

1.01 AIR QUALITY GENERAL PERMITS TO CONSTRUCT – SMALL FUEL BURNING EQUIPMENT

Question: Will I need a permit for installing new small fuel burning equipment 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 permit?

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

What types of fuel burning equipment is eligible for this type of general permit?

This general permit covers boilers and space heaters which burn natural gas, liquid petroleum (propane), or distillate fuel oils (No 1 and No 2 Fuel Oil) with a rated heat input of 1 million BTU per hour up to 10 million BTU per hour .

The general permit is not applicable for stationary internal combustion engines, stationary combustion turbines, or fuel burning equipment that burns residual oils or solid fuels.

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 \$400 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
Application Package For

**SMALL FUEL BURNING
EQUIPMENT**

**(BOILER/HEATER WITH A MAXIMUM RATED
HEAT INPUT FROM ONE TO LESS THAN TEN
MILLION BTU PER HOUR)**

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**PERMIT TO CONSTRUCT
APPLICATION FORM**

August 29, 2016
www.mde.maryland.gov

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

**AIR QUALITY GENERAL PERMIT TO CONSTRUCT
SMALL FUEL BURNING (BOILER/HEATER) EQUIPMENT**

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PART I - Applicability

- (A) This permit applies only to a person who owns, constructs (installs), or operates fuel burning equipment that:**
- (1) Has a maximum rated heat input of one to less than ten million btu (1.06 to less than 10.6 gigajoules) per hour; and
 - (2) Burns natural gas, liquid petroleum gas (propane), or distillate fuel oil.
- (B) This permit does not apply to:**
- (1) Stationary internal combustion engines;
 - (2) Stationary combustion turbines;
 - (3) Solid fuel burning equipment;
 - (4) Boilers that burn fuel other than natural gas or distillate fuel oil; or
 - (5) Major sources of nitrogen oxides (NO_x) or major sources of hazardous air pollutants (HAP).

PART II - Definitions

“Department” – means the Maryland Department of the Environment. (Reference: COMAR 26.11.01.01)

“Distillate fuel oil” – means all American Society for Testing and Materials numbered fuel oils other than residual fuel oil. (Reference: COMAR 26.11.01.01)

“Fuel burning equipment” – means any boiler that has the primary function of producing hot air, hot water, or steam through indirect heat transfer from the burning of fuels. (Reference: COMAR 26.11.01.01)

“Major Source of HAP” – means a stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person, or persons under common control, belonging to a single major industrial grouping which emits or has the potential to emit: (1) 10 tons or more per year of any hazardous air pollutant listed pursuant to §112(b) of the Clean Air Act, or (2) 25 tons or more per year of any combination of hazardous air pollutants. (Reference: COMAR 26.11.02.01)

“Major Source of NO_x” – means a stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person, or persons under common control, belonging to a single major industrial grouping which emits or has the potential to emit: (1) 25 tons per year for sources located in Baltimore City or Anne Arundel, Baltimore, Carroll, Cecil, Harford, Howard, Calvert, Charles, Frederick, Montgomery, or Prince George’s counties, or (2) 100 tons per year or more for sources located in Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne’s, St. Mary’s, Somerset, Talbot, Washington, Wicmico, or Worcester counties. (Reference: COMAR 26.11.02.01)

“Modification” – means any physical change in, or change in the operation of, a source or installation which causes a change in the quantity, nature or characteristics of emissions from the source or 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 would be prohibited under any permit or approval conditions adopted by the Department. (Reference: COMAR 26.11.01.01)

“Natural gas” – means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth’s surface, of which the principal constituent is methane including intermediate gas streams generated during processing of natural gas at production sites or at gas processing plants. (2) Liquefied petroleum gas (e.g. propane or butane), as defined by the American Society for Testing and Materials in ASTM D1835. (3) a mixture of hydrocarbons that maintains a gaseous state at ISO conditions. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have gross calorific value between 34 and 43 megajoules (MJ) per dry standard cubic meter (910 and 1150 BTU per dry standard cubic foot). (Reference: 40 CFR §63.11237)

“Opacity” – means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background. (Reference: COMAR 26.11.01.01)

“Period of natural gas curtailment” – means a period of time during which the supply of natural gas to an affected facility is halted for reasons beyond the control of the facility. The act of entering into a contractual agreement with a supplier of natural gas established for curtailment purposes does not constitute a reason that is under the control of a facility for the purposes of this definition. An increase in the cost or unit price of natural gas does not constitute a period of natural gas curtailment or supply interruption. (Reference: 40 CFR §63.11237)

“Permittee” – means a person who has obtained a permit from the Department. (Reference: COMAR 26.11.02.01)

PART III - Specific Requirements for All Small Fuel Burning Equipment

(A) Control of Nuisance and Air Pollution

Fuel burning equipment is subject to COMAR 26.11.06.08 and 26.11.06.09 which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.

(B) Control of Visible Emissions from Fuel Burning Equipment

Fuel burning equipment is subject to COMAR 26.11.09.05A, which:

- (1) In Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, Howard, Montgomery, or Prince George's counties, prohibits the discharge of emissions, other than water vapor in an uncombined form, which is visible to human observers; and
- (2) In the rest of the state, prohibits emissions greater than 20 percent opacity, other than water in an uncombined form.
- (3) Exceptions. The limitations of (1) and (2) above do not apply during load changing, soot blowing, startup, or adjustments or occasional cleaning of control equipment if:
 - (a) Visible emissions are not greater than 40% opacity, and
 - (b) Do not occur for more than six consecutive minutes in any sixty minute period.

(C) Control of Sulfur Oxides from Fuel Burning Equipment

Fuel burning equipment is subject to COMAR 26.11.09.07A(1)(c) or (2)(b) which limit the sulfur content of distillate fuel oil to 0.3% by weight for all areas of Maryland.

PART IV – Specific Requirements for Distillate Oil-fired Fuel Burning Equipment

(A) Applicability Requirements

These specific requirements only apply to oil-fired boilers that burn distillate fuel oil. Natural gas-fired boilers are exempt from these requirements including those that burn distillate fuel oil during periods of natural gas curtailment, gas supply emergencies, or periodic testing of distillate fuel oil that does not exceed 48 hours during any calendar year.

(B) Biennial Tune-up

A biennial tune-up must be conducted, with records, to demonstrate continuous compliance. Each tune-up must be conducted no more than 25 months after the previous tune-up. Each tune-up must be conducted as follows:

- (1) As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown, but you must inspect each burner at least once every 36 months);
- (2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;
- (3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly;
- (4) Optimize total emissions of carbon monoxide. This optimization should be consistent with the manufacturer's specifications, if available;

- (5) Measure the concentrations in the effluent stream of carbon monoxide in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made);
- (6) Maintain onsite and submit, if requested by the Department, a biennial report containing the following information:
 - a. The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured before and after the tune-up of the boiler.
 - b. A description of any corrective actions taken as a part of the tune-up of the boiler.
 - c. The type and amount of fuel used over the 12 months prior to the biennial tune-up of the boiler; and
- (7) If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within one week of startup. (Reference: 40 CFR §63.11223)

(C) Compliance Dates

- (1) Fuel burning equipment constructed after June 4, 2010 is considered a new source and must conduct the initial tune-up upon start-up of the boiler.
- (2) Fuel burning equipment constructed on or before June 4, 2010 is considered an existing source and must conduct the initial tune-up no later than March 21, 2012. (Reference: 40 CFR §63.11210)

(D) Notifications

The following notifications must be submitted to the Department:

- (1) An Initial Notification must be submitted no later than 120 days after startup of the boiler. The Request for Coverage form qualifies as the initial notification for this permit.
- (2) A Notification of Compliance Status must be submitted no later than 120 days after the compliance date specified in Part IV(C). In addition to the information required in 40 CFR §63.9(h)(2), the notification must include the following certification of compliance and be signed by a responsible official:

“This facility complies with the requirements of 40 CFR §63.11214 to conduct an initial tune-up of the boiler.” (Reference: 40 CFR §63.11225)

(E) Record Keeping

The following records must be kept in a form suitable and readily available for expeditious review for five years:

- (1) Copies of each notification and report submitted to comply with this standard and all documentation supporting submitted Initial Notifications and Notifications of Compliance Status.
- (2) Records must identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer’s specifications to which the boiler was tuned.

- (3) Records documenting the fuel type(s) used monthly by each boiler, including, but not limited to, a description of the fuel, and the total fuel usage amount with units of measure. (Reference: 40 CFR §63.11225)

(F) Reporting

Following the biennial tune-up, a compliance certification report for the previous calendar years must be prepared and submitted, upon request every two years, containing the following information:

- (1) Company name and address;
- (2) Statement by a responsible official, with the official's name, title, phone number, email address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of 40 CFR 63, Subpart JJJJJ; and
- (3) If the source experiences any deviations from applicable requirements during the reporting period, include a description of deviations, the time periods during which deviations occurred, and the corrective actions taken. (Reference: 40 CFR §63.11225)

PART V – 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 (Parts III and IV) 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.

(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 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 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."

(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

This permit expires if, as determined in writing by the Department:

- (1) 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

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:

- (1) 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.; and
- (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" 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.

(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.

(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) 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 Air Quality 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 VI - Request for Coverage Requirements

(A) Request for Coverage

A person who desires to be covered by this Air Quality 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 \$400 per piece of equipment. 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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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

\$400 per piece of equipment

**Request for Coverage: Air Quality General Permit to Construct
 SMALL FUEL BURNING (BOILER/HEATER) EQUIPMENT**

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: _____
City: _____	State: _____	Zip Code: _____
3) Installer		
Contact Name: _____		Phone: _____
4) Equipment Information		
Manufacturer / Model: _____		Installation Date: _____
Number Installed: _____		Number Removed: _____ (Attach a list of removed equipment)
Maximum Rated Heat Input (from boiler plate): _____ Horsepower or _____ Million Btu per Hour		
5) Fuel Information		
Indicate the type and quantity of fuel burned. You must be able to check <u>ONE AND ONLY ONE</u> of the following fuel types to qualify for this permit:		
A. <input type="checkbox"/> Natural Gas Only _____ cubic feet of Natural Gas burned per year		
B. <input type="checkbox"/> Liquid Petroleum Gas (Propane) Only _____ gallons of Liquid Petroleum Gas (Propane) burned per year		
C. <input type="checkbox"/> Natural Gas with Distillate Oil as backup fuel only during natural gas curtailment or supply interruption _____ cubic feet of Natural Gas burned per year AND _____ gallons of Distillate Oil burned per year as backup		
ATTENTION! Natural gas curtailment or supply interruption means any period during which the supply of natural gas is halted for reasons beyond the control of the facility. An increase in the cost or unit price of natural gas does not constitute a period of natural gas curtailment or interruption. If you plan to burn distillate oil at times OTHER THAN natural gas curtailment or supply interruption, DO NOT SELECT THIS FUEL TYPE. See the fuel types listed under D and E below.		
D. <input type="checkbox"/> Natural Gas or Distillate Oil with NO RESTRICTIONS on use of either fuel _____ cubic feet of Natural Gas burned per year AND _____ gallons of Distillate Oil burned per year		
E. <input type="checkbox"/> Distillate Oil Only _____ gallons of Distillate Oil burned per year		
6) Business Operational Information		
% comfort heat: _____ % process heat: _____		
_____ hours per day	_____ days per week	_____ days per year
7) 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		
"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."		
Owners Signature	Printed Name and Title	Date