



Update on Potential Changes to Air Regulations May 2017

We continue to monitor work by MDE's Air & Radiation Management Administration (ARMA) on two regulatory issues that may impact Member operations: (1) the potential development of new regulations to reduce methane leakage from particular sources, including WWTPs and (2) revisions to the existing Distributed Generation regulations to incorporate EPA's new RICE rules. Here is a status update on this topic:

Methane Regulations – As we have previously reported, the 2016 Annual Report of the Maryland Commission on Climate Change spurred MDE's interest in how the state could support efforts to reduce methane emissions from known sources and conduct research on other possible sources. During an Air Quality Control Advisory Council meeting in December 2016, ARMA explained that methane is the second most prevalent greenhouse gas (GHG), and that it is much more potent than CO₂ at trapping heat in the atmosphere. MDE intends to propose regulations to reduce leakage from landfills, compressor stations, and WWTPs, although regulations for WWTPs will be tackled last (i.e., we will not see any proposed regulations until 2018). MDE's next step is to hold a stakeholder meeting, after which it will circulate a draft regulation. We will keep Members apprised as MDE moves forward on this.

Distributed Generation – Although ARMA has previously discussed revising its Distributed Generation regulations (COMAR 26.11.36.00, *et seq.*) to reduce NO_x emissions from back-up generators, MDE's most recent proposal is a straightforward regulatory amendment to conform current Maryland air regulations with EPA's RICE Rule. These changes are important to MAMWA Members because many POTWs have back-up generators on-site. Many Members have used these generators to participate in programs with Curtailment Service Providers (CSPs) to provide power back to the electric grid during periods of high demand.

In terms of current status, MDE has posted draft changes to its regulations on the ARMA website. In a nutshell, MDE deletes the entirety of the language that explained the rules for operating engines for emergency situations and as load shaving units from the Distributed Generation regulations, and substitutes instead a reference to federal regulations ("The owner or operator of an engine is subject to requirements under 40 CFR Part 63 Subpart ZZZZ and 40 CFR Part 60 Subparts IIII or JJJJ as applicable.") MAMWA reviewed the proposed text, and recommends no further action at this time.



MAMWA will, of course, review the formally proposed regulation to ensure that it is consistent with the pre-publication draft, and report back if there are any issues of concern based on that review.

As a refresher, in 2013, EPA issued the RICE Rule, which regulates the hazardous air pollutants (HAPs) from reciprocating internal combustion engines (RICE). The Rule applies to major and area sources of HAP emissions; wastewater treatment plants are typically area sources. The RICE Rule imposed new emissions limits on generators, but included some exemptions for emergency use of these engines. These exemptions changed after EPA lost a lawsuit filed by the State of Delaware and the environmental community. Members who are interested in the full explanation of the RICE rule and the Supreme Court lawsuit on the use of emergency generators during periods of stress on the PJM wholesale grid are encouraged to read the August 2016 Member Status Report.