



## Facts About ...

### Repeal COMAR 26.11.17 Regulation .01B(14-1) and .04F – Interprecursor Trading

7/15/2022

#### Purpose

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The purpose of this action is to repeal Regulation .01B(14-1) and .04F from COMAR 26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications.

#### Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)

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This repeal will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan.

#### Background

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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.

Subsequently, on January 29, 2021, the D.C. Circuit ruled that IPT provisions of ozone precursors (NO<sub>x</sub> 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.

#### Projected Emission Reductions

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The proposed action does not impact emissions.

#### Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public and Small Businesses

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The proposed action has minimal or no economic impact.



**Maryland**  
Department of  
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#### Comparison to Federal Standards

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There is no corresponding federal standard to this proposed action.