



Maryland
Department of
the Environment

Review of 2024 Actions



December 9, 2024 AQCAC Meeting
MDE ARA Staff



26.11.40 Non-trading Units

- Amendments to Regulations .02 - .03 under Chapter COMAR 26.11.40 - NO_x Ozone Season Emission Caps for Non-trading Large NO_x Units to update certain facilities ozone season emission caps and update a reference to the EPA's Cross State Air Pollution Rule trading program
- MDE re-allocated the NO_x ozone season emission caps under COMAR 26.11.40.03 due to one large industrial source – Luke Paper Mill - shutting down
- The origination of the NO_x ozone season emissions budget comes from the federal NO_x Budget Trading Program, where powerplants and large industrial sources were given a NO_x ozone season emission cap
- The amendments were final effective on April 15, 2024



26.11.42 Municipal Solid Waste(MSW) Landfill Amendments

- Amendments to MSW Landfill regulation adopted in June 2023
 - provide clarification to certain requirements,
 - make stylistic and technical corrections, and
 - better align with federal requirements
- The amendments were final effective on August 5, 2024
- The Department is currently working to submit a 111(d) State Plan to EPA



26.11.03 Permits – Affirmative Defense

- Repeal Regulation .24 from COMAR 26.11.03 to remove affirmative defense provisions to meet federal revisions
 - EPA was challenged on the affirmative defense provisions and required to remove them under the CAA Title V permits
 - With the federal removal of the affirmative defense provisions under the CAA, it is necessary for states whose Title V (or part 70 permitting programs) contain impermissible affirmative defense provisions to remove such provisions from their EPA-approved part 70 programs
- The repeal was final effective on August 5, 2024



26.11.43 Advanced Clean Trucks

- Amendment to 26.11.43.03 to extend the lead-time manufacturers are eligible to earn credits under the ACT program by an additional year
- This amendment provides an incentive to manufacturers to place these zero-emissions vehicles in Maryland a year earlier than they would have otherwise. Credits now begin in 2025
- The amendment will be published in the Maryland Register on December 13, 2024 and be final effective on December 23, 2024



26.28 Building Energy Performance Standards

- New Chapter 26.28 Building Energy Performance Standards as required by the CSNA of 2022
- The regulation requires covered building owners to measure and report data to the Maryland Department of the Environment (MDE). The regulation further requires that covered building owners meet specific net direct GHG emissions. The regulation also contains record keeping and reporting requirements for electric and gas companies and district energy providers
- This regulation is for buildings 35,000 square feet or larger
- The final action will be published in the Maryland Register on December 13, 2024 and final effective December 23, 2024