

1.03 NEW SOURCE REVIEW APPROVAL

- *Question: Am I planning on installing new equipment or modifying, replacing or moving existing equipment that will be a source of air emissions?*

Why do I need this approval?

Portions of Maryland have been designated as ozone non-attainment areas, which means that ozone levels in the ambient air occasionally exceed federal air quality standards. Air is considered unhealthy to breathe when federal air quality standards are exceeded. Therefore, any new major stationary source that will discharge significant amounts of volatile organic compounds (VOCs), oxides of nitrogen (NO_x) or fine particulate matter (PM – 2.5) must obtain a New Source Review (NSR) approval prior to construction. The primary purpose for obtaining this approval is to ensure that new major sources will not worsen existing ozone levels or impede the State's efforts to achieve compliance with the federal ozone and fine particulate standard.

NSR approval is needed for:

A. New or modified air pollution sources that have the potential to emit the following levels of VOCs and are located in the areas listed below:

- 25 tons per year or more: Baltimore City, Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, or Prince George's Counties.
- 50 tons per year or more for all other counties in Maryland.

Note: In December 2004 the following areas were designated as non-attainment for fine particulate (PM_{2.5}) pollution - Anne Arundel, Baltimore, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, and Washington Counties, and Baltimore City. MDE has adopted interim guidance from EPA on PM_{2.5} New Source Review implementation for the time period between the effective date of the implementations (April 5, 2005) and the date that a final PM_{2.5} implementation rule is promulgated.

B. New or modified air pollution sources that have the potential to emit the following levels of NO_x and are located in the areas listed below:

- 25 tons per year or more: Baltimore City, Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, or Prince George's Counties.
- 100 tons per year or more for all other counties in Maryland.

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

FEDERAL: Clean Air Act, Subchapter I, Part D, 42 USC sec. 7501 et seq.

STATE: Environment Article, Title 2, Subtitle 4; COMAR 26.11.02.09 and 12; COMAR 26.11.17.

What is the process to get this approval?

Applicants for NSR approval are strongly urged to solicit input from the Department prior to beginning the approval process. The approval can piggyback on the Permit to Construct public review process or go a separate route, which is more involved than the one discussed here.

1) The Department receives the NSR approval application and reviews it for completeness. The applicant is notified of any deficiencies.

2) The Department invoices the applicant for the application fee.

3) The Department examines the application to determine compliance with all applicable federal and state regulations and makes a preliminary determination.

4) The Department publishes its preliminary determination and solicits comments from EPA, neighboring states, and the public.

5) The Department officially responds to all comments received and makes a final determination to issue or deny the approval.

Before I apply for this approval, do I need to get any approvals from the local or federal government?

Applicants should check with county zoning authorities to see whether they need zoning approval.

Are there any other requirements?

PRE-APPROVAL: The NSR application should be submitted with a permit to construct application and must include:

1) Emission controls that meet the Lowest Achievable Emission Rate (LAER).

2) Emission offsets which provide a net decrease in VOC and/or NO_x emissions in accordance with the various ratios listed under COMAR 26.11.17 for different geographical areas.

3) Evidence that all major sources owned by the applicant in Maryland comply with all state and federal air pollution regulations.

How long should I expect it to take to get this approval once I submit a complete application?

10 months

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

This is a one-time approval, as long as conditions do not change, i.e., sources of air emissions are not modified, replaced or moved or new equipment is installed. If construction or installation does not take

place within 18 months of permit issuance, then approval terminates.

How much will this approval cost?

\$20,200 which is assigned to the permit to construct application for the project for which NSR approval is sought.

Who do I contact with additional questions?

Justin Hsu or William Paul
Air Quality Permits Program
Justin.Hsu@maryland.gov or
Bill.Paul@maryland.gov
(410) 537-3846 or (410) 537-3230