

IN THE MATTER OF:
NORTHEAST MARYLAND
WASTE DISPOSAL AUTHORITY

BEFORE THE MARYLAND STATE
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

SECRETARIAL ORDER
(By Consent)

The Northeast Maryland Waste Disposal Authority (the "Authority") proposes that a municipal incinerator (the "Incinerator") be constructed at the site of the Baltimore City Pyrolysis Plant, 1801 Annapolis Road, in Baltimore City and is negotiating on an exclusive basis with Wheelabrator-Frye, Inc. (the "Company") to the end that the Company and/or one of its affiliates will construct and operate the Incinerator. This Order contains the terms and conditions under which the Department of Health and Mental Hygiene (the "Department") will approve the construction and operation of the Incinerator.

The Incinerator, as proposed, will have a capacity of 2,010 tons of refuse/day and will consist of three separate water/wall furnaces each equipped with electrostatic precipitators, exhausted into a common stack. In that the proposed site is in a non-attainment area for particulate matter and emissions of particulate matter from all sources to be constructed on the site will exceed 50 tons/year, the Incinerator will be a New Source in a Non-Attainment Area (NSINA).

The Martin-Marietta Corporation (the "consultant"), under contract with the Authority, has prepared the applications for NSINA approval and permits to construct and supporting documents (collectively, the "Application"), submitted to the Department for review and approval on July 8, 1981. The Department has reviewed the Application and finds that the data and calculations presented, although requiring minor adjustment, are substantially accurate. Therefore, the Department and the Authority agree to the following stipulations and Order:

STIPULATIONS

1. The Application, which is incorporated by reference as part of this Consent Order, includes emission calculations, dispersion

SECRETARIAL ORDER - NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

calculations, evaluation of results, the identification of offset emissions, and a determination of lowest achievable emission rate (LAER) for the Incinerator. The Department is in agreement with the information in the Application, except for some minor corrections to the Consultant's particulate emission calculations. The corrected calculations are contained in "Summary of Emissions and Offsets - Southwest Resource Recovery Facility", dated July 30, 1981, which constitutes Attachment A to this Consent Order.

2. The Department has determined that an offset equal to 110 percent of the emissions from the proposed source satisfies the requirement of COMAR 10.18.06.11. The Authority has negotiated with Baltimore City for an emission offset to be obtained from the closing of the Baltimore City Pyrolysis Plant and the Pennington Avenue Landfill. The Pyrolysis Plant is to be completely razed during the fall of 1981 to enable construction of the incinerator. The Landfill is currently undergoing permanent closure. The Department is in agreement with the Consultant's calculations which use 0.03 gr/scfd as the emission rate from the Pyrolysis Plant stack for the purpose of determining available offset. The Department also concurs with the use of only those fugitive emissions with particle size less than seven microns as available offset from the Pyrolysis Plant and Landfill. The total particulate matter emissions from all sources to be constructed has been estimated to be 121.0 tons/year. The proposed emission offset is 134.57 tons/year (See Attachment A).
3. There will be no significant impact on the area from any of the emissions discharged, and there are no predicted violations of any Federal or State Ambient Air Quality Standards.
4. The Department is substantially in agreement with the Consultant's determination that Maryland's particulate matter emission

SECRETARIAL ORDER - NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

- limitation for incinerators of this type and size (0.03 gr/scfd corrected to 12 percent CO₂) represents the lowest regulatory requirement for incinerators and the lowest achieved in practice. The Department, therefore, concurs with the determination that an outlet grain loading of 0.03 gr/scfd represents the lowest achievable emission rate (LAER) as required by COMAR 10.18.06.11. The Department agrees that an outlet grain loading of at least 0.03 gr/scfd can be achieved at the Incinerator with the proposed air pollution control devices. The Company intends to use its best efforts to achieve an outlet grain loading of 0.015 gr/scfd.
5. National Emission Standards for Hazardous Air Pollutants (NESHAPS) requirements (COMAR 10.18.06.13) apply because of beryllium discharges. The Department and the Authority agree that the calculated emissions of beryllium do not exceed NESHAPS requirements and that the proposed control system represents the best means of reducing beryllium emissions.
 6. The incinerator capacity exceeds 50 tons/day. Therefore, New Source Performance Standards (NSPS) requirements (COMAR 10.18.06.12) are applicable except that the NSPS emission standards for particulate matter are superseded by the requirements of this Order.
 7. Emissions of sulfur dioxide, nitrogen oxides, and carbon monoxide are subject to review under the Federal Prevention of Significant Deterioration (PSD) program which requires utilization of best available control technology (BACT) for these pollutants. [EPA, in this case, is responsible for PSD approval.] A copy of the PSD application has been provided to the Department. EPA has approved the proposed construction as representing BACT for the specified pollutants and has published its proposed approval. The Department concurs with these determinations.
 8. This Consent Order is entered into under the Maryland Air Quality Act, Article 43, §§690 et seq. of the Annotated Code of Maryland

SECRETARIAL ORDER - NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

(1957 Edition as replaced and supplemented) and the regulations adopted under that Act, COMAR 10.18.01 through 10.18.22. The Authority acknowledges that the terms of this agreement are fully enforceable as an administrative Order under the Maryland Code, which provides for administrative remedies (Article 43, §703). This agreement will also be enforceable under the Federal Clean Air Act, 42 USC §§7401 et seq., after approval by EPA as a revision to Maryland's State Implementation Plan (SIP) for air quality control.

ORDER

By agreement of the parties, and based on the above stipulations, it is hereby ordered this 20th day of November, 1981, that:

1. The Department will issue the necessary approval and permits to the Authority and the Company (and/or an affiliate of the Company) to authorize the construction by the Company (and/or an affiliate of the Company) of a 2,010 tons/day municipal incinerator consisting of three furnaces at the site of the Baltimore City Pyrolysis Plant, 1801 Annapolis Road, in Baltimore City. The approval and permits, when issued, will include appropriate conditions to reflect the terms of this Order.
2. The following operational requirements shall apply to the Incinerator:
 - (a) Roads shall be paved and regularly cleaned with vacuum-type road sweepers or other appropriate and equivalent equipment to maintain emissions at the calculated levels as indicated in Attachment A.
 - (b) Fly ash shall be conveyed from the incinerators and electrostatic precipitators to an unvented silo or to the ash storage pit. Fly ash loaded onto trucks shall be wetted prior to any conveying or transferring.
 - (c) The bottom ash handling system, the refuse pit, the shear and the incinerator charge hoppers shall be designed, constructed and operated in such a manner that dust and

SECRETARIAL ORDER - NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

and dust-laden air from these sources will be conveyed into the incinerator.

- (d) The installation shall be designed, constructed, equipped, operated, and maintained so that it is in continuous compliance with the emission standards for particulate matter from each source, as detailed in Attachment A. Unless otherwise required or authorized by the approval and permits, the installation shall also be designed, constructed, equipped, operated, and maintained in accordance with the Application.
3. The Incinerator shall meet an outlet grain loading of 0.02 gr/scfd (corrected to 12 percent CO₂), which emission rate shall constitute an enforceable limitation against the Authority and the Company.
 4. The approval and permits to construct issued by the Department shall remain in effect until superseded by a permit to operate the Incinerator. Upon completing construction, the Authority and the Company shall make application for a temporary start-up permit. The Department will issue a temporary permit, provided applicable portions of this Order are satisfied. The permit will reflect any conditions which are necessary to complete an appropriate test run.
 5. If, at any time, the Department determines that emissions from the Incinerator exceed calculated emissions or that offsets are not sufficient or otherwise become unavailable, the Department will notify the Authority and the Company of the deficiency. Immediately upon such notice by the Department, operations at the Incinerator shall cease or be curtailed to the extent considered necessary by the Department to ensure that all emissions from the Incinerator are adequately offset under existing legal requirements. Such cessation or curtailment of operation shall continue until such time as a legally enforceable reduction of emissions from other sources is secured in amounts

SECRETARIAL ORDER - NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

which the Department finds will satisfy all legal requirements.

6. Unless precluded by more restrictive or incompatible conditions of the approval and permits to construct or to operate, the construction and operation of the Incinerator shall also comply with all applicable and lawful requirements COMAR 10.18.01 through 10.18.22. If a condition of the approval or a subsequently issued permit is more restrictive or incompatible with the Department's regulations, the condition of the approval or permit is controlling.

Nov 20, 1981
Date

William M. Eichbaum
William M. Eichbaum
Assistant Secretary for Environmental
Programs

The foregoing Order is agreed to and the within conditions consented to.

NORTHEAST MARYLAND WASTE
DISPOSAL AUTHORITY

Oct. 21, 1981
Date

Robert E. Schoenhofer
Robert E. Schoenhofer
Acting Executive Director

The Company, on its own behalf and on behalf of its affiliates, acknowledges and consents to the foregoing Order and within conditions and agrees that, upon the award to it or to any of its affiliates of contracts to construct and operate the Incinerator, it and/or its affiliates will be legally bound to the foregoing Order and within conditions without further acknowledgment or consent.

WHEELABRATOR-FRYE, INC.

November 11, 1981
Date

By: Stephen A. Furbacher
Name: Stephen A. Furbacher
Title: Executive Vice President

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
this 17th day of November 19 81

Ann Marie DeBease
ANN MARIE DEBEASE
Assistant Attorney General