

Maryland Department of the Environment
Legislative/Regulatory Update
August 6, 2003

Water – Contact: Carol Coates, 410-537-3978

?? House Bill 715 (2003) gives MDE new civil penalty authority for tidal wetlands violations and increases certain criminal and civil penalties for tidal wetlands, sediment and stormwater management violations. Effective Oct 1, 2003. \$5,000 to \$10,000

?? The sanitary sewer overflow reporting regulations have not yet been finalized. Final changes have been proposed and are under internal review.

Noise – Contact: George Harman, 410-537-3856

?? Noise – Final drafting of noise regulation changes is in progress. Submittal for the Maryland Register should occur within the next 60 days. Key elements:

1. Define “periodic noise” to mean those sounds with discrete (2-second) on and off characteristics. The current definition is unclear.
2. Replace AND with OR in the periodic noise and discrete tone section. Currently both must be occurring together to be in violation.
3. Create a new performance based standard for dirt bikes and associated vehicles. Operation within 300 feet of a residence without written permission would be a violation unless the vehicle was submitted to evaluate compliance.
4. Provide for the exemption of sounds relating to emergency AND HAZARDOUS conditions. Back up alarms are not emergencies, but are needed because of hazardous conditions. Don’t want to be in conflict with OSHA.
5. Household tools to be exempt during daytime only. Night use would be restricted except in emergency situations.
6. Regulations concerning gun clubs are not consistent with the law and need to be rewritten. This should have been done following a 1983 law change, but was overlooked.
7. Household pets (primarily barking dogs) will be exempt from the state noise regulations. Local animal control should handle these situations.
8. Trash collections need to be exempt during daytime hours.
9. Requests for variances involve a number of formal procedures that can impose a modest cost to the Department. Most costs are being assigned to the applicant. Currently only the advertisement costs are required.
10. Measurement method will be defined. MDE has been using the Fast mode to detect maximum noise levels and needs to clarify that the Slow mode is not to be used. Since this has been long-standing policy, there will be no change on the regulated community.

Water Quality Standards – Contact: Joe Beaman, 410-537-3633

?? Triennial Review – Water Quality Regulations

1. Health risk – change in consumption assumptions – change most numeric toxic criteria
 2. Fecal coliform being replaced by E. coli and/or enterococci
- ?? Adoption of Bay Program – water uses and standards
More defined water quality uses (shallow water, SAV, open water, deep water) will have appropriate standards. Thus, the one-size-fits-all approach will be abolished. Draft to be considered this fall with move to formal adoption next year.

Air Issues – Contact: Parker Dean- 410-537-3240

?? **Washington Area SIP “Bump-Up” Amendments**

The Federal Clean Air Act amended in 1990 designated marginal, moderate, serious or severe ozone non-attainment areas. Attainment deadlines were established based on these classifications; if a deadline was not met, the Clean Air Act required that the area be reclassified or “bumped-up” to the next higher classification level. The Washington DC non-attainment area (Calvert, Charles, Frederick, Montgomery, and Prince George’s Counties) was classified as a serious ozone nonattainment area with an attainment deadline of 1999. EPA granted extensions to the attainment deadline but in 2003, as a result of a DC Circuit Court decision, EPA promulgated regulations reclassifying the Washington DC area as a severe ozone nonattainment area.

MDE is now in the process of revising its regulations to reflect the change in ozone nonattainment status. The redesignation will require a major source in the Washington area to now be defined as a source having 25 tons or more per year of NOx or VOC similar to the major source definition in the Baltimore severe ozone non-attainment areas. Facilities requiring offsets will have to create these at a ratio of 1.3 to 1 versus the present 1.2 to 1. In addition, NOx sources between 25 and 50 tpy will have to meet the requirements of Reasonable Available Control Technology (RACT) under COMAR 26.11.09.08.

Maryland must also develop legislation that will impose a fee of \$5000/ton, pursuant to Section 185 of the Clean Air Act, on major sources of NOx and VOC in the Washington metropolitan area as a penalty for failure to reach attainment by the required deadline. The Department will be scheduling a meeting with potential affected sources in late August.

?? **Emergency Generators**

MDE is in the process of revising its regulations to lower the cut-off for obtaining an air quality permit to construct for small internal combustion engines (emergency generators) from 1000 HP (746 KW) to 500 HP (373 KW). Sources that operate existing generators with a capacity between 500 HP and 1,000 HP will be required to complete registration of the units. New equipment will be required to obtain permits to construct. The regulations are being revised in response to concerns about the relatively high NOx emissions that are emitted by these types of sources.