of the Environment

Facts About...

Repeal COMAR 26.11.28 - Clean Air Interstate Rule
Amend COMAR 26.11.01.01 – definition revision
Amend COMAR 26.11.14.07 – text revision

9/11/2015

Purpose of New Regulation/Amendment

The primary purpose of this action is to repeal the chapter COMAR 26.11.28 Clean Air Interstate Rule (CAIR) program. The following amendments are also being proposed as part of this action to remove references to the CAIR program:

1. Amend definition of COMAR 26.11.28.01B(24-1) "NO_x Ozone Season Allowance";
2. Amend COMAR 26.11.14.07C(1) by removing reference to COMAR 26.11.28; and
3. Amend COMAR 26.11.14.07D(1)(a) by removing the word "certified".

Submission to EPA as Revision to Maryland's SIP (or 111(d) Plan, or Title V Program)

These amendments will be submitted to the U.S. Environmental Protection Agency (EPA) as revisions to Maryland's State Implementation Plan (SIP).

Background

On March 10, 2005, the EPA finalized CAIR, which required 28 eastern states to make reductions in sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions that contribute to unhealthy levels of fine particle and ozone pollution in downwind states. In 2008, Maryland adopted regulations that incorporated the requirements of the federal CAIR program. Under CAIR, affected electric generating units (EGUs) were required to participate in a cap and trade program, which drove additional reductions to NO_x and SO_2 emissions. Using a base year of 2003, CAIR was expected to result in a 45% reduction in SO_2 emissions by 2010, and a 53% reduction in NO_x emissions by 2009.

On July 16, 2007, Maryland's Healthy Air Act (HAA) became effective. It was more stringent and effectively took the place of CAIR, though Maryland was still federally required to have the CAIR SIP. The HAA was more restrictive than CAIR and other corresponding federal standards insofar as it established specific NO_x, SO_2, and mercury limitations for the coal-fired electric generating units that are subject to the HAA. Unlike CAIR, the HAA does not permit compliance through the surrender of allowances.

In 2010, the EPA began development of an updated cap and trade program directed at these same EGUs. The new program, the Cross State Air Pollution Rule (CSAPR) (also referred to as the Transport Rule (TR)), was developed to address the 1997 8-hour ozone standards (80 parts per billion (ppb)), the 1997 annual $PM_{2.5}$ standard (15 micrograms per

cubic meter ($\mu g/m^{3)}$) and the 2006 24-hour $PM_{2.5}$ standard (35 micrograms per cubic meter ($\mu g/m^{3)}$). CSAPR was to become effective January 1, 2012. However, due to legal challenges filed against the program, the implementation of CSAPR was delayed three years. Finally, on December 3, 2014 (79 FR 71663), the EPA published the updated effective date of CSAPR as January 1, 2015, and the termination of the CAIR program. All standards established under CSAPR were retained, with only the effective date of implementation being delayed by three years.

As a result of CSAPR replacing CAIR, Maryland is proposing to repeal its CAIR program, along with removing reference to CAIR in other sections of COMAR. The sources which were subject to the CAIR program will now be covered under the federal regulations for CSAPR.

The final amendment, specifically the removal of "certified" from COMAR 26.11.14.07D(1)(a), is being completed at the request of the EPA to make clear that the CEM system must meet all of the requirements of 40 CFR 75, Subpart H, not just the certification requirements.

Sources Affected and Location

This action applies to fuel burning equipment that meets the applicability provisions in 40 CFR §§96.104 and 96.304 and 40 CFR 97 Subparts AAAAA – CCCCC.

Requirements

There are no requirements associated with this action. This action repeals the requirements of COMAR 26.11.28,removes references to an expired federal program (CAIR), and directs affected sources, and certain sources which can use NO_x ozone season allowances as an alternative method to achieve compliance, to the current federal emission trading program located in 40 CFR 97 Subparts AAAAA – CCCCC. This action also modifies text in COMAR 26.11.14.07D(1)(a).

1. Repeal COMAR 26.11.28, Clean Air Interstate Rule (CAIR)
   This action does not change the sources affected by the federal cap and trade program, which was CAIR and is now CSAPR. These same fossil fuel fired EGUs are now directed to 40 CFR 97 Subparts AAAAA – CCCCC for information on CSAPR's emission trading program.
2. Amend definition of COMAR 26.11.01.01B(24-1) "NO_x Ozone Season Allowance"
   This action does not change the sources affected by the federal cap and trade program, which was CAIR and is now CSAPR. Under COMAR, certain facilities are permitted to use NO_x ozone season allowances as an alternative method to achieve compliance. In the definition for "NO_x Ozone Season Allowance", there was specific reference to CAIR, and the federal program (40 CFR 96.302). This definition is being revised to redirect the affected sources from the CAIR to the CSAPR program, while continuing to allow certain sources to use NO_x ozone season allowances as an alternative compliance method.

3. Amend COMAR 26.11.14.07C(1) by removing reference to COMAR 26.11.28 This action does not change the sources affected by the federal cap and trade program, which was CAIR and is now CSAPR. Under COAMR, certain sources are allowed to use NO_x ozone season allowances as an alternative method to achieve compliance. In COMAR 26.11.14.07C(1), there is specific reference to COMAR 26.11.28, which is being repealed as part of this action. This paragraph is being revised to remove reference to COMAR 26.11.28, while permitting the continuance practice of allowing certain sources to use NO_x ozone season allowances as an alternative compliance method.
4. Amend COMAR 26.11.14.07D(1)(a) by removing "certified." The CEMs are required to be certified, but also operated, quality assured, etc., in accordance with 40 CFR 75 Subpart H. COMAR 26.11.01.01.B(9) "Continuous emission monitor (CEM)" means a system of instruments installed, operated, and calibrated in accordance with the procedures in this subtitle to continuously measure and record the emission rate or concentration of a substance in a gas stream.

Expected Emissions Reductions

There are no expected emission reductions associated with these actions.

Economic Impact

These actions will have no economic impact on the affected sources.
These actions will have no economic impact on other State agencies or local governments.

Economic Impact on Small Businesses

The affected sources do not fit the definition of "small business".

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

These actions do not have an equivalent federal standard. The proposed actions are removing reference to an expired federal program (CAIR), and directing affected sources, and certain sources which can use NO_x ozone season allowances as an alternative method to achieve compliance, to the current federal emission trading program located in 40 CFR 97 Subparts AAAAA – CCCCC.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

[Chapter 28 Clean Air Interstate Rule]

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 - .08 Repealed

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 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. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) – (24) text unchanged

(24-1) "NO_x Ozone Season Allowance" means a [CAIR] NO_x ozone season allowance [as defined in 40 CFR 96.302]*established under federal 40 CFR 97.501 - .535 NOx ozone season emission trading program* and does not constitute a security or other form of property.

(25) – (53) text unchanged

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 14 Control of Emissions from Kraft Pulp Mills

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 - .06 text unchanged.

.07 Control of NOx Emissions from Fuel Burning Equipment.

A. – B. text unchanged

C. Achieving Compliance Through the Use of NO_x ozone season Allowances. The owner or operator of a Kraft pulp mill subject to this regulation that achieves compliance through the use of allowances pursuant to §B of this regulation shall:

(1) Acquire the NO_x ozone season allowances from a source that has been allocated allowances **[**under COMAR 26.11.28**]**, a NO_x ozone season allowance broker or other entity that has NO_x ozone season allowances and agrees to transfer them; and

(2) text unchanged

D. Monitoring and Reporting Requirements.

(1) For boilers or combustion units at a Kraft pulp mill subject to this regulation, the owner or operator of the Kraft pulp mill shall:

(a) Continuously monitor NO_x emissions with a CEM system **[**certified**]** in accordance with 40 CFR Part 75, Subpart H and 40 CFR §51.121(i)(4); and

(b) text unchanged

(2) text unchanged

Department of the Environment

Facts About...

Amendment to COMAR 26.11.10.06C(3)(b) Technical Memorandum 90-01 Reference Removal

August 25, 2015

Purpose of Amendment

The primary purpose of this amendment is to update COMAR 26.11.10.06C(3)(b) to remove the reference to the discontinued Technical Memorandum (TM) 90-01 "Continuous Emission Monitoring (CEM) Policies and Procedures" and add a reference to COMAR 26.11.01.11 - Continuous Emission Monitoring Requirements.

Background

In May 2010, the Department discontinued the use of Technical Memorandum 90-01 "Continuous Emission Monitoring (CEM) Policies and Procedures" for fuel burning equipment and codified the CEM requirements in COMAR 26.11.01.11. Additionally, the quality assurance and quality control procedures for COMs which were applied through use of the TM were incorporated into COMAR 26.11.31 - Quality Assurance Requirements for Continuous Opacity Monitors (COMs).

The TM was adopted in 1991, when continuous emissions monitoring requirements were first promulgated by the State. Those regulations were approved as part of the Department's continuous emission monitoring program by the EPA on February 28, 1996.

Submission to EPA as Revision to Maryland's SIP (or 111(d) Plan, or Title V Program)

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

Sources Affected

This action will not affect iron and steel production installations because the amendment merely corrects a reference to CEM requirements. At this time there are no iron and steel production installations in Maryland.

Requirements

This action will not add any additional requirements for iron and steel production installations.

Expected Emissions Reductions

There will be no emissions reductions as a result of this action because it is merely an administrative change.

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

This action will not have an economic impact because the amendment does not add any new requirements.

Economic Impact on Small Businesses

This action will not have an economic impact because the amendment does not add any new requirements.

Is there an Equivalent Federal Standard to this Proposed Regulatory Action?

There is no equivalent federal standard.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 10 Control of Iron and Steel Production 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

.01—.05-1 (text unchanged)

.06 Control of Volatile Organic Compounds from Iron and Steel Production Installations.

A. — B. (text unchanged)

C. Control of VOC Emissions from Sintering Plants.

(1) — (2) (text unchanged)

(3) A person who owns or operates a sintering plant subject to this regulation shall:

(a) (text unchanged)

(b) By December 31, 2001, certify and operate the CEM system in accordance with **[**the Department's Technical Memorandum 90-01, "Continuous Emission Monitoring (CEM) Policies and Procedures" (October, 1990), which is incorporated by reference in COMAR 26.11.01.10E**]** *COMAR 26.11.01.11*;

(c) — (f) (text unchanged)

(4) (text unchanged)

D. — E. (text unchanged)

.07 (text unchanged)