Title 5 Compliance and Enforcement in Maryland

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Robert Ehrlich, Jr., Governor | Michael S. Steele, Lt. Governor |
Kendl P. Philbrick, Secretary | Jonas A. Jacobson, Deputy Secretary
Maryland Sources

• 11,700 Registered sources of air pollution
  – Large factories, utilities, small boilers, gas stations, dry cleaners, etc.

• 148 T5 Sources (decreasing)

• 166 Synthetic Minors (increasing)
T5 Sources

• Large Factories
  – Steel, Chemical, Cement Plants, Printers

• Utilities

• Incinerators
  – Municipal
  – Medical

• Large Boilers
  – Many at large government installations
MD T5 Source Status

- 148 T5 Sources
  - 136 T5 Permits Issued
  - 12 T5 Permits Not Yet Issued
  - 62 T5 Renewal Applications Received
  - 29 T5 Renewals Issued
T5 Requirements

- No New Emissions Limits

- New Requirements:
  - Monitoring
  - Recordkeeping
  - Reporting
  - Annual Compliance Certification
T5 Compliance Determinations

- T5 sources inspected annually

- Full annual Compliance Evaluation per EPA’s CMS policy

- All inspections on-site

- Office review of quarterly, semi-annual, and annual reports/certifications
T5 Compliance Profile

• Most sources in compliance with emissions requirements

• Most common non-compliance: monitoring and recordkeeping requirements

• Now meeting with facilities upon permit issuance to review requirements
Annual Compliance Certifications

• All are due April 1 in Maryland

• Issues:
  – What degree of deviation should be reported
    • CEM
    • COM

• Inconsistency in approaches by reporting facilities
Initial T5 Compliance

• Initial compliance with monitoring, recordkeeping, reporting requirements—POOR

• Facilities struggled with these new requirements

• Has been better lately
T5 Enforcement

• Most T5 violations are for failure to monitor, keep records, or report.

• Subject to enforcement action…
T5 Enforcement

• Listed with EPA as High Priority Violators
  – Listed as General Criteria 7…“violations that involve testing, monitoring, recordkeeping, or reporting that substantially interfere with enforcement or determining the source’s compliance with applicable emission limits”
  – If permit condition violated was for pollutant for which source was major
Maryland T5 HPVs

- 2001 - 1
- 2002 - 11
- 2003 - 5
- 2004 - 6
T5 HPVs

- Majority are for monitoring, recordkeeping, reporting
- One for failure to submit application (fed agency)
- Several for failure to submit accurate or timely annual compliance certifications
- One for failure to reapply in a timely fashion
Monitoring Violations

- Visible Emissions Observations
- Baghouse Pressure Drops
- Incinerator Temperature
- Flow Rates
T5 Compliance

- Sources initially struggled with monitoring, reporting, recordkeeping requirements
- Resulted in many violations
- Enforcement actions generally resulted in quick return to compliance
- Enforcement actions acted as deterrent for future violations – only one repeat violator.
T5 Enforcement

- Penalties Collected for Monitoring, Record Keeping, Reporting Violations:
  - Ranged from $2,000-30,000
  - Depends on circumstances
    - Length and extent of violations
    - Repeat violators
    - Effort to fix problem quickly
T5 Compliance

• After initial enforcement actions, compliance rate improved

• Also conducted more outreach to permitted facilities to ensure they understood the requirements of their T5 permits
Summary

- T5 changed no regulatory requirements

- Requires additional monitoring, recordkeeping, reporting

- Sources (and agencies) struggle with these additional requirements

- Strong regulatory presence and enforcement actions result in improved compliance rates
Summary - Cont

• T5 Improves source awareness and accountability for air quality requirements

• But at the cost of increased workload for agencies in a time of shrinking workforce…

• And increased workload for permitted sources