



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

The Honorable Liz Walsh
Office of the Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Council Chair Walsh:

This letter serves to inform you that the Department has drafted a Part 70/Title V Operating Permit for the Maryland & Virginia Milk Producers (MD & VA Milk Producers) Cooperative Associations, Inc., located in Laurel, MD. A Part 70 Operating Permit is mandated under Title V of the Clean Air Act for certain types of sources such as MD & VA Milk Producers, a potential major Nitrogen Oxides (NOx) emissions source.

The Part 70 operating permit brings all federal and state air quality control requirements applicable to the facility into one document. This is not a permit for new construction.

In accordance with the requirements governing the issuance of Part 70/Title V permits, the public must be given an opportunity to review and comment on the draft permit. As a first step in providing this opportunity, the Department will make arrangements to place the enclosed notice in the legal section of a daily or weekly newspaper of general circulation in the geographic area in which the facility is located. The public will have 30 days from the publication date of the notice to submit written comments on the draft permit, or request a public hearing.

The public participation process associated with Title V/ Part 70 permit issuance is slightly different than the process for Air Quality Permits to Construct, with which you may be familiar through past involvement in projects seeking a Permit to Construct. An overview of the Title V/ Part 70 permit program, including the public participation process, is enclosed.

The Department will publish the required notice shortly, but you need not wait for the notice to be published to request a hearing or submit comments, should you so desire. Your participation in this proceeding is welcome.

Should you have any questions regarding the draft permit, the public review process or the overall Part 70/Title V Program, please contact Ms. Suna Yi Sariscak, Program Manager, Air Quality Permits Program, at (410) 537-4129 or via email at suna.sariscak@maryland.gov.

Sincerely,

/s/

Angelo Bianca, Deputy Director
Air and Radiation Administration

AB/jm

Enclosures

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION**

**NOTICE OF INTENT TO ISSUE PART 70 OPERATING PERMIT, OPPORTUNITY TO SUBMIT WRITTEN
COMMENTS OR TO REQUEST A PUBLIC HEARING**

The Department of the Environment, Air and Radiation Administration (ARA) has completed its review of the application for a Renewal Part 70 Operating Permit submitted by MD & VA Milk Producers (MD & VA Milk Producers) Cooperative Associations, Inc., located in Laurel, MD. The facility consists of one natural gas-fired Keeler boiler, one Clever Brooks boiler and one natural gas-fired Niro compact spray dryer.

The applicant is represented by:

Mr. John Rees, Director of Operations
MD & VA Milk Producers Cooperative Associations, Inc.
8321 Leishear Road
Laurel, MD 20723

The Department has prepared a draft Part 70 Operating Permit for review and is now ready to receive public comment. A docket containing the application, draft permit, and supporting documentation is available for review on the Department's website, under the Air Quality Permitting Page's Title V link under "Draft Title V Permits" and may be viewed here:

<https://tinyurl.com/DraftTitleV>

Interested persons may submit written comments or request a public hearing on the draft permit. Written comments must be received by the Department no later than 30 days from the date of this notice. Requests for a public hearing must be submitted in writing and must also be received by the Department no later than 30 days from the date of this notice.

Comments and requests for a public hearing will be accepted by the Department if they raise issues of law or material fact regarding applicable requirements of Title V of the Clean Air Act, and/or regulations implementing the Title V Program in Maryland found in COMAR.

A Request for public hearing shall include the following:

- 1) The name, mailing address, and telephone number of the person making the request;
- 2) The names and addresses of any other persons for whom the person making the request is representing; and
- 3) The reason why a hearing is requested, including the air quality concern that forms the basis for the request and how this concern relates to the person making the request.

All written comments and requests for a public hearing should be directed to the attention of Ms. Shannon Heafey via email at Shannon.heafey@maryland.gov or by post at Air Quality Permits Program, Air and Radiation Administration, 1800 Washington Boulevard Suite 720, Baltimore, Maryland 21230-1720. Further information may be obtained by calling Ms. Shannon Heafey at (410) 537-4433.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION
AIR QUALITY PERMITS PROGRAM**

TITLE V – PART 70 OPERATING PERMIT PROGRAM OVERVIEW

Title V of the Clean Air Act (amended) requires each state to implement a federally enforceable operating permit program for major sources of air pollution. This program, the Part 70 Permit Program, also known as the Title V Permit Program, is designed to provide a comprehensive administrative document (a Part 70 Operating Permit) that identifies all air emissions sources at a given facility and the federal air quality regulations applicable to those sources. The permit establishes the methodology by which the owner/operator will demonstrate compliance, and includes testing, monitoring, record-keeping, and reporting requirements for each emissions source.

A Part 70 Operating Permit does not authorize new construction, and does not add any new emissions limitations, standards, or work practices on an affected facility. There may, however, be additional testing, record keeping, monitoring, and reporting requirements. A Part 70 Operating Permit is a five-year renewable permit. A responsible official for each facility subject to a Part 70 Operating Permit is required to annually certify compliance with each applicable requirement for that facility.

When an application for a Part 70 Operating Permit is received, the Department will complete a technical review of the application and will prepare a draft Part 70 Operating Permit and Fact Sheet. The Fact Sheet will explain the basis and technical analysis used by the Department to develop the federally enforceable permit conditions, including the required testing, monitoring, record keeping, and reporting provisions for each emissions unit at the permitted facility. The Fact Sheet will also include a description of the facility operations and the current compliance status with applicable requirements. If there are any discrepancies between the Part 70 Operating Permit application and the draft permit, the Fact Sheet will contain a discussion of the inconsistencies and the final resolution.

Public Participation Process

The Part 70 Operating Permit Program provides the public, adjacent states, and EPA the opportunity to review and submit comments on draft permits. The public may also request a public hearing on the draft permit.

The purpose of a public hearing is to give interested parties the opportunity to submit comments for the record which are germane to the draft federally enforceable permit conditions. Comments made at the hearing, or in writing to the Department during the comment period, should address errors and deficiencies in the permit such as unidentified emissions units, incorrect or deficient regulation citation, deficient record keeping, monitoring, reporting or testing requirements and unresolved compliance issues. After the public comment period has closed, the Department will review the formal testimony as part of the final review and prepare a Response to Comments document which will be sent to the EPA along with the draft Part 70 Operating Permit and Fact Sheet.

Testimony on state-only requirements will be kept on file at the Department as part of the formal record, however, state-only rules and regulations are not federally enforceable, and therefore are not within the scope of the EPA review. The Department will keep a record of the identity of the commenters, their statements, a summary of the issues raised during the public comment period, and the Response to Comments document for at least five years.

Citizen Petition to EPA to Object to Permit Issuance

Interested parties may petition the EPA to object to the Part 70 Permit if the EPA has not already objected, within 60 days after the 45-day EPA review period has ended. The petition period will be posted on the EPA website. The EPA will only consider objections to the federally enforceable provisions of the draft permit which were raised with reasonable specificity during the public comment period, unless: (1) the petitioner demonstrates that it was impractical to raise the objections within the public comment period, or (2) the grounds for the objection arose after the comment period. If the EPA agrees with the petition, the Department will reopen, revise, or revoke the permit as determined.

Applicant Objection to Permit Issuance and Recourse

If the applicant objects to the federally enforceable permit conditions contained in the issued Part 70 Operating permit, the applicant has 15 days from receipt of the issued permit to request a contested case hearing. More information on that can be found in 40 CFR, Part 70, and COMAR 26.11.03.11.