



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

1800 WASHINGTON BLVD, STE 720

BALTIMORE, MARYLAND 21230-1720

AIR QUALITY GENERAL PERMIT TO CONSTRUCT PACKAGE

**CHARBROILERS
and
PIT BARBECUES**

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June 21, 2004



MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION MANAGEMENT ADMINISTRATION
1800 Washington Blvd, STE 720
Baltimore, Maryland 21230-1720
(410) 537-3230

FACT SHEET

For
CHARBROILER and PIT BARBECUES

All installations which are potential sources of air pollution (which includes charbroilers and pit barbecues) are regulated and require a permit or approval from the Maryland Department of the Environment ("the Department"), except those installations which are exempt under Maryland's Air Quality Regulations, Code of Maryland Regulations COMAR 26.11.02. The Department has decided to regulate certain small stationary source installations through the issuance of an air quality general permit to construct (also referred to as a general permit to construct).

1. What is the intent of the Air Quality General Permit to Construct Program?

General permits to construct will increase the efficiency of the Department's permitting process through the issuance of generic permits to a category of sources which are generally very similar in operation, equipment installation, and emissions characteristics. General permits to construct will improve service to the regulated community by reducing the time necessary to obtain the required permit while still ensuring that the sources are constructed in compliance with all air quality regulatory requirements.

Only those installations considered appropriate by the Department for regulation by this mechanism are covered by a general permit to construct. All other installations are subject to the requirements of an individual permit to construct issued in accordance with COMAR 26.11.02.

2. What is an air quality general permit to construct?

General permits to construct are available for certain categories of small stationary source installations. All sources within the described category are permitted, subject to the specific conditions contained in the general permit to construct. Each general permit to construct provides emissions limitations and/or operating conditions, and is subject to the same regulatory requirements and enforcement actions as an individual permit to construct.

3. I intend to construct or install a charbroiler, grill, or pit barbecue. Will I need a permit, and will the general permit to construct for charbroilers and pit barbecues apply to me?

The Air Quality General Permit to Construct for Charbroilers applies to any person who owns, constructs (installs), or operates a non-residential charbroiler or pit barbecue with a total cooking area that is greater than 5 square feet (0.46 square meters).

An Air Quality Permit to Construct is required for all non-residential charbroiler or pit barbecue installations in Maryland except as indicated below.

An Air Quality Permit to Construct is not required for a charbroiler or pit barbecue with a total cooking area of 5 square feet (0.46 square meters) or less.

An Air Quality Permit to Construct is not required for a charbroiler or pit barbecue which:

- (a) Operates at one location for less than 15 days in any 365-day period; or
- (b) Operates at one location for 2 days or less in any 7-day period.

An Air Quality Permit to Construct is not required for a person who owns, constructs (installs), or operates an oven style broiler or rotisserie which uses electric or gas-fired radiant heat and in which the heat is radiated from the sides or top to the food to be cooked.

4. *What must I do to obtain coverage for my proposed charbroiler installation under the Air Quality General Permit to Construct for Charbroilers?*

You may request a general permit to construct package from the Department. The package will include the Air Quality General Permit to Construct for Charbroilers, the Request for Coverage form, instructions on how to submit the completed request form(s) and the required permit fee. The general permit to construct includes any construction and/or operating requirements, air emissions limitations, and other regulatory obligations. If your proposed charbroiler installation meets the requirements of the Air Quality General Permit to Construct, and you desire coverage under the permit, a Request for Coverage to construct (install) and operate may be completed by the owner of the installation or the owner's authorized representative.

5. *What is the amount of the permit fee to obtain coverage under the general permit to construct? Is this fee paid once, or on an annual basis?*

The permit fee required to obtain coverage under the general permit to construct for charbroilers is **\$200 per unit** and is a one time fee only. There are no annual or operating fees required for charbroiler installations. Once you have requested coverage under the general permit to construct, by submitting the completed Request for Coverage and permit fee, you may install and operate your charbroiler at the location stated on your request form. If you move the equipment to a new location, a new request for coverage must be filed with the Department and another permit fee must be paid.

REMEMBER: In order to be covered under the General permit to construct, you must submit the completed request for coverage form(s) along with your permit fee. If you mail in your request, attach your check for payment of the required permit fee to your form. Also, indicate on the check the identity of the facility and what the payment is for, e.g., "THE SMOKEHOUSE, AIR QUALITY PERMIT - (1) CHARBROILER."

Mail your Request and Permit Fee to:

Maryland Department of the Environment
Air and Radiation Management Administration

P.O. Box 2037
Baltimore, MD 21203-2037

6. *How can I get a general permit package and request for coverage form? What if I have additional questions pertaining to general permits, air quality or other environmental issues?*

You can call and request a permit application be mailed to you by calling (410) 37-3230.

You can download the permit application from our web page at <http://www.mde.state.md.us>. Go to the permit section, air permits, general air permits to locate this application.

You can pick up a permit application, and deliver your completed application at:

Maryland Department of the Environment
Air and Radiation Management Administration
1800 Washington Blvd, STE 720
Baltimore, MD 21230-1720

7. *What if I have additional questions pertaining to general permits or other air quality or environmental issues?*

If you have additional questions, please call us at:

(410) 537-3230

AIR QUALITY GENERAL PERMIT TO CONSTRUCT

CHARBROILERS and PIT BARBECUES

Part I. - Applicability

- (A) This permit applies in all areas of Maryland.
- (B) This permit applies to a person who owns, constructs (installs), or operates a charbroiler or pit barbecue with a total cooking area greater than 5 square feet (0.46 square meters) which:
- (1) Operates at one location 15 days or more in any 365-day period; and
 - (2) Operates at one location more than 2 days in any 7-day period.
- (C) A Permit to Construct is not required for:
- (1) Charbroilers or Pit Barbecues that are five square feet or less of total cooking area.
 - (2) Charbroilers or Pit Barbecues that are operated at a single location for a shorter period of time than described in (B) above.
 - (3) Residential Charbroilers or Pit Barbecues.

PART II. - Definitions

"Charbroiler"- means any equipment, device, or contrivance used for cooking on a grill through radiant heating. (An oven style broiler or rotisserie which uses electric or gas-fired radiant heat and in which the heat is radiated from the sides or top to the food to be cooked is not considered a charbroiler and is not required to have a permit to construct.)

"Cooking Area"- means the area of a grill or pit opening, as determined by the inside dimensions bordering on the retaining framework or containment wall.

"Department"- means the Maryland Department of the Environment.

"Grill"- means any perforated framework used to broil meat or other foods.

"Habitable dwelling"- means a dwelling that is inhabited on a full or part time basis as a residence. Habitable dwelling does not include a dwelling located on the same property that has a charbroiler or pit barbecue.

"Opacity"- means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Pit Barbecue"- means any equipment, device, or contrivance for the cooking of meat on a spit using radiant heat.

"Request for Coverage" (RFC)- means a completed form obtained from the Department requesting to be covered by this permit.

"Spit"- means any pointed rod or similar device used to support meat or other food over a heat source.

PART III. - Specific Requirements for Charbroiler and Pit Barbecues

- (A) If the charbroiler or pit barbecue is located within 300 feet of the property line of any habitable dwelling:
 - (1) The owner or operator shall limit visible emissions to 10 percent opacity or less.
 - (2) The owner or operator shall install a control device approved by the Department, if the installation cannot meet the 10 percent opacity limit without controls.
- (B) If the charbroiler or pit barbecue is located more than 300 feet from the property line of any habitable dwelling, the owner or operator shall limit visible emissions to 30 percent opacity or less.
- (C) If your equipment cannot meet the opacity limits stated in this permit, you will be required to install a control device approved by the Department.

PART IV. - General Requirements

- (A) **Incorporation of Request for Coverage Into Permit**

This permit includes the completed one page Request for Coverage, which serves as the application for the permit. If there is any conflict between the specific and general requirements (Parts III and IV) and the Request for Coverage, the specific and general requirements take precedence. If there is any conflict between the specific and general requirements, the specific requirements take precedence.
- (B) **Effective Date/Failure to Pay Fee**

This permit is effective on the date that the Request for Coverage is completed and the permit fee is paid to the Department. If the fee is paid by check or money order that is mailed to the Department, the fee is considered to be paid on the date of mailing. If the fee is paid to the Department by any other manner other than by mailing a check or money order, the effective date of the permit is the date that the Department receives payment. If a check or money order does not clear for any reason, the permittee will be given 30 days to make proper payment including any interest and other charges that are due. If payment is not made within this time, the permit shall be considered to have been void from the outset. In order to establish the effective date of a permit, the permittee should save the canceled check or money order receipt, a copy of the Request for Coverage, and related documents. These documents shall be provided to the Department on request.

(C) Applicant

The applicant for this permit shall be the individual who, or other legal entity that, owns or operates the proposed source for which a permit to construct is required. After the permit is effective, the applicant may be referred to as the "permittee."

(D) Location of Source

This permit authorizes the permittee to construct and operate the installation or other source described in the Request for Coverage at the facility or other location described in the application. The permit is not valid for any other source at the described location nor is it valid for the described source at any other location.

(E) Duration

This permit expires if, as determined in writing by the Department:

- (1) substantial construction or modification is not commenced within 18 months after the effective date of the permit;
- (2) construction or modification is substantially discontinued for a period of 18 months after it has commenced; or
- (3) construction or modification of the source for which the permit was issued is not completed within a reasonable period after the effective date of the permit.

(F) Permit to be Available

The permittee shall maintain this permit at the location for which the permit was issued, unless it is clearly impractical to do so, and shall make the permit immediately available to authorized representatives of the Department upon request.

(G) Other Permits May Be Needed

This permit does not constitute a permit for any activity other than expressly authorized by this permit.

(H) Permit Not Transferable

This permit is not transferable. The permittee should provide a copy of this permit to any subsequent owner or operator. The subsequent owner or operator should contact the Department to determine if a new permit is required. The provisions of COMAR 26.11 apply to the subsequent owners or operators whether or not the source is covered by a permit.

(I) Compliance With All Laws and Regulations

This permit does not authorize violation of any law or regulation. The permittee shall at all times comply with all applicable laws and regulations, including:

- (1) the Maryland Ambient Air Quality Control statute. Annotated Code of Maryland, Environment Article, 2-101 et seq.;
- (2) Maryland air pollution control regulations. Code of Maryland Regulations (COMAR) 26.11, as amended by the Maryland Register;
- (3) the Federal Clean Air Act. 42 United States Code (U.S.C.) 7401 et seq.;

- (4) federal air pollution control regulations. 40 Code of Federal Regulations (CFR) Parts 50-99, as amended by the Federal Register.

(J) Odors and Other Nuisances

This permit does not authorize construction or operation in a manner that unreasonably interferes with the proper enjoyment of the property of other persons, such as by causing unreasonable odors, or by otherwise creating air pollution.

(K) Workers' Compensation Act

Submission of the application for this permit constitutes certification that the applicant is in compliance with the Maryland Workers' Compensation Act, as required by The Annotated Code of Maryland, Environment Article, 1-202, and Labor and Employment Article, Title 9. The permit shall be considered to have been void from the outset if this certification is invalid.

(L) Modifications

A "modification" is any physical change in, or change in the operation of, an installation which causes a change in the quantity, nature or characteristics of emissions from the installation. However, this term excludes routine maintenance and routine repair, and increases in the hours of operation or in the production rate, unless these increases are prohibited under any permit or approval issued by the Department.

A modification to the installation or other source for which this general permit to construct applies is prohibited. Before making such a modification, the permittee must apply for and obtain a subsequent general permit to construct from the Department or an individual permit to construct if the source would no longer be eligible for a general permit to construct.

(M) Inspections/Right of Entry

Inspectors and other authorized officials from the Department or the appropriate local health or environmental department shall be allowed access to the property where the source is constructed or modified at any reasonable time for the purpose of determining compliance with this permit and applicable air pollution control laws and regulations, including:

- (1) inspecting all activities authorized by this permit;
- (2) taking samples of materials or other substances stored or processed at the property or discharged or otherwise removed from the property;
- (3) inspecting any monitoring equipment required by the permit and applicable laws and regulations;
- (4) having access to and copying any records related to the Department's determination of compliance, including all documents required to be kept by this permit and by applicable laws and regulations; and
- (5) taking photographs and making video recordings.

(N) Duty To Provide Information

The permittee shall furnish to the Department, within 15 working days of the date of any request or other period of time that may be specified, all documents and other information which the Department requests to determine compliance with this permit and applicable air pollution control laws and regulations.

(O) Penalties for Violations

Maryland law provides for substantial penalties for violations of this permit and applicable air pollution control laws and regulations. These penalties include civil penalties of up to \$25,000 per day per violation, administrative penalties of up to \$2,500 per day per violation (not to exceed \$50,000 per action), injunctive relief, and criminal penalties for knowing violations (including up to one year in jail and a \$25,000 fine per violation per day). Additional criminal penalties apply to any person who knowingly provides false information to the Department or who knowingly tampers with any monitoring device required by State air pollution control law. Federal law may also provide for penalties for violations.

(P) Violations That Occurred Prior To Obtaining This Permit

This permit does not protect the permittee for any violation of laws or regulations that may have occurred prior to the effective date of the permit, including constructing, modifying, or operating a source without a required permit. The Department will consider all efforts made by the person to come into compliance with the laws and regulations in determining whether to seek a penalty for past violations and the amount of any penalty to be sought.

(Q) Revocation or Suspension of a Permit

(1) The Department may issue an order proposing to revoke or suspend this permit if it determines that:

- (a) Any condition of the permit has been violated; or
- (b) The permit was improperly obtained or has been improperly used.

(2) This proposed order shall be served as a summons is served or by certified mail. The order shall become final unless the permittee requests a hearing within 10 days after being served. If a hearing is requested, it shall be held pursuant to the Maryland Administrative Procedure Act, Annotated Code of Maryland, State Government Article, 10-201 *et seq.* and Environment Article, 2-605. A person to whom a proposed or final order or revocation or suspension has been issued may not obtain another general permit for the same source or similar source at the same location until it has been determined in writing by the Department that the revocation or suspension is no longer in effect or pending.

(R) Property Rights Not Created By Permit

This permit does not create any property rights.

(S) Severability

If any provision of this permit is determined to be invalid for any reason, the other provisions remain in effect to the extent reasonable, and the invalid provision shall be

considered deleted from the permit.

(T) Federal Enforceability

The terms and conditions of this general permit to construct are federally enforceable only to the extent that they reflect regulations or other requirements that have been approved by the U.S. Environmental Protection Agency for inclusion in the Maryland State Implementation Plan (SIP) for the control of air pollution.

PART V. - Request for Coverage Requirements

(A) Request for Coverage

A person who desires to be covered by this general permit to construct shall provide all required information on the Request for Coverage form and **submit the form to the Department together with the required fee of \$200 for each unit.** The fee must be paid by check or money order payable to: **Maryland Department of the Environment/Clean Air Fund.**

(B) Required Signatures

The Request for Coverage form shall be signed by the applicant or an authorized representative of the applicant who shall make the following certification:

"I certify under penalty of law that the information submitted in the Request for Coverage is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(C) Where to Submit

A person shall submit the original of the Request For Coverage form and the required fee to the following address:

**Air and Radiation Management Administration
Maryland Department of the Environment
P.O. Box 2037
Baltimore, Maryland 21203-2037**

The Request for Coverage form and the permit fee may be delivered in person to the Department at the following address:

**Maryland Department of the Environment
Air and Radiation Management Administration
1800 Washington Blvd, STE 720
Baltimore, Maryland 21230-1720**

The Air Quality General Permit to Construct is effective on the date that the Request for Coverage is completed, signed, and the permit fee paid to the Department. See Permit Part IV (B). The Department will mail a letter to the applicant acknowledging the receipt of the Request for Coverage and fee and that the source is now covered by the specifically requested Air Quality Permit to Construct.

Questions regarding the Air Quality General Permit to Construct program may be directed to the Department's Air and Radiation Management Administration by calling (410) 537-3230.

A handwritten signature in black ink, reading "George S. Aburn, Jr." in a cursive style.

George (Tad) S. Aburn, Jr., Director
Air and Radiation Management Administration

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Air and Radiation Management Administration / Air Quality Permits Program
1800 Washington Boulevard, STE 720 Baltimore, MD 21230-1720
(410) 537-3230 1-800-633-6101 www.mde.state.md.us

Request for Coverage: Air Quality General Permit to Construct
CHARBROILER / PIT BARBECUE INSTALLATIONS

1) Business Federal Facility? Yes No

Business Name: Friends and Family Tasty Meats Phone: 410-555-1212
Mailing Address: 17 BBQ Lane
City: Pigtown State: MD Zip Code: 21230 County: Baltimore City

2) Owner (if different from above)

Name: Mr. Hannible Lecter Phone: _____
Mailing Address: Same
City: _____ State: _____ Zip Code: _____ County: _____

3) Equipment Information (list all char broilers at this business)

Manufacturer	Model	Installation Date
<u>Char-Master</u>	<u>3000</u>	<u>12/13/02</u>
_____	_____	_____
_____	_____	_____

Smoke Control Equipment (if any): None

Distance to nearest habitable dwelling: 800 (feet)

4) Business Operational Information

8 hours/day 6 days/week 318 days/year or 3,000 lbs meat/day 3,000 lbs meat/year

"I CERTIFY UNDER PENALTY OF LAW THAT THE INFORMATION SUBMITTED IN THIS REQUEST FOR COVERAGE IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS."

Hannible Lecter Mr. Hannible Lecter, Owner October 15, 2002
Owners Signature Print/Type Name & Title Date

Your request for coverage is considered complete upon submittal to The Department of the signed, completed request for coverage form and the permit fee (\$200 per piece of equipment). See the Fact Sheet and General Permit for further details. If you have questions, call us at (410) 537-3230

Make Checks Payable to: MDE Clean Air Fund

Mail Form and Payment to: MDE/ARMA, PO Box 2037, Baltimore, MD 21203-2037



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Request for Coverage: Air Quality General Permit to Construct
CHARBROILER / PIT BARBECUE INSTALLATIONS

1) Business	Federal Facility? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Business Name: _____	Phone: _____				
Mailing Address: _____					
City: _____ State: _____ Zip Code: _____	County: _____				
<hr/>					
2) Owner (if different from above)					
Name: _____	Phone: _____				
Mailing Address: _____					
City: _____ State: _____ Zip Code: _____	County: _____				
<hr/>					
3) Equipment Information					
Manufacturer	Model	Installation Date			
_____	_____	_____			
_____	_____	_____			
_____	_____	_____			
_____	_____	_____			
Smoke Control Equipment (if any): _____					
Distance to nearest habitable dwelling: _____(feet)					
<hr/>					
4) Business Operational Information					
_____	_____	_____	or	_____	_____
hours/day	days/week	days/year		lbs meat/day	lbs meat/year

"I CERTIFY UNDER PENALTY OF LAW THAT THE INFORMATION SUBMITTED IN THIS REQUEST FOR COVERAGE IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS."

Owners Signature _____ Print/Type Name & Title _____ Date _____

Your request for coverage is considered complete upon submittal to The Department of the signed, completed request for coverage form and the permit fee (**\$200 per piece of equipment**). See the Fact Sheet and General Permit for further details. If you have questions, call us at (410) 537-3230

Make Checks Payable to: MDE Clean Air Fund
Mail Form and Payment to: MDE/ARMA, PO Box 2037, Baltimore, MD 21203-2037



