



**Maryland**  
Department of  
the Environment

# **Repeal of COMAR 26.11.17.04 – Nonattainment Provisions for Major New Sources and Major Modifications – Interprecursor Trading**



**Air Quality Control Advisory Council  
December 12, 2022  
Randy Mosier - MDE**



# Air Quality Control Advisory Council Meeting Materials

---

- Welcome to today's meeting!
- This meeting is being **Recorded**. The webinar recording, presentations and related resources will be made available on the Air Quality Control Advisory Council web page:

<https://mde.maryland.gov/programs/workwithmde/Pages/AQCACmeetingminutes.aspx>



# Overview of Presentation

---

- Previous amendments
- Purpose of Interpretursor Trading
- Repeal



Maryland  
Department of  
the Environment

A bright sun is positioned in the upper right quadrant of the image, casting a strong glow and creating a lens flare effect. The sky is a deep, clear blue, and several large, fluffy white cumulus clouds are scattered across the scene, particularly on the left and right sides. The overall atmosphere is bright and clear.

**COMAR 26.11.17.04**



# Previous Amendments

---

- On April 9, 2018, the Department adopted new amendments to specifically address the nonattainment New Source Review (NSR) requirement to offset new emissions with creditable emission reductions
- The amendments allowed interprecursor trading (IPT) for the ozone precursors—NO<sub>x</sub> and VOC
- The amendments to COMAR 26.11.17.04 were adopted at the time in accordance with EPA guidance contained in EPA's proposed 2008 and 2015 Ozone Implementation Rules

A bright sun is positioned in the upper right quadrant of the image, casting a strong glow and creating a lens flare effect. The sky is a deep, clear blue, and several large, fluffy white cumulus clouds are scattered across the scene, particularly on the left and right sides. The overall atmosphere is bright and clear.

# The Purpose IPT



# Purpose of IPT

---

- Major new sources of air emissions in the Baltimore 8-hour ozone nonattainment area must obtain Emission Reduction Credits (ERCs) to offset emission increases of ozone precursors
- In accordance with COMAR 26.11.17, new or modified major air emission sources of ozone precursors ( $\text{NO}_x$  and VOC) must obtain ERCs to offset emission increases



# Purpose of IPT

---

- Emission offsets are required so that there will be reasonable further progress toward attainment of the 8-hour ozone standard
- The provision to substitute NO<sub>x</sub> reductions for VOC reductions further benefits the region's air quality as NO<sub>x</sub> reductions account towards a greater reduction in ozone levels
- VOC ERCS are generally limited and are tougher to procure, whereas NO<sub>x</sub> ERCS are more readily available
- The IPT Program allowed major sources to purchase NO<sub>x</sub> ERCS in lieu of the limited VOC ERCS
- Only one source has taken advantage of the provisions of IPT

A bright sun shining through a blue sky with scattered white clouds. The sun is positioned in the upper right quadrant, casting rays across the sky. The clouds are fluffy and white, scattered across the blue background.

# Repealing Interprecursor Trading



# The Repeal

---

- On January 29, 2021, the D.C. Circuit ruled that IPT provisions of ozone precursors ( $\text{NO}_x$  and VOC), which were finalized in the Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements Rule (2015 Ozone SRR) for the 2015 8-hour ozone national ambient air quality standard (NAAQS) violated the Clean Air Act
- As a result of the court's decision, IPT provisions in the SRR were vacated
- Consequently, the Department by this action repeals the IPT provisions from COMAR 26.11.17

A bright sun is shining in a clear blue sky, with several white, fluffy clouds scattered across the scene. The sun is positioned in the upper right quadrant, creating a lens flare effect. The overall atmosphere is bright and clear.

**QUESTIONS?**