



**AIR QUALITY CONTROL ADVISORY COUNCIL  
AGENDA  
March 14, 2022**

**WEBINAR ONLY**

<https://global.gotomeeting.com/join/656215005>

You can also dial in using your phone.  
United States (Toll Free): 1 866 899 4679  
Access Code: 656-215-005

9:00 a.m. Welcome and Introductions John Quinn, Advisory Council Chair  
Tad Aburn, Air Director

9:15 a.m. Approval of Meeting Minutes John Quinn

**Action Items:**

9:25 a.m. Motor Vehicle Anti-Tampering amendments John Artes / Randy Mosier  
COMAR 26.11.20.02

10:00 a.m. Agricultural Installations amendment Randy Mosier  
COMAR 26.11.18.05C

**Briefings:**

10:15 a.m. AQCAC – A Quick Refresher Kelsey Sisko  
History, Purpose and By-Laws

10:30 a.m. Community Engagement and Regs on the Horizon Tad Aburn / Megan Ulrich

11:30 a.m. Adjourn

Next Meeting Dates:

June 13, 2022; September 12, 2022; December 12, 2022

## Motor Vehicle Anti-Tampering Amendments COMAR 26.11.20.02

2/11/2022

### Purpose

---

The purpose of this action is to provide an exemption for wholesale vehicle dealers and auto insurers under COMAR 26.11.20.02 pertaining to Motor Vehicle Emission Control Devices. On February 7, 2022, the Maryland Department of the Environment (MDE or the Department) expanded prohibitions pertaining to (1) the removal or alteration of a motor vehicle's air pollution control systems; (2) the operation of motor vehicles with removed, altered, or inoperative air pollution control systems; (3) the manufacture, sale, installation, and use of any device that prevents a motor vehicle's air pollution control system from operating as originally designed; and (4) the offering for sale, sale, lease, auction or transfer of any motor vehicle with removed, altered, or inoperative air pollution control systems.

Section (4) applies to the retail transaction of motor vehicles that occur between a licensed dealer and the consumer. Wholesale vehicle dealers provide the marketplace for consignors to sell vehicles to licensed dealers, who in turn sell the vehicles to retail consumers. Auto insurers take ownership of motor vehicles in association with total loss claims, which occur when a vehicle sustains so much damage it is more economical for the insurance company to purchase the vehicle for its pre-crash value rather than repair it. Auto insurers typically dispose of those vehicles at auction in an effort to recoup some of the claim costs. This action will exempt wholesale vehicle dealers and auto insurers from compliance with COMAR 26.11.20.02, as specified under the conditions outlined in Section C of the proposed regulation.

The Department will continue to enhance compliance investigations pertaining to the operation and transaction of tampered vehicles. The Department will research and inspect auto auctions to ensure that tampered vehicles are not entering the retail marketplace. The Department may consider further regulations as necessary in the future.

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

---

The proposed amendments to COMAR 26.11.20.02 will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's SIP.

### Sources Affected

---

The proposed amendment applies to:

- The offering for sale, sale, auction, or transfer of a motor vehicle; and
- Vehicles manufactured without emission systems.

### Projected Emission Reductions

---

The proposed amendments do not impact emissions.

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

---

The proposed action has no economic impact.

### **Comparison to Federal Standards**

---

Maryland's existing and proposed regulations largely mirror and compliment federal regulations pertaining to the tampering of motor vehicles. Federal standards under CAA § 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A), 42 U.S.C. § 7522(a)(3)(B) and CAA § 113(c)(2)(C), 42 U.S.C. § 7413(c)(2)(C) address similar motor vehicle tampering prohibitions.

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 11 AIR QUALITY

#### Chapter 20 Mobile Sources

Authority: Environment Article, §§2-102, 2-103, and 2-301, Annotated Code of Maryland

**.01** (text unchanged)

**.02 Motor Vehicle Emission Control Devices.**

A. Definitions.

(1) — (4) (text unchanged)

(5) *“Wholesale vehicle dealer” means an entity that holds a current wholesale dealer license issued by the Maryland Motor Vehicle Administration or similar license issued by another state.*

B. (text unchanged)

C. Exemptions.

[(1) This regulation does not apply to the sale or transfer of a motor vehicle for the purpose of scrapping, dismantling, or destroying the motor vehicle if:

(a) A certificate of salvage has been issued by the Maryland Motor Vehicle Administration that establishes a motor vehicle may not be operated on public roads; or

(b) Sufficient documentation and proof is provided to the Department’s satisfaction that a motor vehicle has been scrapped, or will be scrapped within 30 days.

(2) This regulation does not prevent the service or repair of any air pollution control system.

(3) This regulation does not apply to motorcycles.]

(1) *This regulation does not apply to:*

(a) *The sale or transfer of a motor vehicle for the sole purpose of scrapping, dismantling, destroying, or any similar activity, if sufficient documentation and proof is provided to the Department’s satisfaction within 30 days of sale or transfer;*

(b) *A vehicle that has been issued a certificate of salvage by the Maryland Motor Vehicle Administration, or a similar ownership document from within Maryland or another state as approved by the Department, that establishes a motor vehicle will not be operated on public roads;*

(c) *The offering for sale, sale, auction, or transfer of a motor vehicle conducted by a Wholesale Vehicle Dealer;*

(d) *The offering for sale, sale or transfer of a motor vehicle by an insured or claimant to an insurer;*

(e) *Vehicles manufactured without emissions systems; and*

(f) *Motorcycles.*

(2) *This regulation does not prevent the service or repair of any air pollution control system.*

D. — F. (text unchanged)

**.03 — .06** (text unchanged)

**Agricultural Installations Amendment COMAR 26.11.18.05C**

**10/26/2021**

Purpose

---

The purpose of this action is to amend Regulation .05C from COMAR 26.11. 18 Control of Agriculturally Related Installations. The Department proposes to amend the record keeping requirements so that records are to be held on-site for a period of five years. This action will ensure that the record keeping period is consistent with Department permits to operate and standard compliance procedures for affected facilities.

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

---

The proposed amendments will not be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan.

Sources Affected

---

The proposed amendments affect two permitted sources in Maryland.

Projected Emission Reductions

---

The proposed amendments do not impact emissions.

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

---

The proposed action has minimal or no economic impact.

Comparison to Federal Standards

---

There are no corresponding federal standards to this proposed action.

## **Title 26 DEPARTMENT OF THE ENVIRONMENT**

### **Subtitle 11 AIR QUALITY**

#### **Chapter 18 Control of Agriculturally Related Installations**

Authority: Environment Article, Title 2, Annotated Code of Maryland

**.01 - .04 (text unchanged)**

**.05 Control of Odors from the Reduction of Offal.**

A. — B. (text unchanged)

C. Any person processing or incinerating gases, vapors, or gas-entrained matter as required by §A, of this regulation, when ordered by the Department, shall install, operate, and maintain in good working order and calibration continuous recording devices for indicating temperature or pressure or other operating conditions. These devices shall be approved by the Department and all data collected, when ordered by the Department, shall be made available to the Department or the control officer for inspection or copying. This data shall be kept on file by responsible persons for at least [60 days] *5 years*.

D. — F. (text unchanged)