

modification only if it also results in a significant net emissions increase.

(2) Applicability Tests.

(a) Actual-to-Projected-Actual Applicability Test for Projects That Involve Only Existing Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(b) Actual-to-Potential Test for Projects That Involve Only Construction of a New Emissions Unit or Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project, equals or exceeds the significant amount for that pollutant.

(c) Hybrid Test for Projects That Involve Multiple Types of Emissions Units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in §F(2)(a) and (b) of this regulation, as applicable, with respect to each emissions unit, for each type of emissions unit, equals or exceeds the significant amount for that pollutant.

G.—I. (text unchanged)

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.27 Emission Limitations for Power Plants

Authority: Environmental Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-1003, 10-102, [and] 10-103, and 10-1002, Annotated Code of Maryland

Notice of Proposed Action

[13-094-P]

The Secretary of the Environment proposes to amend Regulations .02 and .03 under **COMAR 26.11.27 Emission Limitations for Power Plants**.

Statement of Purpose

The purpose of this action is to reinstate the original annual and ozone season emission limits for NO_x and annual emission limits for SO₂ for R. Paul Smith Power Station electric generating units as established under COMAR 26.11.27 Emission Limitations for Power Plants adopted permanently effective July 16, 2007. This action is in response to a request by R. Paul Smith to the Maryland Department of the Environment (MDE) to retain its Title V permit although the power plant has ceased operations as of September 1, 2012.

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

Background

Under the Healthy Air Act (HAA) which is codified as COMAR 26.11.27 – Emission Limitations for Power Plants, R. Paul Smith units 3 and 4 are defined as an affected facility subject to the requirements of §2-1003(c), Annotated Code of Maryland. The exception provisions of the HAA authorize the Department to allow the R. Paul Smith facility, units 3 and 4, to operate without complying with the emissions requirements of the HAA if PJM Interconnection, Inc. (PJM Inc.) determines that the termination of operation of the facility will adversely affect the reliability of electrical service in the PJM region. PJM Inc. conducted an

evaluation in 2006 and determined that R. Paul Smith is needed to maintain reliability.

The HAA also requires that if R. Paul Smith units 3 and 4 are allowed to operate without complying with the emissions requirements then the following conditions must be met: “(1) The facility may not operate at emissions levels greater than the highest level measured at the facility during the calendar years 2000 through 2004; and (2) The Department upon review of the operations of the facility shall adopt regulations to establish an alternative emissions requirement for the facility.”

The Department consequently made amendments to the HAA, which on September 7, 2009 became effective. The Department continued to monitor the necessity to maintain the R. Paul Smith facility and formally contacted PJM Inc. to request a reevaluation of the plant on March 14, 2011. The Department maintained the position to revise the regulations, if needed, based on PJM's reevaluation and the Department's findings.

On January 26, 2012, R. Paul Smith informed PJM of its intent to retire R. Paul Smith units 3 and 4. At no time did PJM object to the planned shut-down on concerns of reliability. On September 1, 2012, R. Paul Smith units 3 and 4 formally ceased operations though the power plant wishes to retain its Title V permit. The Department, therefore, is reestablishing the emission limits of the original HAA for R. Paul Smith units 3 and 4 and should the units ever come back online they would be required to meet the more stringent emission standards.

Sources Affected and Location

The R. Paul Smith facility is the only source affected by the amendments. R. Paul Smith Electric Power Generation Station is owned and operated by the FirstEnergy Corporation which has ceased the operations of the power plant as of September 2012. The facility, located in Washington County, Maryland operated two coal-fired boilers (unit 3 and unit 4).

Requirements

The proposed amendments will reinstate the following annual and ozone NO_x and annual SO₂ emission limits for R. Paul Smith, effective September 1, 2012:

1. An annual emission limit of 55 tons of NO_x for unit 3 and 288 tons of NO_x for unit 4;
2. An ozone season emission limit of 22 tons of NO_x for unit 3 and 118 tons of NO_x for unit 4; and
3. An annual emission limit of 124 tons of SO₂ for unit 3 and 644 tons of SO₂ for unit 4.

Expected Emissions Reductions

The proposed action provides no emission reductions. However, should the R. Paul Smith facility re-open then units 3 and 4 would be subject to stricter emission standards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on May 7, 2013, at 10 a.m., at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference

Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to drabin@mde.state.md.us. Comments must be received not later than May 7, 2013, or be submitted at the hearing. For more information, call Deborah Rabin at (410) 537-3240.

Copies of the proposed action and supporting documents are available for review at the following locations: The Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

.02 Applicability and Exemptions.

A. — B. (text unchanged)

[C. The R. Paul Smith facility is subject to the NO_x limitation in Regulation .03B(8) and the SO₂ limitation in Regulation .03C(3) of this chapter.]

.03 General Requirements.

A. (text unchanged)

B. NO_x Emission Limitations.

(1) (text unchanged)

(2) Annual Tonnage Limitations.

Affected Unit	Annual NO _x Tonnage Limitations Beginning	
	January 1, 2009	January 1, 2012
Brandon Shores Unit 1 — Morgantown Unit 2	(text unchanged)	
R. Paul Smith Unit 3		55 tons, effective September 1, 2012
R. Paul Smith Unit 4		288 tons, effective September 1, 2012
Total	19,800 tons	[16,324] 16,667 tons

(3) — (5) (text unchanged)

(6) Ozone Season Tonnage Limitations.

Affected Unit	Ozone Season NO _x Tonnage Limitations Beginning May 1, 2012
Brandon Shores Unit 1 — Morgantown Unit 2	(text unchanged)
R. Paul Smith Unit 3	22 tons, effective September 1, 2012
R. Paul Smith Unit 4	118 tons, effective September 1, 2012
Total	[7,197] 7,337 tons

(7) (text unchanged)

[(8) Emissions from the R. Paul Smith facility may not exceed:

(a) An annual tonnage limitation of 1,390 tons of NO_x beginning with the period January 1, 2009 through December 31, 2009; and

(b) An ozone season tonnage limitation of 545 tons of NO_x beginning with the ozone season May 1, 2009 through September 30, 2009.]

C. SO₂ Emission Limitations.

(1) (text unchanged)

(2) Annual Tonnage Limitations.

Affected Unit	Annual SO ₂ Tonnage Limitations Beginning	
	January 1, 2010	January 1, 2013
Brandon Shores Unit 1 — Morgantown Unit 2	(text unchanged)	
R. Paul Smith Unit 3		124 tons, effective September 1, 2012
R. Paul Smith Unit 4		644 tons, effective September 1, 2012
Total	47,616 tons	[37,235] 36,467 tons

[(3) Emissions from the R. Paul Smith facility may not exceed an annual tonnage limitation of 4,590 tons of SO₂ beginning with the period January 1, 2010 through December 31, 2010.]

D. Mercury Emission Limitations.

(1) — (3) (text unchanged)

[(4) The R. P. Smith facility shall meet the mercury requirements in §D(1)—(3) of this regulation.]

E. (text unchanged)

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 11 AIR QUALITY

26.11.37 Outer Continental Shelf Air Regulations

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

Notice of Proposed Action

[13-093-P]

The Secretary of the Environment proposes to adopt new Regulations .01 — .04 under a new chapter, COMAR 26.11.37 Outer Continental Shelf Air Regulations.

Statement of Purpose

The purpose of this action is to adopt new regulations which will incorporate by reference (IBR) the provisions of the Code of Federal Regulations, 40 CFR 55 “Outer Continental Shelf Air Regulations”. The IBR will specifically include:

- (1) 40 CFR §55.1 Statutory authority and scope
 - (2) 40 CFR §55.2 Definitions
 - (3) 40 CFR §55.3 Applicability
 - (4) 40 CFR §55.4 Requirements to submit a notice of intent
 - (5) 40 CFR §55.6 Permit requirements
 - (6) 40 CFR §55.7 Exemptions
 - (7) 40 CFR §55.8 Monitoring, reporting, inspections, and compliance
 - (8) 40 CFR §55.9 Enforcement
 - (9) 40 CFR §55.10 Fees
 - (10) 40 CFR §55.13 Federal requirements that apply to OCS sources
 - (11) 40 CFR §55.14 Requirements that apply to OCS sources located within 25 miles of states’ seaward boundaries, by State.
 - (12) 40 CFR §55.15 Specific designation of corresponding onshore areas
 - (13) Appendix A to 40 CFR Part 55 Listing of State and Local Requirements Incorporated by Reference into Part 55, by State
- This action is required in order to allow the U.S. Environmental Protection Agency (EPA) to delegate to the State of Maryland EPA’s authority to control air pollution from sources located on the Outer Continental Shelf (OCS). This delegated authority would allow the Department to issue federal air quality permits to any OCS source,