

**Chapter 164: GENERAL PERMIT FOR CONCRETE BATCH PLANTS**

**SUMMARY:** This Chapter regulates air emissions from Concrete Batch Plants that are subject to State air emissions standards. Owners/operators of Concrete Batch Plants may obtain specific regulatory coverage under this General Permit regulation in lieu of an individual air emission license if their facility qualifies as a minor source of air emissions. A Concrete Batch Plant General Permit Number (GPN) for each unit may be obtained by submitting an application with Notification of Intent to Comply (NOITC) which will serve as a formal agreement to abide by all conditions contained herein. Generator sets and diesel drives do not require a separate GPN but are subject to the provisions of this General Permit when associated with the operations of a concrete batch plant. If construction, modification or operation of a concrete batch plant would not comply with all conditions of this regulation, the owner/operator must apply for and obtain an individual state air emission license before beginning the actual construction, modification, or operation of the air emissions source.

**1. Applicability**

- A.** This regulation applies statewide.
- B.** This regulation supersedes *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2, where applicable.
- C.** This regulation applies to all Concrete Batch Plants (CBP) unless the CBP is or would be required to be covered under a separate state air emission license.
- D.** This regulation applies to a facility which is considered a minor source of air emissions pursuant to Department regulation 06-096 CMR 100 Definitions; that is not defined as a Part 70 source and is not subject to 06-096 CMR Emission Statements. This regulation does not exempt a minor source from any applicable state or federal requirements including New Source Performance Standards pursuant to 06-096 CMR 143 New Source Performance Standards or 06-096 CMR 144 National Emission Standards for Hazardous Air Pollutants.
- E.** This regulation applies to any concrete batch plant associated power plant engine that has a maximum heat input less than 5.0 MMBtu/hr, or 700 HP. Batch plant associated power plant engines may also be subject to federal non-road engine regulations pursuant to 40 CFR Part 89 Control of Emissions from New and In-Use Non Road Compression-Ignition Engines.
- F.** This regulation applies if the aggregate of all stationary fuel burning equipment at a facility including all concrete batch plants and power plant engines or other equipment, under control of the owner/operator, fires less than 65,000 gallons of diesel, #2, #4, or #6 fuel oil, or equivalent natural gas/propane (combined) in a calendar year.
- G. Exclusions.** A source is not eligible for a General Permit if:
  - (1) It is determined that the source cannot comply with the terms and conditions of this regulation;

- (2) The Department has reasonable cause to believe that the application contains fraud or misrepresentation; or
- (3) The person applying for the General Permit failed to disclose a material fact required by the application or the regulations of which the applicant had, or should have had knowledge at the time the application was submitted; or
- (4) The owner/operator owes any past due fees or civil penalties to the Department from previous licenses, permits or consent agreements.

## 2. Definitions

The following terms, as used in this Chapter, have the following meanings:

- A. Authorized Official.** “Authorized Official” means any duly authorized person given permission by an owner/operator to conduct business with the Department on their behalf.
- B. Facility.** “Facility” means the aggregate of all the non-temporary pollutant-emitting activities which are located on one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control).
- C. Concrete Batch Plant.** “Concrete Batch Plant (CBP)” means a facility manufacturing concrete from cement, cement supplement, fine aggregate, coarse aggregate and water. The CBP includes associated aggregate bins, weigh hoppers and cement storage silos.
- D. Owner/Operator.** “Owner/Operator” means any person who owns or has direct control or supervision over a concrete batch plant, crusher or power plant engine and who receives a General Permit under the terms of this regulation.
- E. Plant Operator.** “Plant Operator” means any person designated to operate a concrete batch plant in accordance with the manufacturer’s operating guidelines under the supervision of an Owner/Operator.
- F. Performance Test.** “Performance Test” means a certified visible emissions observation performed per EPA Method 9. The duration of the Method 9 observation must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits must be based on an average of the five 6-minute averages.
- G. Portable Plant.** “Portable Plant” means any concrete batch plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.
- H. Power Plant Engine.** “Power Plant Engine” means any stationary internal combustion engine whose function is to power a concrete batch plant including gen-sets, direct drive engines, and engines used to power hydraulic drives.

- I. Safe Access.** “Safe Access” means reasonable access to the regulated facility which complies with safety requirements of any local, state, or federal regulating authority as well as the written safety standard operating procedures for that facility.
- J. Stationary Plant.** “Stationary Plant” means any concrete batch plant that cannot meet the definition of “Portable Plant.”
- K. Temporary Equipment.** “Temporary Equipment” means any pollutant-emitting equipment or devices which are operated at a particular site for less than four (4) consecutive weeks in a calendar year.

### **3. Terms and Conditions for Concrete Batch Plant (CBP) General Permit Applications**

- A. Registration of Owner.** Prior to construction, modification, relocation or operation of a CBP the owner shall either obtain an air emission license per the requirements of 06-096 CMR 115 or register the equipment with the Department and receive a General Permit Number (GPN) for each batch plant to be operated. The owner/operator must sign the Notice of Intent to Comply (NOITC) that is provided in the General Permit Application. The Department will then issue a GP notification letter that will notify the applicant when they can commence operation. Portable units must provide a separate NOITC form signed by the responsible official whenever a unit is relocated.
- B. Required General Permit (GP) Application Form and Additional Information.** The application for a GP shall include an application form prescribed by the Department and any other additional information required by the Department, unless otherwise specified by this Chapter. The application may not omit information needed to determine the applicability of this rule. The application form and the additional required information shall include, but is not limited to, the following elements:
  - (1) Identifying information, including contact information for the Owner;
  - (2) The manufacturer, model, date(s) of manufacture and installation and maximum processing rate of the concrete batch plant and any associated power plant engines to be issued a GP;
  - (3) A unique identifier, such as a serial number associated with the GPN;
  - (4) Any other information that may be necessary to implement and enforce any federal or state air emissions control requirements applicable to the source;
  - (5) If required by the Department, proposed monitoring, testing, record keeping and reporting protocols, and results of previously performed performance tests;
  - (6) A certification statement as set forth in Section 3(F); and
  - (7) A copy of the public notice newspaper tear sheet.
- C. Equipment Identification Label.** Once an application has been received, the Department will assign a unique General Permit Number (GPN) for a concrete batch plant unit. The concrete batch

plant unit associated with the GPN shall be clearly marked (engraved, stenciled, etched, or otherwise permanently affixed) with one of the following:

- (1) The current GPN number, or
- (2) A serial number or other unique equipment number that is also listed in the GPN application and which can easily be cross referenced.

**D. Notice of Intent to Comply.** A notice of intent to comply certification statement is required as part of the standard General Permit application. A portable unit requires that an additional notice of intent to comply certification statement be submitted by the operator responsible for the unit each time it is relocated. A copy of the NOITC shall also be sent to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners. Once a General Permit Number (GPN) is assigned, the owner/operator is bound by the conditions of this regulation and must comply with any and all applicable conditions until such time as the owner/operator informs the Department, in writing, that they no longer intend to operate the listed equipment or the owner/operator applies for and obtains a Chapter 115 air emission license.

**E. Required NOITC Information.** The NOITC shall be a section of the application form that is prescribed by the Department or on an additional separate form for a portable unit at any time it is relocated. The NOITC information shall include, but is not limited to, the following elements:

- (1) The GPN or manufacturer's serial number that is permanently marked on the unit;
- (2) Identifying information, including the CBP location along with contact information for the owner/operator and plant operator responsible for the unit;
- (3) A statement that the owner/operator intends to comply with and operate the listed equipment according to the terms and conditions set forth in this chapter;
- (4) Any other information that may be necessary to implement and enforce any requirements applicable to the source pursuant to federal or state air emission control regulations; and
- (5) A compliance certification statement as set forth in Subsection 3 (F).

**F. Certification.** All General Permit applications and NOTIC certification forms submitted to the Department in accordance with this chapter shall contain a certification of truth, accuracy, and completeness with the signature and printed name of either the responsible official pursuant to 06-096 CMR 100 Definitions, or an authorized official, as defined in this chapter. Signatures of authorized officials must be accompanied with a signed statement from the responsible official giving them the authority to sign on their behalf. The signatory sheet shall make the following certification:

"I certify that the equipment listed in this application shall be operated in compliance with the terms and conditions of 060-096 CMR 164 General Permit for Concrete Batch Plants and any other state or federal air emission control regulations that are applicable. I certify under penalty of law that I have personally examined the information submitted in the document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I

authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant civil and criminal penalties for submitting false information, including the possibility of fine and imprisonment.”

In the event of becoming aware that incorrect information was submitted, the responsible/authorized official must provide the Department with the supplementary facts or corrected information.

- G. Public Notice of Intent to File.** A public notice of intent to file under Chapter 164 shall be published in a local newspaper no more than 30 days before an application is submitted. A copy of the newspaper tear sheet is also required in order to process a General Permit Application.
- H. Fees.** The owner/operator shall pay an annual fee to the Department per 38 MRSA § 353-A (4). The first year’s fee is due with the GP application form. Payment of the annual air emission general permit fee is required for continuous activation of the general permit. A general permit shall be deactivated if the permit fee is not paid within 60 days of the annual fee due date shown on the invoice. If a permit is deactivated, the owner/operator must reapply for and obtain a new general permit before they resume operations.
- I. Application Submittal.** An application for a GP must be filed with the Department of Environmental Protection. Applications may be submitted via fax, provided the original application is received by the Department within seven calendar days.
- J. Source obligation.** Neither a GP nor submittal of an NOITC shall relieve any owner/operator of a source from the responsibility to comply fully with any other requirements applicable to the source.
- K. Public access to information and confidentiality.** All information and data submitted to the Department shall be subject to the provisions of the Freedom of Access Law, Title 1 MRSA §401 et seq., as amended. Documents which the applicant believes may not be subject to disclosure under the Freedom of Access Law should be clearly marked as “claimed confidential” at the time of submission. Such a claim of confidentiality does not itself protect the documents from disclosure, but alerts the Department to the applicant’s position that the documents may not be subject to disclosure. Public records include, but are not limited to, the following:
  - (1) Information concerning the nature and extent of the emissions of any regulated pollutant by a source; and
  - (2) Information submitted by the source with respect to the economic, environmental and energy impacts of various control options in the determination of the control technology requirements.

#### **4. Concrete Batch Plant General Permit Requirements**

- A. General Conditions.** Notwithstanding any part of this regulation, the owner/operator is subject to the applicable parts of 06-096 CMR 101 Visible Emissions.
  - (1) Employees and authorized representatives of the Department shall be allowed safe access to the owner’s business premises during business hours, or any time during which any emissions

units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C). Prior to entrance to the owner's property, the Department shall notify the owner/operator or the plant operator, who shall provide safe access that complies with safety requirements of any local, state, or federal regulating authority as well as any written safety standard operating procedures for that facility.

- (2) The General Permit does not convey any property rights of any sort, or any exclusive privilege.
- (3) The owner/operator shall maintain sufficient records to accurately document compliance with emission standards and general permit conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (4) The owner shall comply with all applicable terms and conditions of this general permit. The filing of an appeal, the notification of planned changes or anticipated noncompliance, or the filing of an application for a Chapter 115 license shall not stay any condition of this general permit.
- (5) The owner shall not use as a defense in an enforcement action that the disruption, cessation, or reduction of operations would have been necessary in order to maintain compliance with the conditions of the general permit. Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute or regulation.
- (6) Upon written request from the Department, the owner shall establish and maintain records, make reports, install, use and maintain monitoring equipment, sample emissions (in accordance with methods, at locations, at intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine compliance status. Required records include but are not limited to types, quantity and sulfur content of fuel used, daily throughput production rates, operational conditions, as well as equipment maintenance, malfunctions and corrective actions.
- (7) The owner/operator shall keep a copy of the application form or a portable unit NOITC form and manufacturer's operating instructions at the site where the facility operates and provide the applicable form to Department employees upon request.
- (8) The owner/operator shall train all plant operator(s) to be thoroughly familiar with the terms and conditions of this general permit.

#### **B. Associated Power Plant Engine GP Eligibility and Emission Control Requirements**

- (1) Each power plant engine shall not equal or exceed a maximum heat input of 5.0 MMBtu/hr.
- (2) Power plant engines shall fire only fuel with a sulfur content not to exceed 15 ppm.

- (3) Each power plant engine with a maximum heat input greater than 3.0 MMBtu/hr shall not exceed 0.12 lb/MMBtu of total particulate emissions.
- (4) Visible emissions from each power plant engine shall not exceed 20 percent opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period; except for a 50 percent on a six (6) minute block average during peaks in either the acceleration or lugging modes.
- (5) The owner/operator shall not operate any power plant engine as a dispatchable load generator to provide power to ISO New England or any other electricity system operation.
- (6) Owner/operators must operate and maintain each power plant engine in accordance with the manufacturer's written instructions. Owner/operators may only change settings that are approved by the manufacturer.
- (7) If the power plant engine is equipped with a diesel particulate filter, the owner/operator must keep records of any corrective action taken after the back pressure monitor has notified the owner/operator that the high backpressure limit is approached.

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NOTE: Power plant engines used for a concrete batch plant may also be subject to 40 CFR §63.6580-6675 National Emission Standards for Hazardous Air Pollutants Subpart ZZZZ Reciprocating Internal Combustion Engines, or 40 CFR §60.4200-60.4241 Subpart IIII Standards of Performance for Station Compression Ignition Engines. Such equipment may also be subject to state regulation 06-096 CMR 148 Emissions from Small Scale Electric Generating Resources.

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### **C. Concrete Batch Plant Emissions Control and Maintenance Requirements**

- (1) The owner/operator shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (2) The owner/operator shall maintain and operate as necessary all emission units and air pollution systems required by the general permit in a manner consistent with good air pollution control practice for minimizing emissions.
- (3) Visible emissions from the concrete batch plant shall not exceed an opacity limit of 20 percent on a six (6) minute block average basis, more than once in a (1) one-hour period pursuant to 06-096 CMR 101 Visible Emissions Regulation.
- (4) Visible emissions from any transfer point on belt conveyors shall not exceed a visual opacity of 7 percent on a six (6) minute block average basis, more than once in a continuous 3-hour period pursuant to 06-096 CMR 101 Visible Emissions Regulation.
- (5) The owner/operator shall maintain control equipment for particulate control on the concrete batch plant and associated material handling systems, bag house filtration systems and cement silos and operate them as necessary to limit visible emissions to the opacity standards listed in 06-096 CMR 101 Visible Emissions Regulation and in this subsection.

- (5) The owner/operator shall maintain a log detailing the maintenance on particulate matter control equipment. The owner/operator shall perform monthly inspections of control equipment. Records of the date of each inspection and any corrective action required will be included in the maintenance log. The maintenance log shall be kept on-site at the concrete batch plant location.
- (6) The owner/operator shall maintain a log detailing and quantifying the hours of operation on a daily basis for the concrete batch plant. The owner/operator shall record the date and location of all bag failures as well as all routine maintenance. The operation log shall be kept on-site at the concrete batch plant location.

#### **D. Concrete Batch Plant Record Keeping, Testing and Reporting Requirements**

- (1) The owner/operator shall maintain sufficient records to accurately document compliance with emission standards and general permit conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (2) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the owner/operator shall:
  - (a) perform testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - (i) within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - (ii) pursuant to any other requirement of this general permit to perform testing.
  - (b) make any accommodations necessary to allow emission testing using the EPA Method 9 visual test; and
  - (c) submit a written report to the Department within thirty (30) days from date of any test completion.
- (3) If the results of a test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
  - (a) within thirty (30) days following receipt of such test results, the owner/operator shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department;



- (b) the days of violation shall be presumed to include the date of test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
  - (c) the owner/operator may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (4) The owner/operator shall maintain records of malfunctions, failures, downtime, fuel use and fuel sulfur content and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of this general permit. The owner/operator shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The owner/operator shall report all excess emissions in the units of the applicable emission limitation.
  - (5) Upon written request from the Department, the owner/operator shall establish and maintain records, make reports, install, use and maintain monitoring equipment, and sample emissions in accordance with prescribed methods, at locations, intervals, and in a manner the Department shall prescribe; and provide other information as the Department may reasonably require in order to make a determination of the permit compliance status.

#### **E. Equipment Relocation**

- (1) The owner/operator shall notify the Bureau of Air Quality, by a written notification prior to relocation of a portable concrete batch plant. Any relocation of portable equipment requires an NOITC form to be submitted to the Department and municipality as defined in Section 3 of this Chapter. The Department notification shall be sent to the address below:

Attn: Relocation Notice  
Maine DEP  
Bureau of Air Quality  
17 State House Station  
Augusta, ME 04333-0017

Equipment relocation notification can also be completed on-line with e-notice at [www.maine.gov/dep/air/compliance/forms/relocation](http://www.maine.gov/dep/air/compliance/forms/relocation).

The notification shall include the address of the equipment's new location and the GPN pertaining to the relocated equipment. Written notice may be sent by mail, facsimile (fax), or e-mail.

- (2) Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

- (7) **Severability.** Each part of this Chapter is severable, and in the event that any part of this Chapter is held to be invalid, the remainder of the Chapter continues in full force and effect.

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AUTHORITY: 38 M.R.S.A., §585-A

EFFECTIVE DATE:

#### **BASIS STATEMENT**

This rule establishes a general permit program for stationary and portable concrete batch plants that are subject to Federal New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants and those subject to State Regulations. This rule allows minor source concrete batch plant units to obtain a permit from the Department without going through the licensing process currently required by Chapter 115 Major and Minor Source Air Emission License Regulation. Owner/operators may choose to be licensed under Chapter 164 or Chapter 115. However, facilities emitting pollutants at levels subject to Chapter 137 Emission Statements will not be permitted to utilize Chapter 164 to operate such facilities and will require a Chapter 115 license.

This rule provides clear requirements for owner/operators of concrete batch plants that are in compliance with state and federal regulations.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its response to comments received during the public comment period.

**Chapter 165: GENERAL PERMIT FOR CLASS IV-A INCINERATORS**

SUMMARY: This Chapter regulates air emissions from Class IV-A Human Crematory and Veterinary Incinerators. Owner/operators of Class IV-A Incinerators may obtain specific regulatory coverage under this General Permit regulation in lieu of an individual air emission license if their facility qualifies as a minor source of air emissions. Such parties shall do so by obtaining a Class IV-A Incinerator General Permit (GP) for each Class IV-A Incinerator unit by submitting a General Permit application with Notification of Intent to Comply (NOITC) which will attest to their formal agreement to abide by all conditions contained herein. If the construction, modification, or operation of a Class IV-A Incinerator by the owner/operator would not comply with all conditions of this regulation, the owner/operator must apply for and obtain an individual state air emission license before beginning the actual construction, modification, or operation of the air emissions source.

**1. Applicability**

- A. This regulation applies statewide.
- B. This regulation supersedes *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2, where applicable.
- C. This regulation applies to all Class IV-A Human Crematory Incinerators (HCI) and Veterinary Incinerators (VI) unless the unit would be required to be covered under a separate state air emission license.
- D. This regulation applies to a facility which is a minor source of air emissions pursuant to Department regulation 06-096 CMR 100 Definitions; that is not defined as a Part 70 source and is not subject to 06-096 CMR Emission Statements. This regulation does not exempt a minor source from any applicable state or federal requirements including 06-096 CMR 143 New Source Performance Standards or 06-096 CMR 144 National Emission Standards for Hazardous Air Pollutants.
- E. This regulation applies if the incinerator unit has a maximum heat input less than 10.0 MMBtu/hr.
- F. This regulation applies if the aggregate of all fuel burning equipment at a facility, under control of the owner/operator burns less than 65,000 gallons of diesel, #2, #4, or #6 fuel oil or equivalent natural gas/propane fuel in a calendar year.
- G. Exclusions. A source shall not be issued a GP if:
  - (1) It is determined by the Department that the source cannot comply with the terms and conditions of this regulation;
  - (2) The Department has reasonable cause to believe that the application contains fraud or misrepresentation; or

- (3) The person applying for the General Permit failed to disclose a material fact required by the application or the regulations of which the applicant had, or should have had, knowledge at the time the application was submitted.
- (4) The owner/operator owes past due fees or civil penalties to the Department from previous licenses, permits or consent agreements.

## 2. Definitions

The following terms, as used in this Chapter, have the following meanings:

- A. Authorized Official.** “Authorized Official” means any duly authorized person given permission by an owner/operator to conduct business with the Department on their behalf.
- B. Facility.** “Facility” means the aggregate of all the non-temporary pollutant-emitting activities which are located on one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control) as defined in 06-096 CMR 100 Definitions Regulations.
- C. Class IV-A Human Crematory Incinerator.** “Class IV-A Human Crematory Incinerator” means crematory and pathological incinerators, suitable for human remains consisting of bodies, organs, and solid organic wastes or animal remains consisting of carcasses with incidental plastic wrap, organs and solid organic wastes from funeral homes, hospitals, laboratories, abattoirs, animal pounds, and similar sources, consisting of up to 85% moisture, 5% incombustible solids and having a heating value of approximately 1000 BTU per pound as fired;
- D. Class IV-A Veterinary Incinerator.** “Class IV-A Veterinary Incinerator” means any crematory or pathological incinerators, suitable for the cremation of animal remains such as carcasses, organs, and solid organic wastes consisting of up to 85% moisture, 5% incombustible solids, and having a heating value of approximately 1000 BTU/lb as fired.
- E. Incinerator Operator.** “Incinerator Operator” means any person designated to operate a Human Crematory Incinerator or a Veterinary Incinerator unit in accordance with the manufacturers operating guidelines under the supervision of an Owner/Operator.
- F. Owner/Operator.** “Owner/Operator” means any person who owns or has direct control or supervision over a regulated Class IV-A Human Crematory Incinerator or a Veterinary Incinerator, and who receives a Class IV-A Incinerator General Permit under the terms of this regulation.
- G. Safe Access.** “Safe Access” means reasonable access to the regulated facility which complies with safety requirements of any local, state, or federal regulating authority.

## 3. Terms and Conditions for Processing Class IV-A Incinerator General Permit Applications

- A. Registration of Owner.** Prior to the construction, modification or operation of a Class IV-A Human Crematory Incinerator or a Veterinary Incinerator, the owner shall either obtain an air emission license pursuant to the requirements of 06-096 CMR 115 Major and Minor Source Air Emission License Regulations, or apply to register the equipment with the Department to obtain a General Permit (GP) for each unit to be operated. The owner/operator must submit a Notice of

Intent to Comply (NOITC) to the Department as part of the general permit application. The Department will then issue a GP notification letter that will notify the applicant when they can commence operation.

**B. Required GP Application Form and Additional Information.** The application for a general permit shall include an application form prescribed by the Department and any other additional information required by the Department, unless otherwise specified by this Chapter. The application may not omit information needed to determine the applicability of this rule. The application form and the additional required information shall include, but is not limited to, the following elements:

- (1) Identifying information, including contact information for the owner/operator;
- (2) The manufacturer, model, date(s) of manufacture and installation, and maximum charging rate of the incinerator to be issued a GP;
- (3) A unique identifier, such as a serial number, etc. associated with this GP;
- (4) Any other information that may be necessary to implement and enforce any state or federal air emission control requirements applicable to the source;
- (5) If required by the Department, proposed monitoring, testing, record keeping and reporting protocols, and results of previously performed performance tests;
- (6) A certification statement as set forth in this Section; and
- (7) A copy of the public notice newspaper tear sheet.

**C. Equipment Identification Label.** Once an application has been received, the Department will assign a unique identifier general permit number (GPN) for each Class IV-A Human Crematory Incinerator or Veterinary Incinerator. The Class IV-A Incinerator associated with the GPN shall be clearly marked (engraved, stenciled, etched, or otherwise permanently affixed) with one of the following:

- (1) The current GPN number, or
- (2) A serial number or other unique equipment number that is also listed in the GPN application and which can easily be cross referenced.

**D. Notice of Intent to Comply.** A Notice of Intent to Comply (NOITC) certification statement is required as part of the standard General Permit application. A copy of the NOITC shall also be sent to the municipality where the equipment will be located, except in the case of an unorganized territory where notification will be made to the respective county commissioners. Once the General Permit is issued, the owner/operator is bound by the conditions of this regulation and must comply with any and all applicable conditions until such time as the owner/operator informs the Department, in writing, that they no longer intend to operate the listed equipment or the owner/operator applies for and obtains a Chapter 115 air emission license.

**E. Required NOITC Information.** The NOITC shall be a section of the application form that is prescribed by the Department. The NOITC information shall include, but is not limited to, the following elements:

- (1) A previously assigned GPN or manufacturers serial number that is permanently marked on the unit;
- (2) Identifying information, including location and contact information for the owner/operator;
- (3) A statement that the owner/operator intends to comply with and operate the listed equipment to the terms and conditions set forth in this chapter;
- (4) Any other information that may be necessary to implement and enforce any federal or state air emissions control requirements applicable to the source; and
- (5) A compliance certification statement as set forth in this Section.

**F. Certification Statement.** All General Permit applications submitted to the Department in accordance with this chapter shall contain an NOITC certification of truth, accuracy, and completeness with the signature and printed name of either the owner/operator or responsible official as defined in Section 2 of this Chapter. Pursuant to 06-096 CMR 100 Definitions, signatures of authorized officials must be accompanied by a signed statement from the owner/operator or responsible official, giving them the authority to sign on their behalf. The signatory sheet shall make the following certification:

"I certify that the equipment listed in this application shall be operated in compliance with the terms and conditions of 060-096 CMR 165 General Permit for Class IV-A Incinerators and any other state or federal air emission control regulations that are applicable. I certify under penalty of law that I have personally examined the information submitted in the document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant civil and criminal penalties for submitting false information, including the possibility of fine and imprisonment. I certify that this operation shall fully comply with all General Permit regulations for this type of facility/unit."

In the event of becoming aware that incorrect information was submitted, the responsible/authorized official must provide the Department with the supplementary facts or corrected information.

**G. Public Notice of Intent to File.** A public notice of intent to file under Chapter 165 shall be published in a local newspaper no more than 30 days before an application is submitted. A copy of the tear sheet is required for the processing of a General Permit application.

**H. Fees.** The owner/operator shall pay an annual fee to the Department pursuant to 38 MRSA § 353-A(4). The first year's fee is due with the GPN application form. Payment of the annual air emission permit fee is required for continuous activation of the General Permit. A general permit shall be deactivated if the permit fee is not paid with 60 days of the annual fee due date shown on

the invoice. If a permit is deactivated, the owner/operator must reapply for a general permit when they want to resume operations.

- I. Application Submittal.** An application for a General Permit and NOITC must be filed with the Department of Environmental Protection. Applications may be submitted via fax provided the original application is received by the Department within seven calendar days.
- J. Source obligation.** Neither a General Permit nor an NOITC shall relieve any owner/operator of a source from the responsibility to fully comply with any other requirements applicable to the source.
- K. Public access to information and confidentiality.** All information and data submitted to the Department shall be subject to the provisions of the Freedom of Access Law, Title 1 MRSA §401 et seq., as amended. Documents which the applicant believes may not be subject to disclosure under the Freedom of Access Law should be clearly marked as “claimed confidential” at the time of submission. Such a claim of confidentiality does not itself protect the documents from disclosure, but alerts the Department to the applicant’s position that the documents may not be subject to disclosure. Public records include, but are not limited to, the following:
  - (1) Information concerning the nature and extent of the emissions of any regulated pollutant by a source; and
  - (2) Information submitted by the source with respect to the economic, environmental and energy impacts of various control options in the determination of the control technology requirements.

#### **4. Class IV-A Incinerator General Permit Conditions and Emission Control Requirements**

- A. General Conditions.** Notwithstanding any part of this regulation, the owner/operator is subject to the applicable parts of 06-096 CMR 101 Visible Emissions.
  - (1) Employees and authorized representatives of the Department shall be allowed safe access to the owner/operator’s business premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions pursuant to Title 38 MRSA §347-C. Prior to entrance on the premises, the Department shall notify the owner/operator, or a designee of a need to inspect the facility. The owner/operator shall provide safe access that complies with safety requirements of any local, state, or federal regulating authority.
  - (2) The General Permit does not convey any property rights of any sort, or any exclusive privilege.
  - (3) The owner/operator shall maintain sufficient operational records to accurately document compliance with emission standards and general permit conditions as stipulated in this Chapter and shall maintain such records for a minimum of six (6) years. The records maintained on site shall also include a copy of the GP Application, applicable NOITC forms and the manufacturers operating instructions. Records shall be submitted to the Department upon written request.

- (4) The owner/operator shall comply with all applicable terms and conditions of this general permit. The filing of an appeal, the notification of planned changes or anticipated noncompliance, or the filing of an application for an air emissions license pursuant to 06-096 CMR 115 shall not override any condition of this general permit.
- (5) The owner/operator shall not use as a defense in an enforcement action that the disruption, cessation, or reduction of operations would have been necessary in order to maintain compliance with the conditions of the general permit.
- (6) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (7) Upon written request from the Department, the owner shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine compliance status.
- (8) The owner/operator shall keep a copy of the NOITC form available at the site where the facility operates and provide it to Department employees upon request.
- (9) The owner/operator shall insure that all persons authorized as incinerator operator(s) be familiar with the terms and conditions of this general permit.

**B. Class IV-A Incinerator Operation and Emission Control Requirements.** The owner/operator shall maintain and operate the emission control equipment on the Class IV-A Human Crematory Incinerator or Veterinary Incinerator as necessary to maintain temperatures and limit visible emissions to the opacity standard listed in this Subsection and the manufacturers operating guidelines.

- (1) The owner/operator shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of operation which may result in fugitive emissions, and shall submit a description of the program to the Department upon request.
- (2) The incinerator shall be used for the disposal of Type 4 Waste in Class IV-A Human Crematory Incinerators or Veterinary Incinerators, as defined in 06-096 CMR 100 Definitions Regulation. Class IV-A Incinerators shall not be used for the disposal of plastics, cytotoxic (antineoplastic) drugs or any radioactive wastes and shall not be used to dispose of any medical waste classified as Type 7 Infectious waste, as defined in 06-096 CMR 100 Definitions. However, the incidental use of plastics used in wrapping human remains or animal carcasses for handling and storage purposes is allowed.
- (3) The incinerator shall not exceed its maximum design charging rate. Auxiliary fuel input to the primary and secondary chamber shall be Liquid Propane (LP), Liquid Natural Gas (LNG), Natural Gas (NG) or #2 fuel oil.



- (4) The incinerator combustion gases shall vent to a stack which has a stack height of at least 60 percent of Good Engineering Practice (GEP), based upon the facility building dimensions.
- (5) An operational log shall be maintained recording the weight of each charge to the incinerator, preheat temperature, preheating time, charging time, afterburner temperature directly after charging and every 60 minutes after startup until and including final shutdown time. The facility may make use of a temperature chart recorder on the incinerator unit to record the start time, date, and the weight of remains charged.
- (6) The secondary chamber of the incinerator shall be maintained at or above 1600° F prior to commencing the burn cycle and shall be maintained at or above 1600° F throughout the duration of the burn.
- (7) Once the burn cycle has commenced by introduction of primary chamber combustion, the incinerator shall be operated in an efficient manner and as specified by the manufacturer for the period of time between preheat and reaching the set operational temperature to be a minimum of 1600° F in the secondary chamber.
- (8) A pyrometer and ¼ inch test port shall be maintained at that location of the incinerator or refractory lined stack which provides sufficient volume to insure a flue gas retention time of not less than 1.0 seconds at minimum temperature of 1600° F.
- (9) The owner/operator shall not exceed a particulate matter emission limit of 0.12 gr/dscf (grains per dry standard cubic foot) corrected to 12 percent CO<sub>2</sub> from the auxiliary fuel.
- (10) Visible emissions from the incinerator shall not exceed an opacity limit of 10 percent based on a six (6) minute block average basis.
- (11) All persons designated as incinerator operator(s) shall receive adequate training to operate the incinerator in accordance with the manufacturer's specifications, and shall be familiar with the terms of the General Permit as it pertains to the operation of the incinerator.

**5. General Permit Class IV-A Incinerator Record Keeping, Testing and Reporting Requirements.**

**A. Record Keeping Requirements.**

- (1) The owner/operator shall maintain sufficient records to accurately document compliance with emission standards and general permit conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (1) The owner/operator shall maintain a log detailing and quantifying the hours of operation on a daily basis for each Class IV-A Human Crematory Incinerator or Veterinary Incinerator. The log shall record the weight of each charge to the incinerator, preheat temperature, preheating time, charging time, afterburner temperature directly after charging and every 60 minutes after startup until and including final shutdown time. The operation log shall be kept on-site at the incinerator location.
- (2) The owner/operator shall maintain a log detailing the maintenance of emission control equipment. Records of the date of each inspection and any corrective action required will be

included in the maintenance log. The maintenance log shall be kept on-site at the incinerator location.

- (3) The owner/operator shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of this general permit.
- (4) Although it is not being required at this time, the installation and operation of continuous recording devices may become necessary to document compliance with the temperature requirements of this permit. If the Department determines that continuous recording devices are necessary, the permit holder shall, within 120 days, demonstrate that continuous recorders have been installed and are operational and recording accurately.

#### **B. Testing and Reporting Requirements**

- (1) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other approved method as required by the Department, the owner/operator shall:
  - (a) perform testing to demonstrate compliance with applicable emission standards under circumstances representative of the facility's normal process and operating conditions. Testing shall be completed within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate that equipment may be operating out of compliance with emission standards or license conditions;
  - (b) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - (c) submit a written report of test results to the Department within thirty (30) days from date of test completion.
- (3) If the results of a test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
  - (a) within thirty (30) days following receipt of such test results, the owner/operator shall correct malfunctions in the system and shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department;
  - (b) the days of violation shall be presumed to include the date of test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

- (c) the owner/operator may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
  - (4) The owner/operator shall notify the Department within two (2) days or the next state working day, whichever is later, of occasions where malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that result in an increase of emissions. The owner/operator shall report all excess emissions in the units of the applicable emission limitation.
  - (5) Upon written request from the Department, the owner/operator shall establish and maintain records, make reports, install, use and maintain monitoring equipment, and sample emissions in accordance with prescribed methods, at locations, intervals, and in a manner the Department shall prescribe; and provide other information as the Department may reasonably require to determine compliance status.
- C. Severability.** Each part of this Chapter is severable, and in the event that any part of this Chapter is held to be invalid, the remainder of the Chapter continues in full force and effect.

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AUTHORITY: 38 M.R.S.A., §585-A

EFFECTIVE DATE:

#### **BASIS STATEMENT**

This rule establishes a general permit program for Class IV-A Human Crematory Incinerators or Veterinary Incinerators that may be subject to Federal New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants and those subject to State Regulations. This rule allows minor source Class IV-A Incinerator units to obtain a permit from the Department without going through the licensing process currently required by Chapter 115 Major and Minor Source Air Emission License Regulation. Owner/operators may choose to be licensed under Chapter 165 or Chapter 115, however, facilities emitting pollutants at levels subject to Chapter 137 Emission Statements will not be permitted to utilize Chapter 165 and will require a Chapter 115 license.

This rule provides clear requirements for owner/operators of Class IV-A Incinerators that are in compliance with state and federal regulations.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its response to comments received during the public comment period.