

Chapter 100: DEFINITIONS REGULATION

SUMMARY: This regulation provides definitions for those terms used in the air pollution control regulations and emission standards.

- 1. Actual emissions.** "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit. In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. The Department may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit. For any existing emissions unit that may be modified or affected by a modification, future actual emissions shall equal projected actual emissions. For any new source emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- 2. Abutter.** "Abutter" means any person who owns property that is both (1) contiguous to and (2) within 1 mile of the location on which the project will take place, including owners of property directly across a public or private right of way.
- 3. Adverse impact.** "Adverse impact" means any impact that diminishes a Class I area's national significance; impairs the structure or functioning of ecosystems; or impairs the quality of the visitor's experience.
- 4. Adverse impact on visibility.** "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area. This determination shall be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how those factors correlate with (a) times of visitor use of the Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term shall include effects on integral vistas designated in Chapter 114.
- 5. Affected states.** "Affected states" means:
 - A.** All states whose air quality may be affected by a proposed Part 70 license, amendment or renewal and that are contiguous to the State of Maine, or
 - B.** All states that are within fifty (50) miles of the Part 70 source.

An affected state for the purposes of this definition may include New Hampshire, Massachusetts and Vermont.

NOTE: The appropriate affected state contacts are the following:

State of New Hampshire
Department of Environmental Services
Air Resources Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

State of Vermont
Department of Environmental Conservation
Air Pollution Control Division
Building 3 South
103 South Main Street
Waterbury, VT 05671-0402

State of Massachusetts
Department of Environmental Protection
Division of Air Quality Control
One Winter Street
7th Floor
Boston, MA 02108

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- 6. Air contaminants.** "Air contaminants" include, but are not limited to, dust, fumes, gas, mist, particulate matter, smoke, vapor or any combination thereof.
- 7. Air Quality Related Values (AQRV).** "Air Quality Related Values" means all those values possessed by a Class I area except those that are not affected by changes in air quality and include all those assets of an area whose vitality, significance, or integrity is dependent in some way upon the air environment. Those values include visibility and those scenic, cultural, biological, and recreational resources of an area that are affected by air quality.
- 8. Air pollution control apparatus or air pollution control system.** "Air pollution control apparatus or air pollution control system" means and includes any appliance, equipment, or machinery which remove, control, reduce, eliminate, dispose of or render less noxious the emission of regulated pollutants into the ambient air.
- 9. Allowable emissions.** "Allowable emissions" means the emission rate of an emissions unit or source calculated using the maximum rated capacity of the emissions unit, unless the emissions unit is subject to license conditions which restrict the operating rate, or hours of operation, or both, and the most stringent emission rate applicable to the emissions unit as reflected in the emission license (including those with a future compliance date) or applicable state or federal standards or regulations. In no case shall allowable emissions exceed any requirements of 40 CFR Part 60, New Source Performance Standards (NSPS), 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) or 40 C.F.R. Part 63.

NOTE: Certain emission limitations and control technologies are federally enforceable. These requirements include 40 CFR Part 60, NSPS, Part 63, and Part 61, NESHAP, conditions issued under the State's approved State Implementation Plan (SIP) for New Source Review (40 CFR 51.160), other federal requirements, and any other license condition imposed to avoid a state requirement in the SIP or a federal requirement. Those terms or conditions in licenses issued pursuant to Chapter 115 which are accepted to avoid a designated federal requirement are federally enforceable. Those conditions in licenses issued pursuant to Chapter 140 which are identified as state conditions are not generally enforceable by the EPA and citizens pursuant to the CAA.

- 10. Ambient air.** "Ambient air" means all air outside of buildings, stacks or exterior ducts. See Chapter 116 Section 1.
- 11. Ambient increment.** "Ambient increment" means, for new sources and modifications, the increase in ambient SO₂, PM_{2.5}, PM₁₀ and NO₂ concentrations of the future allowable emissions (the maximum emissions being modeled and licensed) over the baseline concentrations of these ambient air pollutants. For existing sources, "ambient increment" means the increase in ambient SO₂, PM_{2.5},

PM₁₀ and NO₂ concentrations of the actual current emissions over the baseline concentrations of these ambient air pollutants. To identify baseline emissions from a source for ambient increment determination, the Department shall presume actual emissions from the following calendar years to be representative of normal operation for the specified pollutants:

- A. Calendar year 1977 for SO₂ and PM₁₀;
- B. Calendar year 1987 for NO₂;
- C. Calendar year 2012 for PM_{2.5}; and
- D. For nonattainment areas, the calendar year the Department submits the regulation determination to EPA.

The Department may allow the use of a time period other than specified here if it is determined that the alternate time period is more representative of normal operation.

12. Applicable requirement. "Applicable requirement" means all of the following as they apply to emissions units at a source (including requirements that were promulgated or approved by EPA through rulemaking at the time of issuance of the license that have future-effective compliance dates):

- A. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the CAA that implements the relevant requirements of the CAA, including any revisions to that plan promulgated in 40 CFR Part 52 (approval and promulgation of implementation plans);
- B. Any requirement enforceable by EPA and the citizens under the CAA that limits emissions for purposes of creating offset credits or for complying with or avoiding Applicable requirements;
- C. Any term or condition of a license issued for the purpose of preconstruction licensing and requirements contained in regulations approved or promulgated through rulemaking under Title I, including parts C or D of the CAA;
- D. Any standard or other requirement under Section 111 of the CAA, including Section 111(d);
- E. Any standard or other requirement under Section 112 of the CAA, including any requirement concerning accident prevention under Section 112 (r)(7) of the CAA;
- F. Any standard or other requirement of the acid rain program under Title IV of the CAA or the regulations promulgated thereunder;
- G. Any requirement established pursuant to Section 504(b) or Section 114(a)(3) of the CAA (Monitoring, Enhanced Monitoring and Compliance Certification);
- H. Any standard or other requirement governing solid waste incineration under Section 129 of the CAA;
- I. Any standard or other requirement for consumer and commercial products under Section 183 (e) (Federal Ozone Measures) of the CAA;

- J.** Any standard or other requirement for tank vessels under Section 183(f) of the CAA;
 - K.** Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328 of the CAA;
 - L.** Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Sections 608 or 609 of title VI of the CAA, unless EPA has determined that such requirements need not be contained in a title V license, and any standard or other requirement under any other section(s) of title VI of the CAA that the EPA determines should be contained in a license; and
 - M.** Any national ambient air quality standard or ambient increment, or visibility requirement under Part C of Title I of the CAA, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the CAA.
- 13. As applied.** "As applied" means including any dilution solvents added before application of the coating.
- 14. Base case.** See Chapter 113.
- 15. Baseline actual emissions.** "Baseline actual emissions" for determining net emissions increases means the rate of emissions, in tons per year, of a regulated pollutant as follows:
- A.** For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding the date a complete license application is received by the Department for a license required under Major and Minor Source Air Emission License Regulation, 06-096 CMR 115. The Department may allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - (1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - (2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
 - (3) For a regulated pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated pollutant.
 - (4) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection 15(A)(2) of this Chapter.
 - B.** For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within

the 10-year period immediately preceding the date a complete license application is received by the Department for a license required under 06-096 CMR 115.

16. Baseline concentration. "Baseline concentration" means the actual ambient air quality which existed in an area as of: August 7, 1977, for SO₂ and PM₁₀, February 8, 1988, for nitrogen dioxide (NO₂) and October 20, 2010 for PM_{2.5} represented as follows:

A. For Attainment Areas:

- (1) For sulfur dioxide (SO₂) and PM₁₀, this term shall include the actual emissions representative of SO₂ and PM₁₀ sources in existence on August 7, 1977, and the allowable emissions of sources which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.
- (2) For nitrogen oxides (NO_x) (measured as NO₂), this term shall include the actual emissions representative of sources in existence on February 8, 1988. For sources starting operation after February 8, 1985, but prior to February 8, 1988, representative emissions shall be determined after three years of operation and be based on two years of actual emissions more representative of normal operation. NO_x sources commencing construction by February 8, 1988, but not in operation by that date shall use allowable emissions for baseline concentration until three years after start of operations at which time actual emissions more representative of normal operation for that source shall be determined and used for baseline concentration.

The actual NO_x (measured as NO₂) emissions increases or decreases at any source occurring after February 8, 1988, shall not be included in the baseline concentration but shall be included in the determination of the increment consumed, except as specified in the previous paragraph.

- (3) For PM_{2.5}, this term shall include the actual emissions representative of sources in existence on October 20, 2010.

The actual PM_{2.5} emissions increases or decreases at any source occurring after October 20, 2010, shall not be included in the baseline concentration but shall be included in the determination of the increment consumed.

B. For Nonattainment Areas:

- (1) For areas designated nonattainment at the baseline date(s), baseline concentration means the actual ambient air quality that exists in the affected areas at the date the DEP receives the first major new source or major modification application after the date EPA approves the designation of the area to attainment.
- (2) The following SO₂ and PM₁₀ emissions shall not be included in the baseline concentration but shall be included in the determination of the applicable maximum allowable increases:
 - (a) Actual emissions from any source on which construction commenced between January 6, 1975 and August 7, 1977; and
 - (b) Actual emission increases and decreases at any source occurring after August 7, 1977.

NOTE: This term identifies which emissions are included in baseline; all other emission increases consume increment. (Increment is defined as a maximum allowable increase in concentration of SO₂, PM₁₀, PM_{2.5}, and NO₂ over the baseline concentration of such pollutant.) It may not be necessary to determine baseline concentration. It is only necessary to determine that sufficient increment is available and that ambient air quality standards will be met. All increases in actual emissions over base year emissions, including increases in operating rates or hours, consume increment. The term does not define baseline area the same as specified in federal regulations since the SO₂ and PM₁₀; August 7, 1977, the NO_x; February 8, 1988, and the PM_{2.5}; October 20, 2010 dates are uniform on a statewide basis.

- 17. Begin actual construction.** "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.
- 18. Best Available Control Technology (BACT).** "Best Available Control Technology" means an emission limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant emitted from or which results from the new or modified emissions unit which the Department on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such emissions unit through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of each pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and 61 or any applicable emission standard established by the Department. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emission standard infeasible, a design, equipment, work practice, operational standard or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.
- 19. Best Available Retrofit Technology (BART).** "Best Available Retrofit Technology" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each regulated pollutant which is emitted by an existing facility which emits or has the potential to emit any regulated pollutant at a rate equal to or greater than the emission rates for significant emissions as defined in this Chapter and which causes visibility impairment. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If the state determines that technological or economic limitations on the applicability of measurement methodology to a particular existing facility would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the

emission reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.

20. Best Practical Treatment (BPT). "Best Practical Treatment" means that method which controls or reduces emissions of regulated pollutants to the lowest possible level considering:

- A. The then existing state of technology,
- B. The effectiveness of available alternatives for reducing emissions from the source being considered, and
- C. The economic feasibility for the type of establishment involved.

21. Board. "Board" means the Board of Environmental Protection.

22. Building, structure, facility or installation. "Building, structure, facility or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two (2)-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (United States Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively) or if they have the same six (6)-digit North American industry classification system (NAICS) code available from the U.S. Census Bureau. The requirement for all pollutant emitting activities to belong to the same industrial grouping does not apply to sources subject to Section 112 of the CAA.

23. Bulk gasoline plant. "Bulk gasoline plant" means a gasoline storage and distribution facility with a daily throughput of 20,000 gallons of gasoline or less and whose purpose is to load gasoline into tank trucks.

24. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck, and has a daily throughput of more than 76,000 liters (20,000 gallons) of gasoline.

25 CAA. "CAA" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

26. Capture efficiency. "Capture efficiency" means the weight per unit time of pollutant entering a capture system and delivered to a control device divided by the total weight per unit time of pollutant generated by a source of pollutant, expressed as a percentage.

27. Capture system. "Capture system" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) used to contain, capture, or transport an air pollutant to a control device.

28. Carbon adsorber. "Carbon adsorber" means a device containing adsorbent material (e.g., activated carbon), an inlet and outlet for exhaust gases, and a system to regenerate or replace the saturated adsorbent.

- 29. CO₂ equivalent emissions (CO₂e).** “CO₂ equivalent emissions” means the amount of GHGs emitted, and computed by multiplying the mass amount of each emissions (TPY), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table A-1 (Global Warming Potentials) to subpart A of 40 C.F.R. part 98 (Mandatory Greenhouse Gas Reporting) as amended on July 1, 2012, and summing the resultant value for each to compute a TPY CO₂e.
- 30. Commence.** "Commence," as applied to the construction of a major source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits required by state or federal air quality control laws and regulations and has either:
- A.** Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 - B.** Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 31. Commissioner.** "Commissioner" means the Commissioner of the Department of Environmental Protection.
- 32. Condensate.** "Condensate" means liquid that condenses due to changes in temperature or pressure and remains liquid at standard conditions.
- 33. Condenser.** "Condenser" means a device that removes condensable vapors by a reduction in the temperature of the captured gases. A surface condenser affects condensation by indirect contact between the coolant and process gas stream.
- 34. Construction.** "Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition or modification of an emissions unit.
- 35. Continuous emission monitoring system (CEMS).** "Continuous emission monitoring System (CEMS)" means the total equipment required for the determination of a gas concentration, pollutant emission rate or opacity reading and the associated data recording equipment.
- 36. Continuous Emission Rate Monitoring System (CERMS).** "Continuous Emission Rate Monitoring System (CERMS)" means the total equipment required for the determination of pollutant mass emission rate (in terms of mass per unit of time), including the associated data recording equipment. A CERMS is a subset of a CEMS.
- 37. Continuous parameter monitoring system (CPMS).** “Continuous parameter monitoring system (CPMS)” means all of the equipment necessary to monitor and record process and control device operational parameters (e.g., control device secondary voltages and electric currents, gas flow rate, O₂ or CO₂ concentrations), as needed, to meet applicable data acquisition and availability requirements
- 38. Control system.** "Control system" means a combination of one or more capture system(s) and control device(s) working in concert to reduce discharges of pollutants to the ambient air.

- 39. Curtailment.** "Curtailement" means the partial or temporary removal of equipment or partial or temporary cessation of use of a particular piece of equipment resulting in a partial reduction of emissions.
- 40. Department.** "Department" means the Department of Environmental Protection which includes both the Board and the Commissioner.
- 41. Dispersion technique.** See Chapter 116 Section II(A) and II(B).
- 42. Double block-and-bleed system.** "Double block-and-bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.
- 43. Emergency.** "Emergency" means for the purpose of Chapter 115 and Chapter 140 only, any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology based emission limitation under the license, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 44. Emission.** "Emission" means the release of regulated pollutants into the ambient air, or the regulated pollutants so released.
- 45. Emissions allowable under the Part 70 license.** Emissions allowable under the Part 70 license" means a federally enforceable Part 70 license term or condition determined at issuance to be required by an Applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the Part 70 source has assumed to avoid an Applicable requirement to which the Part 70 source would otherwise be subject.
- 46. Emission limitation or emission standard.** The terms, "emission limitation" and "emission standard," mean a requirement which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including the use of specific technology or fuels with specified pollution characteristics or any requirement relating to the operation or maintenance of a source or emissions unit to assure continuous emission reduction.
- 47. Emissions unit.** "Emissions unit" means any equipment or pollutant-emitting activity of a source which emits or would have the potential to emit a regulated pollutant or hazardous air pollutant. This term is not meant to alter or affect the term 'unit' for purposes of Title IV of the CAA.
- 48. EPA.** "EPA" means Environmental Protection Agency.

NOTE: The address for EPA Region I is:

US Environmental Protection Agency
5 Post Office Square
Suite 100
Boston, MA 02109-3912

49. Excessive concentration. See Chapter 116 Section II(E).

50. Exempt VOC compounds. "Exempt VOC compounds" means those compounds which are excluded from the definition of VOC due to their negligible photochemical reactivity.

51. Existing Part 70 hazardous air pollutant (HAP) source. "Existing Part 70 hazardous air pollutant (HAP) source" means a Part 70 HAP source, for which construction or reconstruction is commenced before the proposal of a HAP emission limitation by EPA, or if no proposal was published by EPA for a Part 70 HAP source, then on or before the date 18 months after the scheduled date for promulgation by EPA.

52. External floating roof. "External floating roof" means a storage vessel cover in an open-top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and the tank shell.

53. Federal land manager. "Federal land manager" means the Secretary of the Federal Department with authority over the Federal Class I area or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.

NOTE: The appropriate contacts of the federal lands managers are the following:

Roosevelt Campobello International Park

Chairman, Roosevelt Campobello
International Park Commission
P.O. Box 129
Lubec, Maine 04652

Moosehorn National Wildlife Refuge

Local:

Refuge Manager
Moosehorn National Wildlife Refuge
P.O. Box 1077
Calais, Maine 04619

National:

Chief, Air Quality Branch
U.S. Fish and Wildlife Service
P.O. Box 25287
Denver, Colorado 80225-0287

Acadia National Park

Local:

Field Director NE Field Area
Superintendent
Acadia National Park
North Atlantic Region
National Park Service
15 State Street
Boston, MA 02109-3572

National:

Chief, Air Quality Division
National Park Service
P.O. Box 25287
Denver, Colorado 80225-0287

Great Gulf and Presidential Range, New Hampshire**Local:**

Director,
White Mountain National Forest
719 N. Main St.
Laconia, NH 03246

National:

Director, U.S. Forest Service
Department of Agriculture
310 West Wisconsin Avenue
Room 580
Milwaukee, WI 53203

54. Federally enforceable. "Federally enforceable" means all limitations and conditions which are enforceable by the EPA and the citizens pursuant to the CAA, and the State of Maine, including those license requirements or other requirements developed pursuant to or within the following:

- A. 40 CFR Part 51, Subpart I, or Part 55 (relating to review of new sources and modifications)
- B. 40 CFR §§ 52.10 and 52.21 (relating to prevention of significant deterioration of air quality);
- C. 40 CFR Part 60 (relating to standards of performance for new stationary sources);
- D. 40 CFR Parts 61 and 63 (relating to national emission standards for hazardous air pollutants);
- E. 40 CFR Parts 68, 70, 71 or 72 (relating to operating permit program);
- F. Any applicable State Implementation Plan.

55. Fuel-burning equipment. "Fuel-burning equipment" means any furnace, boiler, apparatus, and all appurtenances thereto used in the process of burning fuel, for the primary purpose of producing heat and power, including stationary internal combustion engines. Due to the process nature of asphalt plants, these are not regulated as "fuel burning equipment"; see General process or general process equipment.

56. Fugitive emissions. "Fugitive emissions" means the release of pollutants to the air which could not reasonably be made to pass through stacks, vents, ducts, pipes, or any emission capture system. Fugitive emissions include, but are not limited to, equipment leaks, evaporative losses from surface impoundments, releases from building ventilation systems or buildings, housing material, handling or processing equipment, and emissions during material transfer.

57. Gaseous excess emissions. "Gaseous excess emissions" means any period which the average gaseous emissions, as measured by the continuous emission monitor, exceeds the applicable emission standard.

58. Gasoline. "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a true vapor pressure of 1.5 pounds per square inch (10.5 kilopascals) or greater at 60 degrees Fahrenheit or a Reid Vapor Pressure of 4 pounds per square inch (27 kilopascals) and which is used as a fuel for internal combustion engines.

- 59. General process source or general process equipment.** "General process source" or "general process equipment" means any emissions unit, except fuel-burning equipment, incinerators, and mobile sources. Included in this category are rock crushers and asphalt plants.
- 60. Generally Available Control Technology (GACT) emission limitation.** "Generally Available Control Technology (GACT) emission limitation" means a HAP emission limitation for a source category of HAP area sources that EPA promulgates pursuant to Section 112 of the CAA.
- 61. Good engineering practice stack height.** See Chapter 116 Section II(C).
- 62. Greenhouse gases (GHGs).** "Greenhouse gases" means the aggregate group of the following gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material.
- 63. HAP or Hazardous air pollutant.** "HAP or Hazardous air pollutant" means an air pollutant to which no ambient air standard is applicable and which in the judgment of the Board causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness. This term shall include, but is not limited to, those pollutants for which EPA has adopted NESHAPS at 40 CFR Part 61 and Part 63. For the purpose of Chapters 115 and 140, HAP means an air pollutant identified by the EPA in regulations pursuant to Section 112(b) of the CAA.
- 64. HAP area source.** "HAP area source" means any stationary source of HAP that is not a HAP major source.
- 65. HAP emission limitation.** "HAP emission limitation" is a requirement for a MACT or GACT emission limitation under Section 112(d) of the CAA, a work practice standard under Section 112(h) of the CAA, a case-by-case MACT under 112(g) or 112(j), a residual risk standard under Section 112(f) of the CAA, early reduction plans under Section 112(i)(j), or any other such requirement for HAP control required by EPA or the Department.
- 66. HAP emission unit.** "HAP emission unit" means any building, structure, or installation that emits HAPs greater than that defined as an insignificant activity, unless the HAP emission unit is otherwise subject to an Applicable requirement. A HAP emission unit can include a single emission point or collection of points.
- 67. HAP major source.** "HAP major source" means any source which emits HAPs in quantities that can be defined as a "Part 70 major source" by this Chapter.
- 68. Incinerator.** "Incinerator" means any device, apparatus or equipment used for destroying, reducing or salvaging by fire or heat any material or substance. Incinerators include smelters, bake-off ovens and other similar units, but do not include recovery boilers, smelt tanks, lime kilns, boilers or stationary internal combustion units and shall be classified as follows:

- A. Class IA - direct fed incinerators with a burning rate of up to 75 pounds per hour of type 1, 2 or 3 waste, or any combination of the three waste types;
 - B. Class IB - direct fed incinerators with a burning rate of 75 pounds per hour or over, suitable for type 1, 2 or 3 waste, or any combination of the three waste types;
 - C. Class IIA - Flue-fed, single chamber incinerators with more than two (2) square feet burning area, for type 1 or 2 waste, or a combination of the two waste types. This type of incinerator is served by one vertical flue functioning both as a chute for charging waste and to carry the products of combustion to atmosphere. This type of incinerator has been installed in apartment houses or multiple dwellings;
 - D. Class IIB - Chute-fed multiple chamber incinerators, for apartment buildings with more than two (2) square feet burning area, suitable for type 1 or 2 waste, or a combination of the two waste types. (Not recommended for industrial installation). This type of incinerator is served by a vertical chute for charging wastes and has a separate flue for carrying the products of combustion to the atmosphere;
 - E. Class III - Municipal incinerators suitable for type 0, type 1, type 2 or type 3 wastes, or any combination of the four wastes, and are rated in tons per 24-hours;
 - F. Class IVA - Crematory and pathological incinerators, suitable for type 4 waste, and
 - G. Class IVB - Pathological - infections waste incinerators, suitable for type 7 waste; and
 - H. Class V. - Incinerators designed for specific by-products wastes, type 5 or type 6, or a combination of the two waste types.
- 69. Indian governing body.** "Indian governing body" means the governing body of any tribe, land, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

NOTE: The appropriate contacts of the Indian governing bodies are the following:

Indian Township
Tribal Office
P.O. Box 301
Princeton, ME 04668

Pleasant Point Reservation
P.O. Box 343
Perry, ME 04667-0434

Penobscot Indian Nation
Community Building
Indian Island
Old Town, ME 04468

Houlton Band of Maliseets Indians
568 Foxcroft Road
P.O. Box 748
Houlton, ME 04730

Aroostook Band Of Micmac Indians
Chief Willian Phillips
521D Main Street
Presque Isle, ME 04769

- 70. Indian reservation.** "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress, or lands held in trust by the Bureau of Indian Affairs for federally recognized tribes.
- 71. Innovative control technology.** "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.
- 72. Insignificant Activities.** "Insignificant Activities" means activities at a facility that the Department specified in Appendix B of Chapter 140 for the purpose of Chapter 140 and the activities at a facility that the Department specified in Appendix B of Chapter 115 for the purpose of Chapter 115. A source must include emissions from insignificant activities in determining if the source is a Part 70 major source.
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- NOTE: As specified in Appendix B of Chapter 140, certain insignificant activities are categorically exempt from the Part 70 license application and certain insignificant activities shall be included on the Part 70 application but may not be listed in the Part 70 license.
-
- 73. Integral vista.** "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area which has been designated by the appropriate federal authority (40 CFR 81.437) or by the Board pursuant to Chapter 114.
- 74. Intermittent Control System (ICS).** "Intermittent Control System" means a dispersion technique which varies the rate at which pollutants are emitted into the atmosphere according to meteorological conditions and/or ambient concentrations of the pollutant, in order to prevent ground-level concentrations in excess of applicable ambient air quality standards. Such a dispersion technique is an ICS whether used alone, used with other dispersion techniques, or used as a supplement to continuous emission control (i.e., used as a supplemental control system).
- 75. Internal floating roof.** "Internal floating roof" means a cover or roof in a fixed-roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.
- 76. Intrafacility Emission Trading.** "Intrafacility Emission Trading" means the transfer of regulated pollutant emissions within a facility that are provided for in the Part 70 license and do not require a license revision.
- 77. Leak.** "Leak" means any discharge of liquid or solid, or emission of regulated pollutants, from any confining structure including, but not limited to, stacks, pipes, vents, or ducts, except where allowable emissions pass through the intended outlet for the emissions.
- 78. Lowest Achievable Emission Rate (LAER).** "Lowest Achievable Emission Rate" means the more stringent rate of emissions based on the following:
- A. The most stringent emission limitation which is contained in the implementation plan of any State for that class or category of source, unless the owner or operator of the proposed source demonstrates that those limitations are not achievable; or

- B. The most stringent emission limitation which is achieved in practice by that class or category of source, whichever is more stringent. In no event may LAER result in emission of any pollutant in excess of those standards and limitations promulgated pursuant to Section 111 or 112 of the United States Clean Air Act as amended, or any emission standard established by the Department.

79. MACT emission limitation for existing Part 70 HAP sources. "MACT emission limitation for existing Part 70 HAP sources" means the emission limitation pursuant to Section 112 of the CAA reflecting the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the EPA or the Department, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which the standard applies. This limitation shall not be less stringent than the MACT floor.

80. MACT emission limitation for new Part 70 HAP sources. "MACT emission limitation for new HAP sources" means the emission limitation pursuant to Section 112 of the CAA which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the EPA, or the Department, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which the standard applies. If the EPA has either proposed a relevant emission standard pursuant to section 112(d) or section 112 (h) of the CAA or adopted a presumptive MACT determination for the source category which includes the constructed or reconstructed major source, then the MACT requirements applied to the constructed or reconstructed major source shall consider those MACT emission limitations and requirements of the proposed standard or presumptive MACT determination.

81. MACT floor. "MACT floor" means the same as that defined in 40 CFR Part 63.

82. Major modification. "Major modification" means:

- A. Any modification that would result in a significant emissions increase of any regulated pollutant at an existing stationary source that emits or has potential to emit significant emissions prior to the modification; and
- B. Any modification that would result in;
 - (1) an increase in the source's potential to emit by significant emissions of any regulated pollutant from new sources or emission units; or
 - (2) an increase in actual emissions by significant emissions of any regulated pollutant from the particular physical change or change in the method of operation at an existing stationary source that emits or has potential to emit less than significant emissions prior to the modification.
- C. A major modification shall not apply to major stationary sources operating in compliance with its PAL license. Instead, for sources with PAL licenses, the definition for PAL major modification shall apply.

- 83. Major PAL emissions unit.** "Major PAL emissions unit" means any emissions unit that emits or has the potential to emit significant emissions or more of the PAL pollutant.
- 84. Marginal ozone nonattainment area.** "Marginal ozone nonattainment area" means the area so classified by the EPA, as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.
- 85. Maximum Achievable Control Technology (MACT) emission limitation.** "Maximum Achievable Control Technology (MACT) emission limitation" means the MACT emission limitation required for new and existing Part 70 HAP sources. This emission limitation is either promulgated by EPA pursuant to Section 112 of the CAA, or is determined by the Department on a case-by-case basis pursuant to Section 112(g) or (j) of the CAA.
- 86. Maximum true vapor pressure.** "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a stored liquid at the temperature equal to: (1) for liquids stored above or below the ambient temperature, the highest calendar-month average of the liquid storage temperature, or (2) for liquids stored at the ambient temperature, the local maximum monthly average temperature as reported by the National Weather Service. This pressure shall be determined:
- A. In accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating Roof Tanks;
 - B. By using standard reference texts;
 - C. By American Standard Testing Method (ASTM) D2879-83; or
 - D. By any other method approved by the Department or the EPA.
- 87. Minor Modification.** "Minor Modification" means a modification pursuant to 06-096 CMR 115 that involves a licensed emission increase of 4 tpy or more for any one regulated pollutant except GHGs, or 8 tpy or more for total regulated pollutants except for GHGs. A modification that is determined not to be a minor revision and:
- A. would result in less than a significant emissions increase of all regulated pollutants at an existing stationary source that emits or has potential to emit significant emissions prior to the modification;
 - B. would increase the source's potential to emit by less than significant emissions of all regulated pollutants at an existing stationary source that emits or has potential to emit less than significant emissions prior to the modification; or
 - C. for a source conducting the actual-to-projected-actual applicability test for projects involving existing emission units, if the difference between the projected actual emissions and the baseline actual emissions for each pollutant from all existing emission units combined with the potential emissions from the new unit(s) is less than the significant emissions increase for that pollutant.
- 88. Minor Revision.** "Minor Revision" means a Chapter 115 license revision for:
- A. the correction of typographical errors;

- B. the identification of an administrative change;
 - C. a change in monitoring and reporting requirements;
 - D. a licensed emissions increase under four (4) tpy for any one regulated pollutant except GHGs and under eight (8) tpy of total regulated pollutants, except for GHGs, and is determined not to be a Major or Minor Modification and is subject to licensing as defined in Chapter 115; or
 - E. any other changes approved by the Department that meet the criteria of a minor revision.
- 89. Minor source.** "Minor source" means any source which emits or has the potential to emit regulated pollutants at rates less than significant emissions and is not defined as a Part 70 source.
- 90. Moderate ozone nonattainment area.** "Moderate ozone nonattainment area" means the area so classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.
- 91. Modification or modified source.** "Modification or modified source" means any physical change in or change in the method of operation of a source that would result in the emission increase of any regulated pollutant, except that:
- A. Routine maintenance, repair, and replacement shall not be considered a physical change;
 - B. The following shall not be considered a change in the method of operation:
 - (1) An increase in the production rate at an existing source, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166, and if such increase does not exceed the operating design capacity of the source;
 - (2) An increase in the hours of operation, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166; or
 - (3) Use of an alternative fuel or raw material if prior to January 6, 1975, the source is designed to accommodate and is licensed to use such alternative fuel; and
 - C. Replacement of pollution control apparatus at steam electrical utility generating units or other source determined by the Department to be equally or more effective than the apparatus being replaced shall not be considered a physical change or change in the method of operation for the purposes of this definition, but shall be governed consistent with the CAA and federal regulations.
- 92. Nearby.** See Chapter 116 Section II(D).
- 93. Negligibly photochemically reactive VOC.** See, Volatile Organic Compound definition in this Chapter.

94. Net emissions increase. “Net emissions increase” means

- A.** The amount by which the sum of the following exceeds zero:
 - (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source;
 - (2) Any other increase and decrease in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable;
- B.** An increase or decrease in actual emissions that is contemporaneous with the increase from the particular change only if it occurs between
 - (1) The date five (5) years before construction on the particular change commences; and
 - (2) The date that the increase from the particular change occurs.
- C.** Any increases or decreases in actual emissions that are creditable only if:
 - (1) The Department has not relied on the increase or decrease in issuing a major New Source Review License under Chapter 115 Section 4 or Chapter 140 Section 5 and that license is still in effect at the time the particular change occurred; and
 - (2) To the extent that the new level of actual emissions exceeds the old level;
 - (3) To the extent that a decrease:
 - (i) Is represented by the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual or allowable emission, whichever is greater;
 - (ii) Is represented by an enforceable requirement by both the Department and the Administrator of the EPA at and after the time that actual construction on the change begins;
 - (iii) Has not been relied upon in issuing any license under regulations approved pursuant to 40 CFR 51 Subpart I, or it has not been relied upon in demonstrating attainment or reasonable further progress; and
 - (iv) Has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- D.** An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days;

95. New Part 70 HAP source. "New Part 70 HAP source" means a Part 70 source of HAP that is not an existing Part 70 HAP source.

- 96. New Source Review.** “New Source Review” means the process a source undergoes to obtain a license for a new source or modification excluding minor revisions through the State Implementation Plan per 40 CFR Part 52.
- 97. Nitrogen oxide (NO_x).** “NO_x” means all oxides of nitrogen, measured as NO₂ on a molar basis.
- 98. Nonattainment area.** “Nonattainment area” means an area designated by the Department pursuant to Chapter 114 of the Department's regulations (relating to classification of air quality control regions), or those areas designated by the EPA pursuant to Section 107 of the CAA, in which one or more ambient air quality standards are not being met.
- 99. Nonattainment pollutant.** “Nonattainment pollutant” means a regulated pollutant which is the basis for a nonattainment area. For ozone nonattainment areas and the Ozone Transport Region, emissions of VOC and NO_x shall be considered to be the nonattainment pollutant, except where those areas have received a waiver from the Environmental Protection Agency (EPA) under Section 182(f) of the Clean Air Act (CAA).
- 100. Nonclassified ozone nonattainment area.** “Nonclassified ozone nonattainment area” means the area so classified by the EPA that has incomplete or no data published at 40 CFR Part 81.
- 101. Normal operation.** “Normal operation” for existing sources or emission units, means the level of operation that actually occurred or can be reasonably anticipated to occur in meeting the source's needs or demand under typical operating conditions over a reasonable period of time. Emissions units that are under construction or are going through initial start up procedures (refractory curing, tube boilout, etc.) have not begun normal operations. Factors that change the source's operation (i.e. market changes) will change the normal operation.
- 102. North American Industry Classification (NAICS).** “North American Industry Classification (NAICS)”, which replaces the Standard Industrial Classification (SIC) and is available from the U.S. Census Bureau, means a system for classifying businesses by type of economic activity. Establishments that use the same or similar processes to produce goods or services are grouped together.
- 103. NO_x.** See definition for nitrogen oxide.
- 104. Opacity.** “Opacity” means the degree of light obscuring capability of emissions of visible air contaminants expressed as a percentage. For example, complete obscuration shall be expressed as 100% opacity.
- 105. Open burning.** “Open burning” means the burning of any type of combustible material in the open ambient air without being completely enclosed and where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or duct or other device or structure or as permitted by a permit from a town forest fire warden or forest ranger issued under 12 MRSA §9324(5).
- 106. Open-ended valve or line.** “Open-ended valve or line” means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

- 107. Organic compound.** "Organic compound" means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, methallic carbides or carbonates, and ammonium carbonate.
- 108. Overall VOC emission reduction efficiency.** "Overall VOC emission reduction efficiency" means the weight per unit time of VOC removed or destroyed by a control device divided by the weight per unit time of VOC generated by a source, expressed as a percentage. The overall emission reduction efficiency can also be calculated as the product of the capture efficiency and the control device destruction or removal efficiency.
- 109. Owner or operator.** "Owner or operator" means any person who owns, leases, operates, controls or supervises a regulated pollutant source.
- 110. Ozone Transport Region.** "Ozone Transport Region" (OTR) means that part of the State of Maine included in a region of states comprised of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia, established by Section 184 of the CAA for the control of interstate ozone air pollution. For the State of Maine, the Ozone Transport Region includes all of the counties in the State.
- 111. PAL (Plantwide applicability limitation).** "PAL (Plantwide applicability limitation)" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide based on baseline actual emissions.
- 112. PAL effective date.** "PAL effective date" means the date of issuance of the PAL license. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- 113. PAL effective period.** "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.
- 114. PAL license.** "PAL license" means the major New Source Review (NSR) license, the minor NSR license, or the State operating license under a program that is approved into the State Implementation Plan, or the Part 70 license issued by the Department that establishes a PAL for a major stationary source.
- 115. PAL major modification.** "PAL major modification" means , notwithstanding the definitions for major modification and net emissions increase, any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
- 116. PAL pollutant.** "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.
- 117. Part 70.** "Part 70" refers to 40 CFR Part 70.
- 118. Part 70 Administrative Revision.** "Part 70 Administrative Revision" means a revision to a Part 70 license for the following:
- A. Typographical error corrections;

- B. Change in the name, address, or phone number of any person or facility identified in the Part 70 license, or a similar administrative change at the Part 70 source;
- C. Change to more frequent monitoring, reporting, recordkeeping or testing requirements; and
- D. A change to incorporate the terms and conditions of a major NSR air license issued pursuant to 06-096 CMR Chapter 115 into a Part 70 license.

119. Part 70 draft license. "Part 70 draft license" means the version of a Part 70 license for which the Department offers public participation and affected state review pursuant to Chapter 140.

120. Part 70 draft proposed license. "Part 70 draft proposed license" means the version of the Part 70 draft license that the Department proposes to issue and forward to EPA for review pursuant to Chapter 140.

121. Part 70 General license. "Part 70 General license" means a Part 70 license that meets the requirements of Chapter 140.

122. Part 70 HAP source. "Part 70 HAP source" means a HAP source that is defined as a HAP major source or HAP area source subject to Chapter 140.

123. Part 70 license. "Part 70 license" means any air emission license or group of licenses covering a Part 70 source that is issued, transferred, renewed, reopened, or amended pursuant to Chapter 140.

124. Part 70 major source or major stationary source. "Part 70 major source or major stationary source" means any stationary source or group of stationary sources as described in paragraphs (A), (B) or (C) of this definition. For purposes of paragraphs (B) and (C), major stationary source includes any group of stationary sources belonging to a single major industrial grouping that is located on one or more contiguous or adjacent properties, and that are under common control of the same person (or persons under common control). For the purposes of defining "major source" in paragraphs (B) or (C) of this definition, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the air pollutant-emitting activities at such source or group of sources on contiguous or adjacent properties are under common control and belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987. In addition, for purposes of paragraphs (B) and (C) of this definition, any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the 2-digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source.

A. Any major source under Section 112 of the CAA (relating to hazardous air pollutants), which is defined as follows:

- (1) For air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls in the aggregate, ten (10) tons per year (tpy) or more of any single hazardous air pollutant (HAP), (including any fugitive emissions of such pollutant) which was listed pursuant to Section 112(b) of the CAA, 25 tpy or more of any combination

of such HAP (including any fugitive emissions of such pollutants), or such lesser quantity as the EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such emissions units or sources are major sources; or

- (2) For radionuclides, Part 70 major source shall have the meaning specified in rules promulgated by the EPA.

B. Any major stationary source of air pollutants as defined in Section 302 of the CAA that directly emits, or has the potential to emit 100 tpy or more of any single regulated pollutant or 100,000 tpy CO₂e of GHGs (including any fugitive emissions of any such air pollutant, as determined by rule by the EPA). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the CAA or for the purposes of paragraph (C) of this definition, unless the stationary source belongs to one of the following categories of stationary sources:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland cement plants;
- (4) Primary zinc smelters;
- (5) Iron and steel mills;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than 50 tons of refuse/day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;

- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- (27) Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the CAA.

C. Any major stationary source as defined in Part D of Title I of the CAA, including, but not limited to:

- (1) For federal ozone nonattainment areas, except sources for which the EPA has made a finding under Section 182(f)(1) or (2) of the CAA that requirements under Section 182(f) of the CAA do not apply, the following sources with the potential to emit:
 - (a) one hundred (100) tpy or more of nitrogen oxides (NO_x) in areas classified as "marginal" or "moderate" or in the ozone transport region.
 - (b) fifty (50) tpy or more of NO_x in areas classified as "serious,"
 - (c) twenty five (25) tpy or more of NO_x in areas classified as "severe," and
 - (d) ten (10) tpy or more of NO_x in areas classified as "extreme";
- (2) For federal ozone nonattainment areas, the following sources with the potential to emit:
 - (a) one hundred (100) tpy or more of volatile organic compounds (VOC) in areas classified as "marginal" or "moderate,"
 - (b) fifty (50) tpy or more of VOC in areas classified as "serious" or in the ozone transport region.
 - (c) twenty five (25) tpy or more of VOC in areas classified as "severe," and

- (d) ten (10) tpy or more of VOC in areas classified as "extreme";
- (3) For particulate matter of less than ten (10) microns (PM₁₀) nonattainment areas, sources with the potential to emit seventy (70) tpy or more of PM₁₀ in areas that are classified as "serious".

125. Part 70 Minor License Modification. (Reference 40 CFR 70.7(e)(2) "minor permit modification procedures"). "Part 70 Minor License Modification" means a modification to a Part 70 license which may be used only for those license changes that:

- A.** Do not violate any Applicable requirement;
- B.** Do not involve a Part 70 Significant License Modification to existing monitoring, testing, reporting, or recordkeeping requirements in the license;
- C.** Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts or a visibility or increment analysis;
- D.** Do not seek to establish or change a Part 70 license term or condition for which there is no corresponding underlying Applicable requirement, and that the source has assumed to avoid an Applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap assumed to avoid classification as a Title I modification or a modification or reconstruction under any provision of Section 111, or 112 of the CAA; and
 - (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA;
- E.** Are not Title I modification or a modification or reconstruction under any provision of Section 111, or 112 of the CAA; and
- F.** Are not required by the Department to be processed under Part 70 Significant License Modification procedures.

Notwithstanding A through F, Part 70 Minor License Modification procedures may be used for license modifications involving the use of economic incentives, marketable licenses, emission transfers, and other similar approaches, to the extent that such Part 70 Minor License Modification procedures are explicitly provided for in an applicable implementation plan or in Applicable requirements promulgated by EPA.

126. Part 70 Section 502(b)(10) Change. "Part 70 Section 502(b)(10) Changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

- 127. Part 70 Significant License Modification.** (Reference 40 CFR 70.7(e)(4) “significant modification procedures”) "Part 70 Significant License Modification" means a license change that does not qualify as a Minor or Major Modification of a Part 70 source, HAP emission limitations, a Part 70 Minor License Modification, or a Part 70 Administrative Revision. A Part 70 Significant License Modification shall be used for license changes that are determined by the Department to be substantial changes in existing testing or monitoring license terms or conditions and the relaxation of reporting or recordkeeping license terms or conditions.
- 128. Part 70 source.** "Part 70 source" means any source subject to the permitting requirements of 40 CFR Part 70 as provided in Section 70.3.
- 129. Particulate matter.** "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers as measured by applicable reference methods or an equivalent or alternative method specified in 40 CFR Part 51.
- 130. Peaking Unit.** “Peaking Unit” means a unit that has an average capacity factor of no more than 10.0 percent during the previous three calendar years and a capacity factor of no more than 20.0 percent in each of those calendar years.
- 131. Person.** "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental agency or other legal entity.
- 132. Petroleum liquids.** "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.
- 133. PM_{2.5}.** “PM_{2.5} ” means particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by the reference method based on 40 CFR Part 50, Appendix L and designated in accordance with 40 CFR Part 53. PM_{2.5} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. Such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} in PSD permits. Compliance with emissions limitations for PM_{2.5} issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.
- 134. PM₁₀.** "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J and designated in accordance with 40 CFR Part 53. PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. Such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM₁₀ in PSD permits. Compliance with emissions limitations for PM₁₀ issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.

135. Pollutant or air pollutant. "Pollutant or air pollutant" means the same as regulated pollutant as defined in this Chapter.

136. Potential to emit. "Potential to emit" means the maximum capacity of a stationary source to emit any regulated pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated pollutant, including air pollution control equipment, and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable as a practical matter. Secondary emissions do not count in the determining the potential to emit of a source.

137. Predictive Emission Monitoring Systems (PEMS). "Predictive Emission Monitoring Systems (PEMS)" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

138. Pressure release. "Pressure release" means the emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

139. Process weight rate. "Process weight rate" means the average total weight of all materials, not including any gaseous, liquid or solid fuels, moisture or combustion air, introduced into any manufacturing, industrial or combustion process that may result in the emission of any regulated pollutant to the ambient air, computed on an hourly basis, and shall be expressed in terms of weight per unit of time.

140. Production area. See Chapter 116 Section I(A).

141. Projected actual emissions. "Projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month periods) following the date the unit resumes regular operation after the project, or in any one 12-month period in the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated pollutant. In determining the projected actual emissions (before beginning actual construction), the owner or operator of the major stationary source:

- A. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and
- B. Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and
- C. Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

D. In lieu of using the method set out in subsections A, B, and C of this section, may elect to use the emissions unit's potential to emit, in tons per year.

142. Reasonable further progress. "Reasonable further progress" means such annual incremental reductions in emissions of the relevant regulated pollutant as are required by Part D of the CAA or may reasonably be required by the EPA for the purpose of ensuring attainment of the relevant national ambient air quality standards in the area by the relevant statutory deadlines.

143. Reasonably attributable. "Reasonably attributable" means attributable by visual observation or any other technique the Department deems appropriate.

144. Reasonably Available Control Technology (RACT). "Reasonably Available Control Technology" means that method of treatment that is reasonably available as a retrofit to existing processes or equipment involved and shall be determined by the Department for the class or category of such source considering the existing state of technology, current federal guidelines for determining of the degree of emission reduction achievable and the type and unique character of affected sources.

145. Reconstruction or reconstructed. The provisions of 40 CFR Part 60.15(f)(1) through (3) shall determine if reconstruction has taken place. "Reconstruction" shall be presumed to have taken place where the fixed capital cost of the new component exceeds 50% of the fixed capital cost of a comparable entirely new emissions unit.

146. Recovery boiler. "Recovery boiler" means an enclosed combustion device where concentrated black liquor is burned to recover sodium and sulfur and to produce steam for energy recovery.

147. Reconstruction of a HAP major source. "Reconstruction of a HAP major source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:

- (1) the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and
- (2) It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63.

148. Region. "Region" means an air quality control region or regions established by the Board pursuant to Classification of Air Quality Control Regions, 06-096 CMR 114.

149. Regulated pollutant. "Regulated pollutant" means the following:

- A.** Any pollutant for which a national or Maine ambient air quality standard has been promulgated;
- B.** Any pollutant that is subject to any standard promulgated under section 111 of the CAA;
- C.** Any Class I or II substance subject to a standard promulgated under or established by title VI of the CAA;

- D.** Except as provided in paragraph H of this definition, any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the CAA, including sections 112(g) and (j), of the CAA, including the following:
- (1) Any pollutant subject to requirements under section 112(j) of the CAA. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the CAA; and
 - (2) Any pollutant for which the requirements of section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.
- E.** Any pollutant for which a Maine ambient air quality standard has been adopted through the Maine Legislature;
- F.** Any pollutant for which a regulation or standard has been adopted by the Maine Board of Environmental Protection; or
- G.** Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the CAA, including sections 112(g), (j), and (r) of the CAA, including the following:
- (1) Any pollutant subject to requirements under section 112(j) of the CAA. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the CAA; and
 - (2) Any pollutant for which the requirements of section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.
- H.** GHGs are a regulated pollutant, except that for the purposes of 06-096 CMR 115 and 06-096 CMR 140, they are regulated pollutants only for the purposes of major New Source Review involving significant emissions of GHGs and Part 70 major source requirements.
- I.** The following are considered regulated pollutants:
- (1) Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas.
 - (2) Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the Department demonstrates to EPA's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.
 - (3) Volatile organic compounds are presumed to be precursors to ozone. However, volatile organic compounds are presumed not be precursors to PM_{2.5} in any attainment or unclassifiable area, unless the Department demonstrates to EPA's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations.

150. Responsible official. "Responsible official" means one of the following:

- A.** For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representatives is approved in advance by the permitting authority;
- B.** For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- C.** For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- D.** For Title IV sources:
 - (1) The designated representative, having the meaning given to it in section 402(26) of the CAA, in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative, having the meaning given to it in section 402(26) of the CAA, for any other purposes under Part 70.

151. Secondary emissions. "Secondary emissions" means emissions which occur as a result of the construction or operation of a source or modification, but do not come from the source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the source or modification which causes the secondary emissions. Secondary emissions include, but are not limited to: (1) emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the source or modification; (2) emissions from ships, trains, trucks or other mobile sources associated with the new source or modification.

152. Serious ozone nonattainment area. "Serious ozone nonattainment area" means the area so classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.

153. Shake down period. "Shake down period" means the time from the initial operation of an emissions unit until the time the emission unit achieves operation at the maximum production rate at which it will be operated, but not to exceed 180 days after initial startup.

154. SIC code. "SIC code" means Standard Industrial Classification code devised by the Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

NOTE: SIC codes may be found in the latest "Standard Industrial Classification Manual," published by the U.S. Government Printing Office and available at larger libraries throughout the State.

155. Significant emissions. "Significant emissions" means any rate of emissions that would equal or exceed one hundred (100) tons per year of any regulated pollutant, fifty (50) tons per year of VOC in the ozone transport region or for GHGs, significant emissions shall be:

- A.** Beginning January 2, 2011, significant emissions for GHGs means any emissions that would equal or exceed 75,000 tons per year of CO₂e at a new stationary source that emits or has the potential to emit significant emissions for any other regulated pollutant or an emissions increase of 75,000 tons per year or more of CO₂e at an existing stationary source that meets the definition of "major stationary source" in 40 CFR 51.166(b)(1) for any other regulated pollutant and will emit or have the potential to emit significant emissions of a regulated pollutant other than GHGs.
- B.** In addition to the provisions in subsection A above, beginning July 1, 2011, significant emissions for GHGs means any rate of emissions that would equal or exceed 100,000 tons per year of CO₂e at a new stationary source or an emissions increase of 75,000 tons per year or more of CO₂e that will result from undertaking a physical change or change in the method of operation at an existing stationary source that emits or has the potential to emit 100,000 tons per year or more of CO₂e.

156. Significant emissions increase. "Significant emissions increase" means a Major Modification which results in:

- A.** Any net emissions increase of a regulated pollutant that would equal or exceed any of the rates listed:

<u>Regulated Pollutant</u>	<u>Rates (TPY)</u>
Particulate Matter (PM)	25
PM ₁₀	15
PM _{2.5}	10*
Sulfur dioxide	40
Nitrogen oxides	40
Nitrogen oxides (as precursor to ozone)	40
Carbon monoxide	100
Ozone -measured as VOC or NO _x	40
Ozone (measured as VOC) in the OTR	40
Lead	0.6
GHGs	75,000 (CO ₂ e)
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10

MWC organics (Municipal Waste Combustor emissions measured as total tetra-through octachlorinated dibenzo-p- dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
MWC metals (measured as particulate matter)	15
MWC acid gases (measured as SO ₂ and HCl)	40
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50

* 10 tpy of direct emissions; 40 tpy SO₂ emissions; 40 tpy NO₂ emissions unless demonstrated not to be a PM_{2.5} precursor under CFR Part 51.166(b)(49).

- B.** Notwithstanding subsection (A) above, significant means any emission rate of a new major source which would construct within ten (10) kilometers of a Class I area and have an impact on such area equal to or greater than one (1) microgram per cubic meter (µg/m³) (24-hour average).
- C.** Notwithstanding subsection (A) above, significant means any emission rate or any net emission rate increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 ug/m³ (24 hour average).
- D.** In addition to subsection (A) above, significant means, in reference to a net emission increase or the potential of a source to emit a pollutant subject to regulation under the CAA that is not listed in subsection (A) above or regulated under Title III of the CAA, any emission rate.

157. Significant PAL emissions unit. "Significant PAL emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant at a level equal to or greater than the emission rate for that pollutant listed in the table in Section 161(A) of this Chapter, but less than the amount that would qualify the unit as a major emissions unit.

158. Significant impact. "Significant impact" means the contribution for all regulated pollutants which is equal to or greater than, or may reasonably be expected to be equal to or greater than, the levels shown below for the respective averaging times:

Class II area significant impact levels

Pollutant	Annual	24-Hr	8-Hr	3-Hr	1-Hr
SO ₂	1.0 µg/m ³	5 µg/m ³		25 µg/m ³	
PM ₁₀	1.0 µg/m ³	5 µg/m ³			
TSP	1.0 µg/m ³	5 µg/m ³			
NO ₂	1.0 µg/m ³				
CO			500 µg/m ³		2000 µg/m ³
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³			

Class I area significant impact levels

Pollutant	Annual	24-Hr	8-Hr	3-Hr	1-Hr
PM _{2.5}	0.06 µg/m ³	0.07 µg/m ³			

159. Significant impact area. "Significant impact area" is a circular area with a radius extending from the source to the most distant point where approved dispersion modeling predicts a significant impact will occur, or a modeling receptor distance of fifty (50) kilometers (km), whichever is less. The significant impact area used for the air quality analysis of a particular regulated pollutant is the largest area of all averaging periods modeled as determined for that regulated pollutant.

160. Six (6) minute block average for Continuous Opacity Monitors (COM). "Six minute (6) block average for Continuous Opacity Monitors (COM)" means a set of 36 or more readings of opacity equally spaced over a six minute period. The six minute periods start at the top of each hour. There are 10 distinct block averages in each hour. Each six minute block average is determined by dividing the sum of the readings by the number of readings taken in that six minute period.

161. Small PAL emissions unit. "Small PAL emissions unit" means an emissions unit that emits or has the potential to emit PAL pollutants at levels less than the emission rates for those pollutants listed in the table in Section 161(A) of this Chapter.

162. Solvent. "Solvent" means a substance that is liquid at standard conditions and is used to dissolve or dilute another substance; this term includes, but is not limited to, organic materials used as solvers, viscosity reducer, degreasing agents, or cleaning agents.

163. Source. "Source" (Source or Stationary Source) means any building, structure, facility, or installation which emits or may emit any regulated pollutant where all of the pollutant emitting activities which belong to the same industrial grouping are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i. e. , which have the same two-digit code) as described in the Standard Industrial Classification Manual, 19 72, as amended by the I977 Supplement (U.S. Government Printing Office stock numbers 4 10 I4066 and 00340540 176-0, respectively).

- 164. Stack.** "Stack" means any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct, but not including flares.
- 165. Standard atmospheric conditions.** "Standard atmospheric conditions" means a temperature of 20 degrees Celsius (68 degrees Fahrenheit) and pressure of 760 millimeters of Mercury (Hg) (29.92 inches Hg).
- 166. Tank truck.** "Tank truck" means any truck or trailer used for the transport of gasoline from a stationary gasoline storage tank at a bulk gasoline terminal or bulk gasoline plant to another stationary storage tank at another bulk gasoline plant, bulk gasoline terminal, or gasoline dispensing facility.
- 167. Temporary source.** "Temporary source" means a source which changes location to another site at least once during any five (5) year license period. No Title IV source shall be licensed as a temporary source.
- 168. Title IV source.** "Title IV source," shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.
- 169. Title IV unit.** "Title IV unit," shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.
- 170. Title I Modification.** "Title I Modification" has the same definition pursuant to this Chapter as Major Modification.
- 171. True vapor pressure.** "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks, 1962.
- 172. Vapor control system.** "Vapor control system" means any system that contains, collects, absorbs or condenses the gasoline vapors displaced from gasoline tank trucks as the trucks are being loaded with gasoline at the loading rack of a bulk gasoline terminal.
- 173. Virgin oil.** "Virgin oil" means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.
- 174. Visibility impairment.** "Visibility impairment" means any humanly perceptible change in visibility in terms of visual range, contrast, or coloration from that which would have existed under natural conditions. Natural conditions include naturally occurring phenomena that reduce visibility in terms of visual range, contrast or coloration.
- 175. Volatile Organic Compounds (VOC).** "Volatile Organic Compounds" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
- A.** This definition excludes the following organic compounds which have been determined to have negligible photochemical reactivity:
- methane;
 - ethane;
 - acetone;

perchloroethylene (PCE);
 parachlorobenzotrifluoride;
 cyclic, branched, or linear completely methylated siloxanes;
 methylene chloride (dichloromethane);
 1,1,1-trichloroethane (methyl chloroform);
 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
 trichlorofluoromethane (CFC-11);
 dichlorodifluoromethane (CFC-12);
 chlorodifluoromethane (CFC-22);
 trifluoromethane (HFC-23);
 1,1-difluoro-1-chloro-2,2-difluoro-2-chloroethane (CFC-114);
 chloropentafluoroethane (CFC-115);
 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
 1,1,1,2-tetrafluoroethane (HFC-134a);
 1,1-dichloro-1-fluoroethane (HCFC-141b);
 1-chloro-1,1-difluoroethane (HCFC-142b);
 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
 pentafluoroethane (HFC-125);
 1,1,2,2-tetrafluoroethane (HFC-134);
 1,1,1-trifluoroethane (HFC-143a);
 1,1-difluoroethane (HFC-152a);
 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
 difluoromethane (HFC-32);
 ethylfluoride (HFC-161);
 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 1,1,2,2,3-pentafluoropropane (HFC-245ca);
 1,1,2,3,3-pentafluoropropane (HFC-245ea);
 1,1,1,2,3-pentafluoropropane (HFC-245eb);
 1,1,1,3,3-pentafluoropropane (HFC-245fa);
 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
 chlorofluoromethane (HCFC-31);
 1-chloro-1-fluoroethane (HCFC-151a);
 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$) (known as HFE-7100);
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);
 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$) (known as HFE-7200);
 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);
 methyl acetate;
 1,1,1,2,2,3,3,heptafluoro-3-methoxy-propane ($n-C_3F_7OCH_3$) (known as HFE-7000);
 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381);
 1,1,1,2,2,3,4,5,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (known as HFE-7300, or L-14787, or $C_2F_5CF(OCH_3)CF(CF_3)_2$);
 1,1,1,2,3,3,3- heptafluoropropane (known as HFC 227ea);
 methyl formate ($HCOOCH_3$) and
 perfluorocarbon compounds which fall into these classes:
 cyclic, branched, or linear, completely fluorinated alkanes;

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and;
sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

dimethyl carbonate
propylene carbonate

- B.** T-butyl acetate (known as tertiary butyl acetate) shall not be a volatile organic compound for the purposes of emissions limitations or content requirements, but shall continue to be a volatile organic compound for the purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements and shall be uniquely identified in emission reports.

For purposes of determining compliance with emissions limits, VOC shall be measured by the test methods specified under the Department's regulations or 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds shall not be considered VOC if the amount of such compounds can be and is accurately quantified. As a precondition to excluding these compounds for purposes of determining compliance with an emission standard, the Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Department the amount of negligibly-reactive compounds in the source's emissions.

176. VOC incinerator. "VOC incinerator" means a combustion apparatus in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned and from which the solid and gaseous residues contain little or no combustible material.

177. Waste. "Waste" means unwanted or discarded materials of any kind and source, which constitute a solid waste and not a fuel for purposes of 40 CFR Part 60, Subpart CCCC and 40 CFR Part 63, Subpart DDDDD, and which shall be classified as follows:

- A.** Type 0 - Trash, a mixture of highly combustible waste such as paper, cardboard cartons, wood boxes and combustible floor sweepings, from commercial and industrial activities. The mixtures contain up to ten (10)% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains about ten (10)% moisture and five (5)% incombustible solids and has a heating value of approximately 8500 British thermal units (BTU) per pound as fired;
- B.** Type 1 - Rubbish, mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings, from domestic, commercial and industrial activities. The mixture contains up to twenty (20)% by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes. This type of waste contains about 25% moisture and 10% incombustible solids and has a heating value of approximately 6500 BTU per pound as fired;
- C.** Type 2 - Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to fifty (50)% moisture, seven (7)% incombustible solids, and a heating value of approximately 4300 BTU per pound as fired;

- D.** Type 3 - Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and like installations. This type of waste contains up to seventy (70)% moisture, and up to five (5)% incombustible solids and has a heating value of approximately 2500 BTU per pound as fired;
- E.** Type 4 - 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, five (5)% incombustible solids and having a heating value of approximately 1000 BTU per pound as fired;
- F.** Type 5 - By-product waste, gaseous, liquid or semi-liquid such as tar, paints, solvents, sludge, fumes, etc. BTU values must be determined by the individual materials to be destroyed;
- G.** Type 6 - Solid by-product waste, such as rubber, plastics, contaminated wood waste, etc. BTU values must be determined by the individual materials to be destroyed; and
- H.** Type 7 - Infectious Waste - Commonly referred to as red bag waste, this includes surgical, obstetrical, biological, isolation, blood and blood product, renal dialysis, serums and vaccines, laboratory, and "sharps" (potentially infectious articles that may cause punctures or cuts, including intravenous tubes with needles attached) waste. Also included are animal carcasses and body parts, bedding and other wastes from animals re-exposed to pathogens and human tissues and anatomical parts which emanate from surgery, surgical procedures, autopsy, and laboratory. This term shall not include radiologically contaminated materials.

NOTE: This definition will be modified to conform to that contained within regulations promulgated by the Department's Bureau of Remediation and Waste Management.

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Chapter 115: MAJOR AND MINOR SOURCE AIR EMISSION LICENSE REGULATION

SUMMARY: This regulation specifies who must obtain an air emission license, what standards and criteria must be complied with and what information an applicant must submit. The rule implements New Source Review (NSR) requirements of the Clean Air Act (CAA) and Section 590 of Title 38 Maine Revised Statutes Annotated for those minor sources that require a license and those major sources that are undergoing changes subject to NSR under the CAA. For minor sources this rule serves both as an operating licensing program as well as the pre-construction New Source Review Program. For major sources the rule serves as a pre-construction New Source Review Program while Chapter 140 implements the operating licensing requirements of 40 CFR Part 70. The pre-construction licenses issued for major sources under Chapter 115 will not expire and will be incorporated into the Chapter 140 licenses. The requirements of this Chapter regarding application pre-filing requirements and public notice requirements for applications and draft licenses supersede Chapter 2 of the Department's Regulations, where applicable. It contains extensive information on a wide variety of variables in the licensing process as specified in the following sections:

Section 1.	Applicability (p1)
Section 2.	General Terms and Conditions of Applications and Licenses (p3)
Section 3.	Renewal (p10)
Section 4.	New Source Review for New Sources and Modifications (p16)
Section 5.	Minor Revision (p36)
Section 6.	License Transfer (p37)
Section 7.	Ambient Air Quality Analysis (p38)

1. Applicability

- A. Geographic scope.** This regulation shall be effective in all ambient air quality control regions in the State.
- B. General requirement.** An air emission license is required for the sources or emissions units listed below. Once a source requires an air emission license, all emissions units which emit regulated pollutants at the source must be included in the license, except the following: insignificant activities listed in Appendix B of this Chapter; activities which the Department has determined in writing on a case-by-case basis to be substantially equivalent to the insignificant activities specified in Appendix B of this Chapter; and those activities which are clearly trivial. Any person who emits, will emit, or causes to be emitted regulated pollutants from any existing or new source may not begin actual construction, operate, maintain, or modify the new or existing source without an air emission license from the Department, unless the source is listed in subsection 1(C) of this Chapter. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980 on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of Chapter 115(4)(A) Major Modification or Major Source License shall apply to the source or modification as though actual construction had not yet begun on the source or modification.

An air emission license is required for the following:

- (1) Any source whose potential to emit can be determined a Major source and in no case shall a Major source be exempted from the obligation to obtain an air emissions license.
- (2) For a Minor source whose facility-wide emissions are generated solely from any one or combination of the following:
 - (a) Fuel-burning equipment (or combinations thereof), whose total maximum design heat input is equal to or greater than 10.0 million British Thermal Units per hour. Fuel-burning equipment, excluding stationary internal combustion engines, less than 1.0 MMBtu/hr shall not be included in this threshold assessment and stationary internal combustion engine less than 0.5 MMBtu/hr shall not be included in this threshold assessment.
 - (b) Stationary internal combustion engines (or combinations thereof) whose total maximum design heat input is equal to or greater than 5.0 million British Thermal Units per hour or a gas/propane fired stationary internal combustion engine (or combination thereof) with a total maximum design heat input of equal to or greater than 10.0 million British Thermal Units per hour. Units less than 0.5 MMBtu/hr shall not be included in this threshold assessment.
 - (c) Total facility general process sources whose emissions without consideration of air pollution control apparatus and under normal operation are equal to or greater than 100 lb/day of any regulated pollutant, except that these numerical limitations may not apply to a source which is subject to regulation for the control of hazardous air pollutants pursuant to Title 38 MRSA Section 585-B, New Source Performance Standards promulgated at 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAPS) promulgated at 40 CFR Part 61 and 63.
 - (d) Total facility general process sources whose emissions without consideration of air pollution control apparatus and under normal operation are equal to or greater than 10 lb/hr of any regulated pollutant, except that these numerical limitations may not apply to a source which is subject to regulation for the control of hazardous air pollutants pursuant to Title 38 MRSA Section 585-B, New Source Performance Standards promulgated at 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAPS) promulgated at 40 CFR Part 61 and 63.

C. Exemptions

- (1) An air emission license issued pursuant to this Chapter is not required for Part 70 requirements and other non-NSR amendments issued pursuant to Part 70 Air Emission License Regulation, 06-096 CMR 140.
- (2) An air emission license is not required for a Minor source whose facility-wide emissions are generated solely from any one or combination of the following:

- (a) Incinerators with a primary chamber volume no greater than 133 cubic feet or 1000 gallons that burn only wood waste as defined in Title 12, Section 9324, subsection 7-A and painted and unpainted wood from construction and demolition debris;
 - (b) Units whose emissions are generated from the sole function of providing power for propulsion of mobile sources, including vessels;
 - (c) Bulk gasoline terminals and gasoline service stations with a maximum design daily throughput of less than 20,000 gallons;
 - (d) Bulk petroleum storage facilities with petroleum products stored in tanks with a maximum design capacity of less than 39,000 gallons;
 - (e) Dry cleaner system that engages in the cleaning of fabric by means of one or more washes in perchloroethylene, extraction of the solvent by spinning, and drying by tumbling in an air stream; and
 - (f) Gasoline-powered ski lift emergency back-up motors. Such motors shall not be included in determining whether the thresholds in subsections 1(B)(2)(a) or 1(B)(2)(b) of this Chapter are exceeded.
- (3) An air emission license issued pursuant to this Chapter is not required for rock crushers issued a Crusher Identification Number (CIN) pursuant to General Permit for Nonmetallic Mineral Processing Plants, 06-096 CMR 149 and the associated stationary internal combustion engines.
 - (4) An air emission license issued pursuant to this Chapter is not required for concrete batch plants issued a general permit number (GPN) pursuant to General Permit for Concrete Batch Plants, 06-096 CMR 164 and the associated stationary internal combustion engines.
 - (5) An air emission license issued pursuant to this Chapter is not required for a Class IV-A human crematory incinerator or a veterinary incinerator issued a general permit number (GPN) pursuant to General Permit for Class IV-A Incinerators, 06-096 CMR 165.
 - (6) Any source listed in this subsection that is exempted from the requirement to obtain an air emission license may opt to apply for a license under this Chapter.

2. General Terms and Conditions of Applications and Licenses

- A. Projects requiring multiple application submittals under this Chapter.** If a source is applying simultaneously for the renewal of a source license and/or amendments under more than one section of this Chapter, the source may submit one application covering all required information for each relevant section.
- B. Required application form and additional information.** The application shall include an application form prescribed by the Department and additional information required by the Department, unless otherwise specified by this Chapter. The application may not omit information needed to determine the applicability of, or to impose, any requirement, or to evaluate the fee amount. An application for a Minor Modification or Major Modification need

supply only that information related to the proposed amendment. The application form and the additional required information shall include, but is not limited to, the following elements:

- (1) Identifying information, including owner or operator name (legal name as registered with the Secretary of State), facility site name and physical site location, facility mailing address, responsible official's name, and name(s) with corresponding contact information for the facility manager/contact;
- (2) Identification of the source's processes and products;
- (3) Any insignificant activities which the source proposes to be qualified as substantially equivalent to the insignificant activities specified in Appendix B of this Chapter;
- (4) The following emissions related information for units and activities that are not insignificant activities (the Department may waive the requirement to submit any or all of items (a)–(h) if the information required is deemed not pertinent to the application):
 - (a) All emissions of regulated pollutants;
 - (b) Any additional emissions-related information necessary to verify which requirements are applicable to the source or to calculate annual license fees;
 - (c) Identification and description of all points of emissions described in (a) and (b) above in sufficient detail to establish the source's applicability to any requirements;
 - (d) Emission rates in such terms as are necessary to establish compliance with applicable requirements and consistent with the applicable EPA standard reference test method and compliance consistent with the applicable emission limit;
 - (e) The following information to the extent it is needed to determine or regulate emissions: fuel types, fuel use, raw materials, production rates, and operating schedules;
 - (f) Identification and description of air pollution control equipment and compliance monitoring devices or activities;
 - (g) Limitations on source operations affecting emissions, or any work practice standards, where applicable, for all regulated pollutants;
 - (h) Calculations used as the basis for emissions-related information;
- (5) Any other information that may be necessary to implement and enforce any requirements applicable to the source;
- (6) If required by the Department, proposed monitoring, modeling, testing, record keeping and reporting protocols, the results of previously performed instack monitoring, and results of previously performed stack testing. This information shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application;

- (7) Results of meteorology or air quality monitoring if required by the Department, including an analysis of meteorological and topographical data necessary to evaluate the air quality impact pursuant to Section 7 of this Chapter. The information required pursuant to Section 7 of this Chapter shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application; and
- (8) If any regulated pollutant from an existing source has or will have a significant impact, a description of the factors used in the ambient air quality impact analysis pursuant to Section 7 of this Chapter. The information required pursuant to Section 7 of this Chapter shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application.

C. Certification by Responsible Official. All application forms submitted to the Department shall contain a certification of truth, accuracy, and completeness with the signature and printed name of the responsible official (see Definitions, 06-096 CMR 100). The signatory sheet shall make the following certification:

"I certify under penalty of law that, based on information and belief formed after reasonable inquiry, I believe the information included in the attached document is true, complete, and accurate."

Upon becoming aware that he or she submitted incorrect information or failed to submit relevant facts, the responsible official must provide the Department with the supplementary facts or corrected information.

D. Public Notice of Intent to File. Any applicant for a renewal license, a new source license, any modification, or a license transfer must publish, within thirty (30) days prior to filing an application, a public notice of Intent to File at the applicant's expense. No public notice is required for a minor revision. This notice shall be published once in the public notice section of a newspaper of general circulation in the region in which the source would be located. In addition, a copy of the application shall be made available at the municipal office of the municipality(ies) where the source is located. A copy of the public notice from the paper (cut or copied from the newspaper in which it was printed) must be submitted with the application. The public notice of Intent to File must include the following information:

- (1) Name, address and telephone number of the applicant;
- (2) Citation of the statutes or rules under which the application is being processed;
- (3) Location of the proposed action;
- (4) Summary of the proposed action;
- (5) Anticipated date for filing the application with the Department;
- (6) A statement that public requests for either of the following must be submitted to the Department in writing no later than twenty (20) days after the application is accepted as complete for processing:
 - (a) for the Board of Environmental Protection to assume jurisdiction over the application; or

- (b) for a public hearing on the application;
- (7) A statement of the name, address and phone number of the Department contact person;
- (8) A statement providing the local filing location where the application can be examined; and
- (9) Any other information required by rule or law.

An applicant must publish a public notice of Intent to File for a resubmitted application that was originally returned and deemed incomplete by the Department.

NOTE: A Public Notice of Intent to File form is available from the Department.

After an application has been filed, if the Department determines that the applicant submits significant new or additional information or substantially modifies its application at any time after acceptance of the application as complete, the applicant shall provide additional notice to interested persons who have commented on that application. The Department may also require additional public notice and may extend the time to submit requests for a public hearing or for the Board to assume jurisdiction.

E. Application acceptability and completeness

- (1) **General.** Within fifteen (15) working days of receipt of any application, the Department shall determine the completeness of an application and shall notify the applicant in writing of the official date on which the application was accepted as complete for processing; or return the application with the reasons why the application was not accepted as complete. If the Department does not make a determination regarding the acceptance or rejection of the application within fifteen (15) working days, the application shall be deemed accepted as complete for processing on the 16th day.
- (2) **Criteria for completeness.** An application shall be deemed complete when all of the relevant information and other data required by the Department to evaluate the application and to allow the Department to begin processing the application are submitted. In addition, for completeness determination the certification by the Responsible Official and a copy of the public notice of Intent to File must be included as part of the application submittal.

For new source licenses the air emission license fee must be paid in full to meet the completeness criteria.

F. Application submittal. Applications must be filed with the Bureau of Air Quality, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017.

G. Authority to request additional information. The Department's determination that an application is accepted as complete for processing is not a review of the sufficiency of that information, and does not preclude the Department from requesting additional information. Additional information needed to process the license may be requested in writing by the Department and shall be provided by the applicant within the deadline specified by the Department.

If the applicant fails to submit the requested information by the deadline specified or as otherwise agreed in writing by the Department, the Department may deny the license. Thirty (30) days prior to denying the license, the Department shall provide written notice to the applicant including a list of the required information. A person may reapply at any time after the license is denied. The reapplication shall meet all requirements of a complete initial license application, including any required license fee.

H. Procedures for timely license processing and license denials

- (1) The requirements of Title 38 MRSA §344 shall govern the processing of applications under this Chapter.
- (2) Upon the denial of any license, the Department shall provide the applicant a written statement with the grounds of the denial.

I. Permit Shield. Compliance with the conditions of a license shall be deemed compliance with any state-enforceable requirements as of the date of license issuance, provided that:

- (1) Such state-enforceable requirements are included and are specifically identified in the license; or
- (2) The Department, in acting on the license application or revision, determines in writing that other state-enforceable requirements specifically identified are not applicable to the source, and the license includes the determination or a concise summary thereof.

However, in no case shall such a determination within the license be a permit shield from a federally enforceable requirement.

J. Operational Flexibility. The following changes are allowed without requiring a license amendment:

- (1) Operational flexibility provided for in the license language;
- (2) Off-permit changes that are not addressed in the license and are one of the following:
 - (a) The installation of an insignificant activity found in Appendix B of this Chapter. In no case shall insignificant activities be exempt from determining whether the source is a Part 70 source;
 - (b) The modification of an insignificant activity that still qualifies as an insignificant activity after the modification; and
 - (c) A change at the source for which the applicant has received written Departmental approval that the change does not require a license, license amendment, or other action under Sections 4, 5, or 6 of this Chapter.

K. Public and EPA Draft Notification. A public comment period shall be held on draft licenses for major modifications and new major sources as follows:

- (1) **Public.** The applicant shall provide a copy of the draft license and the application, including any supporting documentation and any subsequent amendments to the application, to the municipal clerk of the municipality where the source is located, or, if the project is in an unorganized area, to the county commissioners. This material shall also be available at the Department's Augusta office. This material must be on file for public comment for thirty (30) calendar days.
- (2) **EPA.** The Department shall provide a copy of the draft license to EPA. EPA shall have a thirty (30) day review period on the draft.
- (3) **Draft Availability Notice.** The notice of Draft Availability shall be published, at the applicant's expense, once in the public notice section of a newspaper of general circulation in the region in which the source would be located. The Draft Availability notice shall include:
 - (a) the name, address and telephone number of the applicant;
 - (b) a citation of the statutes or rules under which the application is being processed;
 - (c) the location of the proposed action;
 - (d) a summary of the proposed action including the emissions change involved in any proposed license modification;
 - (e) a statement of the availability of the application and supporting documents and the Department's preliminary determination in the form of a draft license;
 - (f) a statement of the public's right to provide written public comment or to request a public meeting, with the mailing address of the Department; and
 - (g) for the purpose of a Major New Source Review draft license subject to this subsection, the date, place and time a public meeting may be held, if requested within 15 calendar days from the date upon which the notice is published. The date the public meeting is scheduled shall be no sooner than 30 days after the date the notice is published.

NOTE: A Draft Availability Notice form is available from the Department.

For a Major New Source Review draft license subject to this subsection, any person may request the Department in writing to hold a public meeting. The written request shall state the nature of the issues to be raised at a public meeting. If the Department's Augusta office receives a written request for a public meeting within fifteen (15) calendar days from the date upon which the notice is published which raises a material issue, a public meeting may be held on the date and time as scheduled in the public notice. Whenever the Department holds a public meeting, the duration of the public comment period may be extended to the close of the public meeting or extended to a later date announced at the public meeting.

The Department shall receive comment for at least thirty (30) days, beginning after the day on which the notice of the Draft Availability is published or after the day on which EPA received the draft, whichever is later.

The Department shall consider and keep records of all analyses and all written comments received during the public comment period, and all comments received at any public meeting or public hearing in making a final decision on the approvability of the draft license. The Department shall file all written comments for public inspection at the Department's Augusta office.

- L. Effective date of a license.** Unless otherwise indicated as a condition of the license, a license granted by the Department is effective when the Commissioner, or his or her designee, signs the license. A license granted by the Board of Environmental Protection (BEP) is effective when the BEP chair signs the license.
- M. Term of a license.** Each renewal or a new source air emission license issued to a minor source by the Department shall have a term of ten (10) years from the date of issuance.

NOTE: A license issued for a new major source or major modification shall not expire.

- N. Expiration of a license.** If a complete renewal application, as determined by the Department, is submitted prior to expiration, then pursuant to Title 5 MRSA §10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the renewal of the license. The provisions of this subsection do not bar enforcement action pursuant to Title 5 MRSA §10004, Title 38 MRSA §349 or any other applicable statutes.

Failure to submit a timely and complete application prior to expiration of the license renders the license expired and the owner or operator is considered to be operating and maintaining an air emission source without a license from the Department, in violation of this Chapter.

For those sources that fail to submit a timely and complete application and continue to operate, the source shall submit a new application which will be processed as a renewal. These sources shall apply the BPT results of an analysis similar to subsection 4(A)(4)(d) of this Chapter in addition to any appropriate enforcement response for the operation of an air emission source without a license.

- O. Source obligation.** Approval to construct a new source or modification, or an exemption pursuant to subsection 1(C) of this Chapter shall not relieve any owner or operator of a source from the responsibility to comply fully with any requirements applicable to the source.
- P. Public access to information and confidentiality.** As a general rule, all information and data submitted in an application for a license shall be available upon request for public inspection and copying. Any exception to this general rule shall be governed by the provisions of the Freedom of Access Law, Title 1 MRSA §401 *et seq.*, as amended. Information for which the applicant seeks confidential status shall be conspicuously identified in a separate document and submitted to the Department for a determination that one or more of the criteria of Title 1 MRSA §402(3) with respect to the exemptions from the term, "public records," was met. Such information shall be stored separately in accordance with procedures developed by the Department. 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.

In the case where a source has submitted information to the Department under a claim of confidentiality, the Department may also require the source to submit a copy of such information directly to EPA.

At reasonable times and location the Department shall provide for the inspection of public records. Charges for copying shall reflect the costs to the Department and payment shall be made to the Maine Environmental Protection Fund.

- Q. Inspections to verify information.** Employees and authorized representatives of the Department shall be allowed safe access to the licensee's 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.
- R. Replacement of Air Pollution Control Systems.** If a licensee is proposing to replace an existing air pollution control system or replacement of burner systems, the applicant must demonstrate to the Department that the new equipment will achieve BPT. The replacement may be proposed within the renewal application or as a Minor Revision and shall be treated consistent with the CAA and federal regulations.
- S. Licensing of Hazardous Air Pollutants (HAPs) emissions.** Pursuant to 38 MRSA Section 585-B, the Department may control HAPs by adopting emission limits, design, equipment, work practices or operational standards for activities emitting hazardous air pollutants if no ambient air quality standards have been established for those pollutants.
- T. Computation of time period.** "Days" are calendar days unless otherwise designated. "Working days" excludes Saturdays, Sundays, state holidays and state shutdown days. In computing any period of time prescribed or allowed by this Chapter, the last day of the period is to be included unless it is a Saturday, Sunday, state holiday, or state shutdown day in which event the period runs until the end of the next day which is not a Saturday, Sunday, state holiday, or state shutdown day. If a person is required to take some action within a prescribed period after service of notice or other paper and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.
- U. Pollution Control Projects.** Pollution control projects shall be exempt from the requirements of this Chapter to the extent allowed under the Clean Air Act, as determined by the Department on a case-by-case basis. To be exempt, the applicant must demonstrate that the proposed pollution control project is consistent with and meets all requirements of applicable State and EPA rules, policies and guidelines which specifically address exemptions from New Source Review and Prevention of Significant Deterioration programs for pollution control projects.

3. Process for Renewal of a Minor Source License

- A. Applicability.** The following procedures shall be used for existing minor sources applying for the renewal of a license.

- B. Schedule.** If the applicant is applying for a renewal of a license, a complete application must be submitted prior to the expiration date of the existing license.
- C. Public Notice of Intent to File.** The applicant shall give Public Notice of Intent to File as stated in subsection 2(D) of this Chapter.
- D. Required Application Information.** For a renewal of a license, the applicant shall submit to the Department the information listed below:
- (1) The application form and applicable information as specified in subsection 2(B) of this Chapter, containing all required information;
 - (2) A Best Practical Treatment (BPT) analysis as described below:

BPT. Emissions from existing sources undergoing renewal of a minor source license shall be deemed to be receiving best practical treatment if those emissions are being controlled by pollution control apparatus that has been approved by the Department and which was installed less than 15 years prior to the date of license application approval, or an acceptable best practical treatment analysis shows that those emissions are being controlled in a manner consistent with emission controls commonly used in sources of similar age and design in similar industries. BPT may require the use of additional instrumentation, operating practices, best management practices, fuel content requirements, good combustion techniques, automated process controls, upgrading of component parts, emissions testing, requirements for continuous emission monitors, maintenance programs for air pollution control equipment, or recordkeeping to demonstrate performance of air pollution control systems or other mitigating measures.

For emissions from existing sources for which BPT was determined less than 15 years prior to the date of license application acceptance by the Department, the applicant shall submit a summary of the pollution control apparatus for those emission sources.

If BPT was determined 15 years or more from the date of license application acceptance by the Department, the applicant must demonstrate that each emission unit is receiving BPT and such demonstration shall consider the emission limit for which the air pollution control system was designed, the emission limitations adopted by the Department and in effect at the time of submission of an application for renewal, as well as the reliability, age, and life expectancy of the air pollution control system.

For some existing sources, a simple certification attesting the source is meeting BPT may be submitted for Department approval.

BPT shall not require the use of a lower sulfur content fuel unless a lower sulfur fuel is required to comply with the applicable emissions standards or applicable ambient air quality standards.

BPT shall not force replacement of existing air pollution control equipment solely on the basis that more efficient or reliable air pollution control equipment is available at the time of renewal. However, BPT may require replacement with more efficient or reliable air pollution control equipment under the following conditions:

- (a) The applicant is proposing replacement of the existing air pollution control equipment;
 - (b) Any emissions unit violates the applicable emission limitation;
 - (c) Additional reductions are necessary to achieve or maintain ambient air quality standards;
 - (d) The Department determines that previously uncontrolled emissions should be controlled in order to prevent an unreasonable risk to the environment or public health;
 - (e) The Department determines that previously controlled emissions should be controlled to a greater efficiency considering the toxicity of regulated pollutants; or
 - (f) Additional reductions are necessary to restore ambient increment even if that ambient increment was previously authorized to the owner or operator of an existing source.
- (3) **Reasonably Available Control Technology.** The applicant for an existing source located in, or whose emissions of a federal nonattainment pollutant result in a significant impact to any federal nonattainment area, shall include a summary of the conditions the source complies with to meet RACT requirements.
- (4) **Ambient Air Quality Impact Analysis.** If required by the Department pursuant to Section 7 of this Chapter, the applicant shall submit the results of any ambient air quality impact analyses.
- (5) The certification of the responsible official pursuant to subsection 2(C) of this Chapter and a copy of the published Public Notice of Intent to File (cut or copied from the newspaper in which it was printed) pursuant to subsection 2(D) of this Chapter.

E. License Content. The Department may impose any appropriate and reasonable license conditions to ensure or maintain compliance with any requirements, emission limitations, ambient air quality standards, or regulations.

The following elements shall be included in the license:

- (1) **Equipment Description and Emission Limitations.** The license shall contain terms and conditions with respect to emissions that the Department determines are sufficient to assure compliance with any applicable requirement and shall include the following:
 - (a) A list of all emission units that are subject to licensing pursuant to subsection 1(B) of this Chapter;
 - (b) Emission limitations, including those operational requirements and limitations that assure compliance with any requirement at the time of issuance of license; and
 - (c) A brief technical evaluation of the controls considered as BPT.
- (2) **Compliance Assurance Requirements.** The license shall include the following compliance assurance elements:

- (a) A description of all required monitoring and analysis procedures or test methods required under the requirements applicable to the source.
 - (b) A description of all recordkeeping requirements.
 - (c) A description of all reporting requirements.
- (3) Licenses for portable sources shall include conditions that will assure compliance with all requirements applicable to the source at all authorized locations and the requirements of this Chapter, including requirements that the owner or operator notify the Department at least ten (10) days in advance of each change in location, unless the Department allows for a shorter notice.
- (4) **Ambient Air Quality Impact Analysis.** The license shall include a section summarizing any required ambient air quality impact analysis.
- (5) **Standard Conditions.** All licenses shall include and be subject to the following standard conditions:
- (a) Employees and authorized representatives of the Department shall be allowed access to the licensee's 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 (reference Title 38 MRSA §347-C);
 - (b) The licensee shall acquire a new or amended air emission license prior to beginning actual construction of a modification, unless specifically provided for in Chapter 115;
 - (c) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both;
 - (d) The licensee 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;
 - (e) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.
 - (f) The license does not convey any property rights of any sort, or any exclusive privilege;
 - (g) The licensee shall maintain and operate all emission units, air pollution control and monitoring systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions;

- (h) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request;
- (i) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a license or amendment shall not stay any condition of the license.
- (j) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license;
- (k) 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 licensee shall:
 - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. 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
 - b. pursuant to any other requirement of this license to perform stack testing.
 - (ii) 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
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (l) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
 - (i) within thirty (30) days following receipt of the written test report by the Department, or another alternative timeframe approved by the Department, the licensee 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;
 - (ii) the days of violation shall be presumed to include the date of stack 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

- (iii) the licensee 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.
- (m) Notwithstanding any other provision 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 license requirement.
- (n) The licensee 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 the air emission license. The licensee 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 licensee shall report all excess emissions in the units of the applicable emission limitation; and
- (o) Upon written request of the Department, the licensee 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 manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.
- (p) The licensee shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (reference Title 38 MRSA §605-C).

F. Criteria for license approval. The Department shall grant the license if the following criteria are met:

- (1) The Department has received a complete application for a license pursuant to this Chapter;
- (2) The emissions will receive best practical treatment (BPT), including, but not limited to, the requirements specified in subsection 3(D)(2) of this Chapter;
- (3) The emissions will not violate state standards adopted by the Department pursuant to Title 38 MRSA §585 or can be controlled so as not to violate the same;
- (4) The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate applicable ambient air quality standards including, but not limited to, ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;

- (5) The conditions of the license provide for compliance with all state requirements and the relevant requirements of this Chapter;
- (6) The Department and applicant have complied with the public participation and review procedures for issuance of a license pursuant to subsection 2(D) of this Chapter;
- (7) All control technology requirements, including, but not limited to, BPT, BACT, RACT, LAER, and other operating limitations for any emissions unit will be complied with;
- (8) If the applicant proposes to change the emission limit upon which an air quality impact analysis was based, the applicant may be required to provide a new air quality impact analysis for the new emission limit; and
- (9) If an air emission license renewal can be granted only if the licensee installs additional emissions controls or other mitigating measures, then the licensee may continue to emit pollutants from emission sources that will receive these controls or measures up to the same level allowed in its existing license as long as the additional emission controls or mitigating measures are fully operational as soon as practicable but in no case later than twenty-four (24) months after the Department issues the license renewal, except as provided in this subsection. After a demonstration by the licensee that it can not install and bring to full operation the required emission controls or mitigating measures within the twenty-four (24) month period, the Department may establish a later date for the installation and operation.

G. Joint Processing. A renewal license may incorporate a minor modification, minor revision or license transfer when being processed. However, the source must meet the processing requirements of each, as applicable.

H. Draft Notification. No public draft notification is required for a renewal.

4. New Source Review for New Sources and Modifications

If the applicant is applying for a Major or Minor Modification or a new major or minor source license, the license must be issued by the Department prior to beginning actual construction of the modification or the new source.

A. Process for Major Modification or New Major Source License

- (1) **Applicability.** The following procedures shall be used for new major source licenses and Major Modifications, as defined in 06-096 CMR 100. These procedures incorporate New Source Review requirements pursuant to Title 1, Part C and Part D of the CAA.
- (2) **Schedule.** An applicant who intends to construct a phased construction project in which the construction phases exceed 18 months or the period of the license, whichever is less, shall submit an application for a Major Modification for each future phase, including a new Best Available Control Technology (BACT) determination pursuant to subsection 4(A)(4)(d) of this Chapter.

(3) Application Notification

- (a) The applicant shall publish a Public Notice of Intent to File as specified in subsection 2(D) of this Chapter.
- (b) The applicant shall send by certified mail to all abutters, a copy of the notice of Intent to File.
- (c) The applicant shall send a copy of the application, including any supporting documentation and any subsequent amendments to the application, to EPA Region I.
- (d) The applicant and/or the Department shall notify and, if requested, provide a copy of the application to all Federal Land Managers listed in 06-096 CMR 100, and the Indian governing body of any reservation located within 50 km of any Major Modification or new Major source on or before the date the applicant provides public Notice of Intent to File, and provide at least a thirty (30) days public comment period.

NOTE: See Classification of Air Quality Control Regions, 06-096 CMR 114(1)(C) for a listing of federal lands which have been established as mandatory Class I areas. Check with the Department, Federal Land Manager or Indian governing body for the most current list of specific local and national modeling review contacts and addresses for the federal lands.

(4) Required Application Information. The applicant shall submit to the Department the information listed below:

- (a) The application form as specified in subsection 2(B) of this Chapter that contains the required information;
- (b) A description of the nature, location, plot plan, building dimensions, and any other information required by the Department;
- (c) A schedule for construction of the Major Modification or the new major source;
- (d) **Best Available Control Technology (BACT) Analysis.** The applicant must demonstrate that each emissions unit to be constructed, reconstructed or modified will receive BACT as defined in 06-096 CMR 100. BACT shall be applied to all regulated pollutants from new emission units, including fugitive as well as stack emissions. For modified emissions units, BACT shall be applied to the regulated pollutants that will be emitted in greater amounts as a result of the modification and BPT shall apply to other regulated pollutants from the modified unit(s). In selecting one of the control technology alternatives, the applicant should consider application of flue gas treatment, fuel treatment and processes, and techniques which are inherently low polluting and are economically feasible. In cases where technological or economic limitations on the application of measurement techniques would make the imposition of an emission limitation infeasible, a design, operating, equipment, or work practice standard may be provided by the source. The BACT analysis shall include the following steps:
 - (i) **Identify all potential control strategies.**

- (ii) **Eliminate technically infeasible options.** The demonstration of technical infeasibility should be clearly documented and should show, based on physical, chemical and engineering principles, that the technical difficulties would preclude the successful use of the control option on the emission unit under review.
- (iii) **Rank remaining control technologies by control effectiveness.** The ranking should include relevant information including:
 - (a) control effectiveness
 - (b) expected emission rate
 - (c) expected emission reduction
 - (d) energy impacts
 - (e) environmental impacts
 - (f) economic impacts
- (iv) **Evaluate most effective controls and document results.** The evaluation should include case by case consideration of energy, environmental and economic impacts. If top option is not selected as BACT, the evaluation should consider the next most effective control option.
- (v) **Select BACT.** BACT is the most effective option not rejected in Step (iv).
- (e) **Lowest Achievable Emission Rate (LAER) Analysis.** The applicant with a significant emissions increase or a new major source with significant emissions of a federal nonattainment pollutant located in the geographical boundaries of a nonattainment area or the Ozone Transport Region, or whose emissions will significantly impact a nonattainment area, must demonstrate that LAER is being met for the federal nonattainment pollutant.

NOTE: LAER is required in areas EPA has designated as federal nonattainment or in areas Maine has designated as nonattainment but EPA has not yet taken final action. LAER is based on the State's applicability criteria in all cases, except where the Department has amended the attainment status from federal nonattainment to attainment pursuant to 06-096 CMR 114. In those cases where the Department has completed redesignation procedures from federal nonattainment to attainment, but for which EPA has not taken final action, EPA's applicability criteria in Sections 172(b)(6) and 173 of the CAA apply.

- (f) **Innovative control technology waiver**
 - (i) **Conditions for approval.** If the facility is located in an attainment area, the applicant may request the Department to grant a waiver from any or all of the requirements for control technology and to approve a system of innovative control technology. The Department may grant a waiver for the implementation of innovative control technology under the following conditions:

- (a) The proposed system of innovative control technology will not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
 - (b) The applicant agrees to achieve, by a date approved by the Department, a continuous emissions reduction rate greater than or equivalent to the rate that would have been required by BACT. The date of achievement shall be no later than four (4) years from the time of startup or seven (7) years from the issuance of the license.
 - (c) The modification or new source will meet the control technology requirements and Section 7 of this Chapter based on the emissions rate that the applicant would be required to meet on the date specified by the Department;
 - (d) The modification or new source will not, prior to the date specified by the Department in subsection 4(A)(4)(f)(i)(b):
 - (i) Cause or contribute to any violation of any applicable ambient air quality standard;
 - (ii) Impact any area where an applicable ambient increment is known to be violated;
 - (iii) Cause a significant impact in any PM₁₀, PM_{2.5}, SO₂, or NO₂ nonattainment area; or
 - (iv) Cause or contribute to an adverse AQRV impact in any Class I area; and
 - (e) The applicant will meet all of the relevant requirements of this Chapter, including the requirements for public participation.
- (ii) **Conditions for withdrawal.** The Department shall withdraw any approval to employ a system of innovative control technology under the following conditions:
- (a) The proposed system of innovative control technology fails to achieve the continuous emissions reduction rate by the specified date;
 - (b) The proposed system of innovative control technology fails before the specified date, so as to contribute to an unreasonable risk to public health, welfare, or safety; or
 - (c) The Department decides at any time that the proposed system of innovative control technology is unlikely to achieve the continuous emissions reduction rate by the specified date, or will cause or contribute to an unreasonable risk to public health, welfare or safety.
- (iii) **Extension of compliance deadline.** If the applicant fails to meet the continuous emissions reduction rate by the specified date, or if the Department's approval is withdrawn in accordance with subsection 4(A)(4)(f)(ii) of this Chapter, the Department may allow the applicant an additional period, not to exceed three (3)

years, to meet the requirement for the application of BACT through use of a demonstrated system of control.

- (g) **Compliance Monitoring Methods.** All process control and compliance monitoring devices or activities, and any other emission reduction system planned by the owner or operator of a Major Modification or a new source license, and such other information required to accurately establish emission estimates, and to document future compliance; and
- (h) **Growth Analysis.** The air quality impacts and the nature and extent of emissions from all general, commercial, residential, industrial, and other growth in the area affected by the Major Modification or the new major source license, including associated mobile sources, which has occurred since August 7, 1977 for sulfur dioxide (SO₂) and PM₁₀, since February 8, 1988 for NO₂, and since October 20, 2010 for PM_{2.5} pursuant to Section 7 of this Chapter. The growth analysis shall be performed only for those pollutants (SO₂, PM₁₀, PM_{2.5} and/or NO₂) for which the modification or new source was determined as major.
- (i) **Title, Right or Interest.** Prior to acceptance of an application for processing for a new source license, the applicant shall demonstrate to the Department's satisfaction sufficient title, right or interest in all of the property which is proposed for development or use in accordance with the following provisions:
 - (i) When the applicant owns the property, a copy of the deed(s) to the property must be supplied;
 - (ii) When the applicant has a lease or easement on the property, a copy of the lease or easement must be supplied. The lease or easement must be of sufficient duration and terms, as determined by the Department, to license the proposed construction and reasonable use of the property, including reclamation, closure and post closure care, where required;
 - (iii) When the applicant has an option to buy or lease the property, a copy of the option agreement must be supplied. The option agreement must be sufficient, as determined by the Department, to give rights to title, or a leasehold or easement of sufficient duration and terms to permit the proposed construction and use of the property including closure and post closure care, where required;
 - (iv) When the applicant has eminent domain power over the property, evidence must be supplied as to the ability and intent to use the eminent domain power to acquire sufficient title, right or interest as determined by the Department; and
 - (v) When the applicant has either a valid preliminary permit or a notification of acceptance for filing of an application for a license from the Federal Energy Regulatory Commission for the site which is proposed for development or use, a copy of that permit or notification must be supplied.
- (j) **Ambient Air Quality Impact Analysis.** If required by the Department pursuant to Section 7 of this Chapter, the applicant shall submit the results of ambient air quality

impact analyses, including an analysis of the impacts to Air Quality Related Values and impact on visibility if the Department determines that the source may affect ambient increments or Air Quality Related Values in any Class I area or integral vista to that Class I area. The analysis shall be performed pursuant to Section 7 of this Chapter. This analysis shall be used in the completeness determination of the application.

- (k) The certification of the responsible official as specified in subsection 2(C) of this Chapter and a copy of the published Public Notice of Intent to File as specified in subsection 2(D) of this Chapter.
- (5) **License Content.** The license content shall contain all of the relevant criteria as specified in subsection 3(E) of this Chapter.
- (6) **Criteria for license approval.** The Department shall grant the license, if the following criteria are met:
 - (a) The Department has received a complete application for a license pursuant to this Chapter;
 - (b) The emissions will receive BACT and/or LAER, as applicable;
 - (c) The emissions will not violate state standards adopted by the Department pursuant to Title 38 MRSA §585 or can be controlled so as not to violate the same;
 - (d) The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate applicable ambient air quality standards including, but not limited to, ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;
 - (e) The conditions of the license provide for compliance with all state requirements and the relevant requirements of this Chapter;
 - (f) The Department and applicant have complied with the public participation and EPA notification and review procedures for issuance of a license pursuant to subsections 4(A)(3) and 4(A)(7) of this Chapter;
 - (g) The emissions will not have an adverse impact on Air Quality Related Values of any Class I area, including any integral vista for that Class I area;
 - (h) Pursuant to the requirements of Title I, Part D of the CAA, the Department shall not issue a license if the EPA has determined that implementation of the State Implementation Plan is inadequate for the federal nonattainment area in which the proposed source or modification will be constructed;
 - (i) With respect to any Major Modification or any new major source, which will emit significant emissions of a nonattainment pollutant, which seeks to locate in the geographical boundaries of a federal nonattainment area or the Ozone Transport Region,

or which will have a significant impact on a federal nonattainment area, the following conditions will be met:

- (i) All sources owned or operated by the applicant (or by any entity controlling, controlled by, or under common control with such person) in this State are in compliance, or on an enforceable schedule for compliance, with all applicable emission limitations under the CAA including, but not limited to, the terms and conditions of any license, the applicable emission limitations and the ambient air quality standards;
- (ii) The owner or operator has complied with the applicable provisions of Growth Offset Regulation, 06-096 CMR 113; and
- (iii) The owner or operator has conducted an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
- (j) If an air emission license amendment can be granted only if the licensee installs additional emissions controls or other mitigating measures, then the licensee may continue to emit pollutants from emission sources that will receive these controls or measures up to the same level allowed in its existing license as long as the additional emission controls or mitigating measures are fully operational as soon as practicable but in no case later than twenty-four (24) months after the Department issues the license amendment, except as provided in this subsection. After a showing of the licensee that it can not install and bring to full operation the required emission controls or mitigating measures within the twenty-four (24) month period, the Department may establish a later date for the installation and operation.

(7) Draft License Notification

- (a) A comment period of 30 days shall be held for the public and EPA on the draft license, as described in subsection 2(K) of this Chapter.
- (b) Where the conditions of subsection 4(A)(3)(D) of this Chapter are applicable, the applicant shall send the appropriate Federal Land Manager or Indian governing body, if requested, on or before the date the applicant provides Notice of Draft Availability to the public, a copy of the draft license. The Department shall receive comment for at least thirty (30) days, beginning after the day on which the notice of the Draft Availability is published, or after the last day on which all of the persons in this section are mailed notice, whichever is later.

B. Process for a Plantwide Applicability Limit (PAL) at a Major Source

- (1) **Applicability.** The following procedures shall be used for a PAL. These procedures incorporate state New Source Review requirements.

- (2) **Public Notice of Intent to File.** The applicant shall publish a Public Notice of Intent to File as specified in subsection 2(D).
- (3) **Required Application Information.** The applicant shall submit to the Department the information listed below, as applicable:
- (a) The application form as specified in subsection 2(B) of this Chapter that contains the required information;
 - (b) A description of the nature of the process, location of the source, plot plan, building dimensions, and any other information required by the Department;
 - (c) For new emission units included in the PAL, Best Available Control Technology (BACT) analysis as described in subsection 4(A)(4)(d) of this Chapter;
 - (d) A list of all emission units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations, or work practices apply to each unit, as applicable;
 - (e) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with the normal operation of the unit, but also emissions associated with startup, shutdown, and malfunction, as applicable;
 - (f) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as applicable;
 - (g) The certification of the responsible official as specified in subsection 2(C) of this Chapter and a copy of the published Public Notice of Intent to File as specified in subsection 2(D) of this Chapter; and
 - (h) Other information as specified in subsection 4(B)(10)(c) of this Chapter.
- (4) **General requirements for establishing PALs**
- (a) The Department may establish a PAL at a major stationary source, provided that at a minimum, the following requirements are met:
 - (i) The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly

emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

- (ii) The PAL shall be established in a PAL license that meets the public participation requirements in subsection 4(B)(5) of this Chapter.
- (iii) The PAL license shall contain all the requirements of subsection 4(B)(7) of this Chapter and all relevant criteria as specified in subsection 3(E) of this Chapter.
- (iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.
- (v) Each PAL shall regulate emissions of only one pollutant.
- (vi) Each PAL shall have a PAL effective period of 10 years.
- (vii) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in subsection 4(B)(12) through (14) of this Chapter for each emissions unit under the PAL through the PAL effective period.

- (b) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under 40 CFR Part §51.165(a)(3)(ii) unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

- (5) **Public participation requirements for PALs.** PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with subsection 4(A)(7) of this Chapter and other requirements of this section. This includes the requirement that the applicant provide the public with notice of the draft PAL license availability and at least a 30-day period for submittal of public comment. The Department must address all material comments before taking final action on the license.

(6) Setting the 10-year actual emissions PAL level

- (a) Except as provided in subsection 4(B)(6)(b) of this Chapter, the plan shall provide that the actual emissions PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant emissions increase for the PAL pollutant. When establishing the actual emissions PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Department shall specify a reduced PAL level(s) (in tons per year) in the PAL license to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the Department is aware of prior to

issuance of the PAL license. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers by half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the license shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

- (b) For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in subsection 4(B)(6)(a) of this Chapter, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.
- (7) **Contents of the PAL license.** The PAL license must contain, at a minimum, the following information and all relevant criteria as specified in subsection 3(E) of this Chapter.
- (a) The PAL pollutant and the applicable source-wide emission limitation in tons per year.
 - (b) The PAL license effective date and the expiration date of the PAL (PAL effective period).
 - (c) Specification that if a major stationary source owner or operator applies to renew a PAL in accordance with subsection 4(B)(10) of this Chapter before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL license is issued by the Department.
 - (d) A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.
 - (e) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of subsection 4(B)(9) of this Chapter.
 - (f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by subsection 4(B)(13)(a) of this Chapter.
 - (g) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under subsection 4(B)(12) of this Chapter.
 - (h) A requirement to retain the records on site required under subsection 4(B)(13) of this Chapter. Such records may be retained in an electronic format.
 - (i) A requirement to submit the reports required under subsection 4(B)(14) of this Chapter by the required deadlines.
 - (j) Any other requirements that the Department deems necessary to implement and enforce the PAL.
- (8) **PAL effective period and reopening of the PAL license.** The requirements in subsection 4(B)(8)(a) and (b) of this Chapter apply to actual emissions PALs.

(a) **PAL effective period.** The Department shall specify a PAL effective period of 10 years.

(b) **Reopening of the PAL license**

(i) During the PAL effective period, the Department must reopen the PAL license to:

- (a) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;
- (b) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under 40 CFR Part §51.165(a)(3)(ii); and
- (c) Revise the PAL to reflect an increase in the PAL as provided under subsection 4(B)(11) of this Chapter.

(ii) The Department shall have discretion to reopen the PAL license for the following:

- (a) Reduce the PAL to reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date;
- (b) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the Department may impose on the major stationary source under the State Implementation Plan; and
- (c) Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(iii) Except for the license reopening in subsection 4(B)(8)(b)(i)(a) of this Chapter for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of subsection 4(B)(5) of this Chapter.

(9) **Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in subsection 4(B)(10) of this Chapter shall expire at the end of the PAL effective period, and the requirements in subsection 4(B)(9)(a) through (e) of this Chapter shall apply.

(a) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised license established according to the procedures in subsection 4(B)(9)(a)(i) and (ii) of this Chapter.

(i) Within the time frame specified for PAL renewals in subsection 4(B)(10)(b) of this Chapter, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Department) by distributing the PAL allowable emissions for the major stationary source among each of the

emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under subsection 4(B)(10)(e) of this Chapter, such distribution shall be made as if the PAL had been adjusted.

- (ii) The Department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised license incorporating allowable limits for each emissions unit, or each group of emissions units, as the Department determines is appropriate.
- (b) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Department may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
- (c) Until the Department issues the revised license incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection 4(B)(9)(a)(ii) of this Chapter, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.
- (d) Any physical change or change in the method of operation at the major stationary source or GHG-only source will be subject to major NSR requirements if such change meets the definition of major modification defined in Definitions Regulation, 06-096 CMR 100.
- (e) The major stationary source or GHG-only source owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to 40 CFR Part 52.21(r)(4), but were eliminated by the PAL in accordance with the provisions in 40 CFR Part 52.21(aa)(1)(ii)(c).

(10) Renewal of a PAL

- (a) The Department shall follow the public participation requirements for PALS specified in subsection 4(B)(5) of this Chapter in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Department.
- (b) **Application deadline.** A major stationary source owner or operator shall submit a timely application to the Department to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of license expiration. This deadline for application submittal is to ensure that the license will not expire before the license is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised license with the renewed PAL is issued.

- (c) **Application requirements.** The application to renew a PAL license shall contain the following information:
- (i) The information required in subsection 4(B)(3)(d) through (f) of this Chapter.
 - (ii) A proposed PAL level.
 - (iii) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).
 - (iv) Any other information the owner or operator wishes the Department to consider in determining the appropriate level for renewing the PAL.
- (d) **PAL adjustment.** In determining whether and how to adjust the PAL, the Department shall consider the options outlined in subsection 4(B)(10)(d)(i) and (ii) of this Chapter. However, in no case may any such adjustment fail to comply with subsection 4(B)(10)(d)(iii) of this Chapter.
- (i) If the emissions level calculated in accordance with subsection 4(B)(6) of this Chapter is equal to or greater than 80 percent of the PAL level, the Department may renew the PAL at the same level without considering the factors set forth in subsection 4(B)(10)(d)(ii) of this Chapter; or
 - (ii) The Department may set the PAL at a level:
 - (a) Determined to be more representative of the source's baseline actual emissions;
 - (b) Determined to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions; or
 - (c) Other factors as specifically identified by the Department.
 - (iii) Notwithstanding subsection 4(B)(10)(d)(i) and (ii) of this Chapter:
 - (a) If the potential to emit of the major stationary source is less than the PAL, the Department shall adjust the PAL to a level no greater than the potential to emit of the source; and
 - (b) The Department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of subsection 4(B)(11) of this Chapter (increasing a PAL).
 - (e) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Department has not already adjusted the PAL for such requirement, the PAL shall be adjusted at the time of PAL license renewal or Part 70 license renewal, whichever occurs first.

(11) Increasing a PAL during the PAL effective period

- (a) The Department may increase a PAL emission limitation only if the major stationary source complies with the following provisions:
 - (i) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.
 - (ii) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small PAL emissions units, plus the sum of the baseline actual emissions of the significant and major PAL emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major PAL emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.
 - (iii) The owner or operator obtains a major NSR license for all emissions unit(s) identified in subsection 4(B)(11)(a)(i) of this Chapter, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.
 - (iv) The PAL license shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- (b) The Department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major PAL emissions units (assuming application of BACT equivalent controls as determined in accordance with subsection 4(B)(11)(a)(ii) of this Chapter), plus the sum of the baseline actual emissions of the small PAL emissions units.
- (c) The PAL license shall be revised to reflect the increased PAL level pursuant to the public notice requirements of subsection 4(B)(5) of this Chapter.

(12) Monitoring requirements for PALs**(a) General requirements**

- (i) Each PAL license must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL license must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL license.
- (ii) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in subsection 4(B)(12)(b)(i) through (iv) of this Chapter and must be approved by the Department.
- (iii) Notwithstanding subsection 4(B)(12)(a)(ii) of this Chapter, the applicant may also employ an alternative monitoring approach that meets subsection 4(B)(12)(a)(i) of this Chapter if approved by the Department.
- (iv) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(b) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subsection 4(B)(12)(c) through (i) of this Chapter:

- (i) Mass balance calculations for activities using coatings or solvents;
- (ii) CEMS;
- (iii) CPMS or PEMS; and
- (iv) Emission factors.

(c) Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

- (i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
- (ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
- (iii) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the

Department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

- (d) **CEMS.** An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) CEMS must comply with applicable Performance Specifications found in 40 CFR Part 60, appendix B; and
 - (ii) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.
- (e) **CPMS or PEMS.** An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
 - (ii) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Department, while the emissions unit is operating.
- (f) **Emission factors.** An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
 - (ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
 - (iii) If technically practicable, the owner or operator of a significant PAL emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL license issuance, unless the Department determines that testing is not required.
- (g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL license.
- (h) Notwithstanding the requirements in subsection 4(B)(12)(c) through (g) of this Chapter, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Department shall, at the time of license issuance:
 - (i) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

- (ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
- (i) **Re-validation.** All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Department. Such testing must occur at least once every 5 years after issuance of the PAL.

(13) Recordkeeping requirements

- (a) The PAL license shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.
- (b) The PAL license shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:
 - (i) A copy of the PAL license application and any applications for revisions to the PAL; and
 - (ii) Each annual certification of compliance pursuant to Part 70 and the data relied on in certifying the compliance.

(14) Reporting and notification requirements. The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Department in accordance with the applicable Part 70 operating license program. The reports shall meet the following requirements:

- (a) **Semi-annual report.** The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the following information:
 - (i) The identification of owner and operator and the license number.
 - (ii) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to subsection 4(B)(13)(a) of this Chapter.
 - (iii) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.
 - (iv) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.
 - (v) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the license, as provided by subsection 4(B)(12)(g) of this Chapter.

(vii) A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

(b) **Deviation report.** The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to 40 CFR Part 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing 40 CFR Part 70.6(a)(3)(iii)(B). The reports shall contain the following information:

(i) The identification of owner and operator and the license number;

(ii) The PAL requirement that experienced the deviation or that was exceeded;

(iii) Emissions resulting from the deviation or the exceedance; and

(iv) A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

(c) **Re-validation results.** The owner or operator shall submit to the Department the results of any re-validation test or method within 3 months after completion of such test or method.

(15) If any provision of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

C. New Minor Source or Minor Modification Licensing Process

(1) **Applicability.** The following procedures shall be used for new minor source licenses and Minor Modifications. These procedures incorporate state New Source Review requirements.

(2) **Schedule.** An applicant who intends to construct a phased construction project in which the construction phases exceed 18 months or the period of the license, whichever is less, shall submit an application for a Minor Modification for each future phase, including a new Best Available Control Technology (BACT) determination.

(3) **Application Notification.** The applicant shall publish a Public Notice of Intent to File as specified in subsection 2(D) of this Chapter.

- (4) **Required Application Information.** The applicant shall submit to the Department the information listed below, as applicable:
- (a) The application form as specified in subsection 2(B) of this Chapter that contains the required information;
 - (b) A description of the nature of the process, location of the source, plot plan, building dimensions, and any other information required by the Department;
 - (c) A schedule for construction of the Minor Modification or new minor source;
 - (d) Best Available Control Technology (BACT) analysis as described above in subsection 4(A)(4)(d);
 - (e) If relevant, the innovative control technology waiver as specified above in subsection 4(A)(4)(f);
 - (f) All process control and compliance monitoring devices or activities, and any other emission reduction system planned by the owner or operator for a Minor Modification or new minor source and such other information required to accurately establish emission estimates, and to document future compliance;
 - (g) Title, Right or Interest demonstration for new sources as specified above in subsection 4(A)(4)(i);
 - (h) **Ambient Air Quality Impact Analysis.** The results of any ambient air quality impact analyses if required by the Department pursuant to Section 7 of this Chapter. This analysis shall be used in the completeness determination of the application; and
 - (i) The certification of the responsible official as specified in subsection 2(C) of this Chapter and a copy of the published Public Notice of Intent to File as specified in subsection 2(D) of this Chapter.
- (5) **License Content.** The license content shall contain all of the relevant criteria as specified in subsection 3(E) of this Chapter.
- (6) **Criteria for license approval.** The Department shall grant the license, if the following criteria are met:
- (a) The Department has received a complete application for a license pursuant to this Chapter;
 - (b) The emissions will receive BACT;
 - (c) The emissions will not violate state standards adopted by the Department pursuant to Title 38 MRSA §585 or can be controlled so as not to violate the same;
 - (d) The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate ambient air quality standards including, but not limited to, ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for

those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;

- (e) The conditions of the license provide for compliance with all state requirements and the relevant requirements of this Chapter;
 - (f) The Department and applicant have complied with the public participation and review procedures for issuance of a license pursuant to subsection 4(C)(3) of this Chapter;
 - (g) If an air emission license amendment can be granted only if the licensee installs additional emissions controls or other mitigating measures, then the licensee may continue to emit pollutants from emission sources that will receive these controls or measures up to the same level allowed in its existing license as long as the additional emission controls or mitigating measures are fully operational as soon as practicable but in no case later than twenty-four (24) months after the Department issues the license amendment, except as provided in this subsection. After a showing of the licensee that it can not install and bring to full operation the required emission controls or mitigating measures within the twenty-four (24) month period, the Department may establish a later date for the installation and operation.
- (7) **Joint Processing.** A minor modification can be processed with a renewal license provided all applicable requirements of subsection 4(C) are met.
- (8) **Draft License Notification.** Draft notification is not required for a New Minor Source or Minor Modification.

D. HAP Emission Limitations

- (1) For sources or units not covered by an applicable standard in Part 63, the HAP emission limitations proposed by the applicant shall:
 - (a) For sources that propose to construct a new or reconstruct an existing Part 70 HAP major source, be no less stringent than the emission control that is achieved in practice by the best controlled similar source.
 - (b) Include either a proposed relevant emission standard pursuant to Section 112(d) or Section 112(h) of the Clean Air Act or adopted presumptive MACT determination for the source category which includes the constructed or reconstructed major source. The MACT requirements applied to the constructed or reconstructed major sources shall reflect those MACT emission limitations and requirements of the proposed standard or presumptive MACT determination.
- (2) For construction or reconstruction of a Part 70 HAP major source, compliance with a case-by-case MACT emission limitation determined by the Department must be achieved upon commencing operations.

5. Minor Revision Licensing Process

A. Applicability. Minor Revision procedures to modify a license may be used for:

- (1) the correction of typographical errors;
- (2) the identification of an administrative change;
- (3) a change in monitoring and reporting requirements;
- (4) a revision at a facility with a licensed emissions increase under four (4) tpy for any one regulated pollutant and under eight (8) tpy of total regulated pollutants, and is determined not to be a Major or Minor Modification by the Department and is subject to licensing as defined in this Chapter. On a case-by-case basis, revisions under this subsection shall be subject to BACT, and/or an ambient air quality analysis; or
- (5) any other changes approved by the Department that meet the criteria of a minor revision.

B. Schedule. The applicant may request a Minor Revision at any time during the term of a license.

C. Public Notice of Intent to File. No application notification is required for the processing of a Minor Revision.

D. Required Application Information. For a Minor Revision, the application submission shall consist of a letter requesting the Minor Revision with the reason for the request, and any relevant information such as a description of the revision and any emission calculations and a BPT analysis for a change under subsection 5(A)(4) of this Chapter. The signatory sheet signed by a responsible official shall be included in the submittal.

E. License Content. A Minor Revision shall contain the following:

- (1) A description of the revision and the reason for the request, and
- (2) Terms and conditions that will assure compliance with any requirements applicable to the revision.

F. Criteria for license approval. The Minor Revision shall be granted if the Department determines that the revision meets the applicability criteria specified above in subsection 5(A) of this Chapter and will not violate any requirements applicable to the source.

G. Joint Processing. A minor revision may be incorporated when processing a renewal, a minor or major modification, or a license transfer. However, the source must still meet all requirements for processing a minor revision.

H. Draft License Notification. Draft notification is not required for a Minor Revision.

6. License Transfer

The following outlines the procedures for issuing a License Transfer:

A. Applicability. The transferee shall abide by all of the conditions of the license and is jointly or severally liable with the original licensee for any violation of the terms and conditions thereof pending determination on the application for approval of a transfer.

B. Schedule. An application for a License Transfer shall be submitted to the Department no later than two weeks after any transfer of property subject to a license.

C. Public Notice of Intent to File. The applicant shall publish a Public Notice of Intent to File as specified in subsection 2(D) of this Chapter.

D. Required Application Information

(1) Identifying new information, including company name and address (or plant name and address if different from the company name), owner's name, agent and telephone number, responsible official's name and address, telephone number and names of plant site manager or designated contact person;

(2) A letter including the following information:

(a) The full name and address of the new owner;

(b) The date of the official sale;

(c) A copy of the purchase agreement or deed showing transfer of ownership, or demonstration of title, right, or interest;

(d) A statement that there will be no increase in air emissions beyond that provided for in the existing license, either in quantity or type, without prior written permission from the Department; and

(e) A demonstration of technical capacity of the new owner and intent to:

(i) Comply with all conditions of the license, and

(ii) To satisfy all statutory criteria.

(3) The signatory sheet from a responsible official.

E. License Content. The License Transfer shall contain the following:

(1) Full name and address of new owner and the date of transfer of ownership;

(2) A statement that there will be no increase in air emissions beyond that provided for in the existing license, either in quantity or type, without prior written permission from the Department; and

(3) A statement describing the technical capacity of the new owner.

F. Criteria for license approval. Approval for a License Transfer shall be based on the acceptability of the information required in the application submittal.

G. Joint Processing. A license transfer may be incorporated when processing a renewal, a minor or major modification, or a minor revision.

H. Draft License Notification. Draft notification is not required for a License Transfer.

7. Ambient Air Quality Analysis

A. General requirement. It shall be the burden of any applicant to provide an affirmative demonstration that its emissions, in conjunction with all other sources, will not violate applicable ambient air quality standards, except that sources in nonattainment areas or which significantly impact a nonattainment area shall be required to demonstrate that the source's emissions are consistent with Reasonable Further Progress provisions of the State Implementation Plan. An applicant may use ambient air monitoring, modeling, or other assessment techniques as approved by the Department. New Source Review modeling required pursuant to subsection 7(C and D) of this Chapter shall be consistent with EPA regulations and guidelines or other requirements under the CAA. The analyses shall include relevant emissions units at the source, as determined by the Department, meteorological and topographical data necessary to estimate such impacts, and shall consider the impact of fugitive emissions, to the extent quantifiable, secondary emissions, and emissions from other existing sources including increases in mobile and area source emissions impacting the same area.

The level of analysis shall depend upon the size of the source, the regulated air pollutants emitted, existing air quality, proximity to Class I or nonattainment areas, or areas where increment has been substantially consumed. (For the purposes of this subsection, the Class I area shall include any conservation easements under the jurisdiction of an appropriate Federal Land Manager as of August 7, 1977.) The air quality impact analysis, in general, will not be required of the applicant for those regulated pollutants that are not listed under "significant emissions increase" in 06-096 CMR 100. The analysis shall be conducted in accordance with the provisions of subsection 7(E) of this Chapter, Prohibited Dispersion Techniques, 06-096 CMR 116 and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models.

Air quality modeling conducted as part of the licensing of a new source or modification in the United States is substantially governed by the Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models. That modeling guidance was first promulgated in 1978 and by law, must be routinely updated by EPA. Thus, federal regulatory guidance on modeling and the list of acceptable models do change. The Department recognizes that air dispersion modeling guidance will be periodically updated, to reflect the latest federal guidance. To maintain an orderly licensing process in the State, applicants will be required to conform with those procedures and guidelines in effect at the time of Department approval of a written modeling protocol that meets all applicable requirements, and to complete modeling, as approved, and submit results within six (6) months of the date of approval of the protocol. If the protocol calls for collection of on-site meteorological data, then the starting date for the on-site data collection must be no later than 6 months after approval of the protocol and modeling results must be submitted within six (6) months of obtaining acceptable on-site meteorological monitoring data. Requests by the

applicant to modify the modeling protocol will require conformance with current applicable air dispersion modeling guidance.

- (1) **Ambient Air Quality Monitoring Requirements.** Monitoring done by the owner or operator shall conform to the requirements of 40 CFR Part 58, Appendix B and the Department's Quality Assurance Plan (or other plan approved by the Department) during the operation of monitoring stations. It is recommended that a written protocol shall be developed by the owner or operator and the Department when a source is required to conduct either pre-construction or post-construction monitoring. The protocol shall, at a minimum, specify the monitoring sites, frequency of sampling, data recovery, pollutants, and monitoring method(s).

- (2) **Air Quality Impact Modeling Requirements**

- (a) All estimates of ambient concentrations required by an ambient or increment impact analysis shall be based on the relevant air quality models, data bases, and other requirements specified in the current Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models, and in accordance with subsection 7(E) of this Chapter and 06-096 CMR 116. Fugitive emissions, to the extent quantifiable, shall be considered.
- (b) All input, output and diagnostic files used in the final Class I and Class II ambient air quality standards and increment compliance modeling analyses and Class I AQRV and visibility modeling analyses shall be submitted to the Department on media approved by the Department.
- (c) Where an air quality impact model specified in the Appendix W to 40 CFR Part 51 Guideline on Air Quality Models, is inappropriate, the model may be changed or another model substituted; such change or substitution shall be subject to public comment and the written approval of the Department and the Regional Administrator of the U. S. Environmental Protection Agency or his designee. Methods like those outlined in the Protocol for Determining the Best Performing Model (EPA-454/R-92-025) and the Interim Procedures for Evaluating Air Quality Models: Experience with Implementation (EPA-450/4-85-006) should be used to determine the comparability of air quality models.

B. Renewal of a Minor or Major Source License

- (1) A previously submitted impact analysis shall be acceptable unless:
 - (a) It has been found to be deficient with respect to requirements set forth in subsection 7(A) of this Chapter;
 - (b) The impact analysis fails to reflect available information with respect to ambient air quality levels in the area, which, based upon the Department's expertise, may reasonably be expected to be significantly impacted by the source;
 - (c) The source emits a regulated pollutant for which an ambient air quality standard has been adopted and whose impact was not addressed in the original impact analysis;
 - (d) The renewal of the source is in conjunction with a Minor or Major Modification which requires a modeling analysis pursuant to subsection 7(C) or (D) of this Chapter; or

- (e) There are changes in stack or building configurations or other factors, which are determined to significantly alter the dispersion characteristics of the source.
- (2) Continuation of an ambient air monitoring or meteorological monitoring program shall be made on a case-by-case basis at the time of the renewal. It shall be the burden of the applicant to demonstrate the adequacy of existing data, its relationship to past, present, and future facility operating conditions, and the adequacy of other means to document continuing compliance.
- (3) An existing source shall be exempt from an impact analysis with respect to a regulated pollutant whose allowable emissions, after the application of control technology requirements specified in Section 4 of this Chapter, do not exceed the following, unless the source is located in or near a Class I area or an area where the available air quality is limited, or other extenuating circumstances exist:
 - (a) 50 tons per year (tpy) for SO₂;
 - (b) 250 tpy for CO;
 - (c) 25 tpy for PM₁₀;
 - (d) 15 tpy for PM_{2.5} direct emissions;
 - (e) 50 tpy for NO_x (measured as NO₂);
 - (f) 0.6 tpy for Lead (Pb); or
 - (g) 0.2 tpy of total Chromium.

C. New Minor Sources and Minor Modifications to Minor or Major Sources. This Section applies to any new Minor source or Minor Modification of a Minor or Major source.

- (1) A new Minor source or an existing Minor or Major source that previously was not required to submit an air quality impact analysis for an air emissions license, but is undergoing a Minor Modification shall submit an air quality impact analysis for those regulated pollutants that the Minor or Major source emits or has the potential to emit at levels equal to or greater than the limits in subsection 7(B)(3) of this Chapter after the application of control technology requirements specified in this Chapter. The level of the air quality impact analysis and air quality monitoring shall be determined by the Department on a case-by-case basis considering:
 - (a) Air quality data available in or representative of the area;
 - (b) Good Engineering Practice stack height. A cavity and wake region modeling analysis may be required by the Department if a stack height is less than the formula Good Engineering Practice stack height.
 - (c) Similarity with other licensed sources in terms of size, emissions, and local topography;

- (d) Location, including proximity to complex terrain, Class I areas, integral vistas, nonattainment areas or areas where increment has been substantially consumed; and
 - (e) The results of previous air quality analyses.
- (2) The level of air quality analyses and air quality monitoring for any new Minor source, any Minor Modification to an existing Minor or Major source which emits or has the potential to emit regulated pollutants at a rate less than the emission levels in subsection 7(B)(3) of this Chapter or any Minor Modification to an existing Minor or Major source which emits or has the potential to emit regulated pollutants at a rate greater than the emission levels in subsection 7(B)(3) of this Chapter and has an air quality analysis incorporated into its existing air emission license shall be determined on a case-by-case basis considering:
- (a) Air quality data available in or representative of the area;
 - (b) Good Engineering Practice stack height. An analysis may be required, even in cases resulting in no increases in emissions, if a stack height is less than Good Engineering Practice or if there are changes in stack or building configurations or other factors which are determined to alter the dispersion characteristics of the Minor or Major source.
 - (c) Similarity with other licensed sources in terms of size, emissions, and local topography;
 - (d) Location, including proximity to, complex terrain, Class I areas integral vistas, nonattainment areas or areas where increment has been substantially consumed; and
 - (e) The results of previous air quality analyses.

D. New Major Sources and Major Modifications. This Section applies to any new Major source or any Major Modification which emits or has the potential to emit a significant emissions increase of any regulated pollutant.

(1) Pre-construction monitoring

- (a) For those pollutants for which there is an ambient air quality standard, the analysis shall consist of continuous air quality monitoring data gathered over a period of one year and shall represent the year preceding the application. If the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year, the application may be deemed acceptable for processing based on the data gathered over that shorter period. The period shall not be less than 4 months. The applicant must demonstrate that such shorter period, or period other than the preceding year, is representative of ambient concentrations under the seasonal conditions expected to record the highest concentrations.
- (b) For those pollutants for which no ambient air quality standard exists, the analysis shall contain such air quality monitoring data as the Department determines is necessary and feasible in light of methods available to monitor such pollutants.

- (c) In areas where meteorological monitoring data are not available or the Department determines that the available data are inadequate or not representative, the new Major source or Major Modification shall be required to collect preconstruction meteorological data sufficient for air quality modeling, as defined in Meteorological Monitoring Guidance for Regulatory Modeling Applications (EPA-454/R-99-05). At least one year of data is required to be used in the modeling to support the application.
- (d) A new Major source or Major Modification shall be exempt from the preconstruction monitoring requirements of this subsection if the emissions increase of a pollutant would cause, in every area, air quality impacts less than the following amounts:
- (i) Carbon monoxide – $575 \mu\text{g}/\text{m}^3$, 8-hr. average;
 - (ii) Nitrogen dioxide – $14 \mu\text{g}/\text{m}^3$, annual average;
 - (iii) Sulfur dioxide – $13 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (iv) Ozone – No *de minimis* air quality level is provided for ozone. Any Major sources having a net emissions increase of 100 tpy or more of Volatile Organic Compounds (excluding negligibly photochemically reactive VOC) shall conduct ambient air monitoring except that when such Major source satisfies the condition of 40 CFR Part 51, Appendix S, Section IV, postapproval monitoring data for ozone may be substituted for preconstruction data;
 - (v) Lead – $0.1 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (vi) Mercury – $0.25 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (vii) Beryllium – $0.0005 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (viii) Fluorides – $0.25 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (ix) Vinyl chloride – $15 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (x) Total reduced sulfur – $10 \mu\text{g}/\text{m}^3$, 1-hr. average;
 - (xi) Hydrogen sulfide – $0.04 \mu\text{g}/\text{m}^3$, 1-hr. average;
 - (xii) Reduced sulfur compounds – $10 \mu\text{g}/\text{m}^3$ 1-hr;
 - (xiii) Chromium – $0.02 \mu\text{g}/\text{m}^3$, 24-hr. average;
 - (xiv) PM_{2.5} - $4 \mu\text{g}/\text{m}^3$, 24-hr. average; and
 - (xv) PM₁₀ – $10 \mu\text{g}/\text{m}^3$, 24-hr. average.

- (2) **Ambient air quality standards analysis.** An ambient air quality standards analysis shall be submitted which includes dispersion modeling for each pollutant for which there is an ambient standard (except nonmethane hydrocarbons). The analysis also shall include ambient air monitoring, meteorological and topographic data necessary to estimate such impact, as well as an analysis of the impact of all other sources in the area with actual emissions of 100 tpy or more of the same pollutant. At a minimum, this analysis shall include all such sources that emit more than 100 tpy of a given regulated pollutant located within the lesser of 10 km or the area, which, based upon the Department's expertise, may reasonably be expected to be significantly impacted by the new Major source or Major Modification. Conservative regional background concentrations for sources not explicitly included in the modeling analysis are available from the Department. If more refined background concentrations are necessary, the impact of sources not explicitly included in the modeling analysis shall be obtained through an analysis of ambient air quality data as outlined in the Department's guidelines for determination of background concentrations.
- (3) **Ambient increment analysis.** An increment analysis shall be submitted for each pollutant for which there is an ambient increment standard. The analysis shall include meteorological and topographical data necessary to estimate such impacts, as well as an analysis of the air quality impacts and nature and extent of any or all general, commercial, residential, industrial and other growth, including increases in mobile source and area source emissions which has occurred since the baseline date, and therefore have consumed increment in the area where the new Major source or Major Modification will significantly impact. The analysis shall include emissions not included in baseline year emissions, even though an analysis may not have been previously required for those emissions. The Department will provide emissions data from other sources to the applicant for inclusion in the increment analysis. This analysis shall be conducted in accordance with the modeling provisions of this subsection.
- (4) **Additional impact analysis.** The proposed new Major source or Major Modification shall provide an additional impact analysis of:
- (a) The impairment to visibility, soils and vegetation that would occur as a result of the new Major source or Major Modification and general, commercial, residential, industrial and other growth associated with the new Major source or Major Modification, except that an analysis of the impact on vegetation having no significant commercial or recreational value is not required;
 - (b) The air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the facility or modification; and
 - (c) The impact, including visibility impairment, on any Class I area or integral vista (see 06-096 CMR 114(1)(C)(1)). This includes impacts of AQRVs, plume blight (for regions within a Class I area that are affected by plumes or layers that are viewed against a background (generally within 50 kilometers of the source)) and regional haze (for regions of a Class I area where visibility impairment from the source would cause a general alteration of the appearance of the scene (generally 50 kilometers or more away from the source or from the interaction of the emissions from multiple sources)) impacts that the Federal Land Manager and the Department agree should be assessed. (Consultation with the appropriate Federal Land Manager (potentially affected federal

lands are listed in 06-096 CMR 114) and the Department on these requirements and how to perform these analyses should begin prior to submittal of the initial modeling protocol.)

- (5) **Post-construction monitoring.** The owner or operator, shall after construction of the new Major source or Major Modification, conduct such ambient monitoring or meteorological monitoring as the Department determines is necessary to determine the effect emissions from the new Major source or Major Modification may have, or are having, on air quality in any area.

A Major source or Major Modification shall be exempt from the requirements of this subsection if its emissions do not significantly impact a Class I area or an area where the increment is known to be violated or substantially consumed, and

- (a) The allowable emissions increase will be temporary, not to exceed 2 years; and
- (b) Any licensed portable source shall not increase, nor exceed, the allowable emissions and reasonable notice of not less than 10 working days prior to the relocation shall be given to the Department concerning its proposed location and probable duration of operation at the new location.

E. Modeling/data collection protocol. Any air quality dispersion modeling or data collection program shall be developed consistent with the following requirements:

- (1) **Guidance.** All air quality dispersion modeling and meteorological data collection shall be conducted consistent with Section 7 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models.

NOTE: For major sources and major modifications, the applicant should consult with the Department and Federal Land Managers (potentially affected federal lands are listed in 06-096 CMR 114) if Class I analyses are required, prior to submitting a modeling/data collection protocol. The applicant is responsible for obtaining the training necessary to perform the required air dispersion modeling and meteorological data collection.

- (2) **Variance from guidance.** Upon an applicant's written request, the Department may grant a variance from any of the requirements set forth in Section 7 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models, when the Department finds that the alternative proposed by the applicant will not significantly affect the accuracy of the modeling, and/or when data collection results or compliance with the requirements specified in Section 7 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models is technically infeasible or economically unreasonable for the applicant. For any minor source subject to PSD review, the variance shall be subject to EPA review, written approval, and shall be subject to notice and opportunity for public comment pursuant to 40 CFR Parts 51.160 (f)(2) and 51.166 (1)(2).
- (3) **Significant impact modeling protocol for SO₂, NO₂, CO, PM_{2.5} and PM₁₀.** Prior to undertaking significant impact modeling for SO₂, NO₂, CO, PM_{2.5} and PM₁₀, the applicant shall provide in writing to the Department, a description of the following factors that the

applicant proposes to use in the significant impact modeling demonstration (see Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models for more specific guidance):

- (a) Operating scenarios, emission units and emission rates in English and metric units;
- (b) Regulated air pollutants;
- (c) Model(s) and methodologies;
- (d) Origin and period of meteorological data, including location of collection site relative to facility, meteorological parameters, instrument height, recovery rates, substitution techniques and QA/QC procedures;
- (e) Receptor grid (listing of coordinates and elevations, topographic maps covering the receptor grid area map of receptors). A listing of all Digital Elevation Model (DEM) quadrangles used, and method(s) used to convert DEM data to the proposed receptor grid shall also be included. If DEM data is being used to create a rectangular receptor grid, then the elevation of each receptor point shall be the highest elevation within the grid cell. The grid cell is defined as an area enclosed by boundaries located half way to the nearest receptor in each direction;
- (f) Any special (e.g., fenceline, air intake or flagpole) receptors;
- (g) Identity of emission units and emissions which are included in baseline;
- (h) A properly scaled plot plan of the proposed facility with clearly marked true north indicator, building heights and an accurate scale ruler. Also, show the location of the source on a map or aerial photograph of the area; and

NOTE: An original plot plan is preferred, but if a photocopy is submitted, care should be taken to make sure that the scale is not changed on any area of the plot.

- (i) Building dimension and Good Engineering Practice (GEP) analysis techniques. For each stack, all buildings that are large enough and close enough to influence the stack should be considered in the GEP analysis.

As expeditiously as possible and within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant in writing that such information is complete and acceptable for modeling or notify the applicant in writing of the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements.

4. Submittal of significant impact modeling

- (a) Prior to undertaking the final air quality dispersion modeling demonstration, the applicant shall submit the following for review:

- (i) Significant impact modeling results (If all modeled impacts of any regulated pollutant are below the significant impact levels for all averaging periods, then no further analysis is necessary for that pollutant);
- (ii) Emissions data for regulated pollutants not in the significant impact modeling protocol;
- (iii) A preliminary analysis of nearby sources that will not be included in the background concentration analysis;

NOTE: The Department is responsible for the final decision of off-site sources to be modeled. The Department will provide the applicant with a list of any additional sources that may have to be included in the final modeling analysis and the requisite model input data for these sources. This list will contain all data required for model input including source location(s), emission rates, stack parameters, and necessary building dimensions for the applicant to determine direction-specific building parameters.

- (iv) **Background concentration data.** Conservative background values are available from the Department for all areas of the state. Should the applicant choose not to use the conservative background values supplied by the Department, the applicant shall be responsible for determining background values based on data normally supplied by and in consultation with the Department. For sources needing more refined background values, general guidance on determining background determinations based on monitoring data is provided in the most recent version of the Department's Guideline Document For Background Air Quality Determinations. Particular care must be taken when determining background values so that they do not implicitly include any impacts of the source(s) being modeled in order to avoid double counting; and
- (v) **Processed meteorological data base (if required by the Department).** The use of five (5) consecutive years of off-site National Weather Service (NWS) meteorological data (or other data equivalent or better in accuracy and detail to the NWS data) or at least 1 year of site specific data is the minimum requirement for modeling applications. If more than one (1) year (and up to five (5) years) of acceptable data is available, it shall be used in the air quality analysis. If there is a gap in data from a catastrophic incident or a persistent but subtle problem that evades detection, a two (2), three (3), four (4) or five (5) year on-site meteorological database acceptable for modeling purposes need not be compiled from two (2), three (3), four (4) or five (5) consecutive years or twenty-four (24), thirty-six (36), forty-eight (48) or sixty (60) consecutive months of data. If this is the case, then the applicant shall write to the Department requesting an exemption from the consecutive two (2), three (3), four (4) or five (5) year database requirement. If data requirements, source configurations or characteristics of the surrounding area change, the database may need to be updated after consultation with the Department. However, a requirement to collect a new database will neither preclude the applicant's ability to use the existing database in the interim data collection period nor require the applicant to redo any previously submitted analyses that used the original database.

- (b) Within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant of the following in writing:
 - (i) The submitted information is complete and acceptable for modeling or the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements; and
 - (ii) For each regulated pollutant for which there are significant impacts, the Department shall specify which operating scenarios and other nearby sources, if any, needs to be further modeled.

If the applicant requests in writing, information in the possession of the Department that is required for modeling (for example, emissions which are included in baseline emissions, background data or other emissions data from nearby sources), the Department shall attempt to provide such information to the applicant within thirty (30) calendar days.

- (5) **Air quality dispersion modeling protocol.** If impacts from SO₂, NO₂, CO, PM_{2.5} and PM₁₀ are above significance or if there are other regulated pollutants to be modeled, then the applicant must provide in writing to the Department, a description of the following factors (if different from previously submitted data) that the applicant proposes to use in the air quality dispersion modeling (see Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models for more specific guidance):
 - (a) Operating scenarios, emission units and emissions in English and metric units (including other nearby sources, if necessary);
 - (b) Regulated air pollutants;
 - (c) Model(s) and methodologies;
 - (d) Origin and period of meteorological data, including location of collection site relative to facility, meteorological parameters, instrument height, recovery rates, substitution techniques and QA/QC procedures;
 - (e) Receptor grid (listing of coordinates and elevations, topographic maps covering the receptor grid area, map of receptors and if applicable, a listing of all Digital Elevation Model (DEM) quadrangles used and method(s) used to convert DEM data to the proposed receptor grid). If DEM data is being used to create a rectangular grid, then the elevation of each receptor shall be the highest within the grid cell. The grid cell is defined as an area enclosed by boundaries located half way to the nearest receptor in each direction;
 - (f) Any special (e.g., fenceline, air intake or flagpole) receptors;
 - (g) Identity of emissions which are included in baseline emissions;

- (h) A properly scaled plot plan of the proposed facility with clearly marked true north indicator, building heights and an accurate scale ruler. Also, show the location of the source on a map of the area;

NOTE: An original plot plan is preferred but if a photocopy is submitted care should be taken to make sure that the scale is not changed on any area of the plot.

- (i) Building dimension and Good Engineering Practice (GEP) analysis techniques. For each stack, all buildings that are large enough and close enough to influence the stack shall be considered in the GEP analysis using the most recent version of any EPA-approved Building Profile Input Program (BPIP) software package. The applicant shall submit all input and output files on media approved by the Department. All tiers of a building will be input as tiers of that building, not as separate buildings; and
- (j) Background concentration data.

Within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant in writing that such information is complete and acceptable for modeling or notify the applicant in writing of the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements.

When all submitted information is considered complete and acceptable for modeling, the applicant shall perform air quality dispersion modeling and submit for review the air quality dispersion modeling analysis as part of the final application submittal.

(6) Presentation of final results

Once compliance with ambient air quality standards, ambient increments and other limitations has been demonstrated through modeling, the applicant shall prepare a written report documenting the source being modeled, the modeling effort, and a compliance demonstration. The following outline indicates the information required in the written report and information required to be submitted on media approved by the Department.

- (a) Introduction (briefly give an overview of the project, the analyses conducted, and the results);
- (b) Site and surroundings (describe the topography, demography, air quality control region and compliance status (attainment/nonattainment); include a topographic map section showing the site and a properly scaled plot plan of the proposed facility; include rural/urban classification and simple/complex terrain determination), topography and land-use need to be described in sufficient detail to specify roughness length if roughness length is a required input for the modeling system used in the analysis;
- (c) Source description (provide an overview of the source, describe the process(es) involved);

- (d) Description of each emission unit at the source (describe the equipment/operations, emission controls, emission limits; list emissions and stack parameters for each emission unit in English and metric units);
- (e) Screening modeling (describe the screening analyses performed):
 - (i) Modeling approach/model(s) used;
 - (ii) Model version used;
 - (iii) Model switch selections;
 - (iv) Source data (affected source and other nearby sources);
 - (v) Meteorological data; and Receptor data; and
 - (vii) Screening results
- (f) Final compliance modeling analysis (describe in detail modeling performed and results):
 - (i) Modeling approach/model(s) used;
 - (ii) Model version used;
 - (iii) Model switch selections;
 - (iv) Source data (affected source and other nearby sources);
 - (v) **Meteorological data base.** The meteorological data base shall be submitted on media approved by the Department if the applicant processed the meteorological data base;
 - (vi) **Receptor data.** A map of the receptor grid shall be submitted. (If applicable, all DEM data used to create the receptor grid shall be submitted on media approved by the Department); and
 - (vii) **Modeling results.** All input files needed to duplicate the final compliance model runs and all final compliance model output and diagnostic files shall be submitted on media approved by the Department.
- (g) **Compliance demonstration** (describe how the predicted concentrations comply with all applicable ambient air quality standards and ambient increments):
 - (i) Background determination (include table of values);
 - (ii) Compliance with ambient air quality standards; and
 - (iii) Compliance with Class II Prevention of Significant Deterioration (PSD) increments (if applicable).

- (h) Class I area impact assessment (if required), (describe any analyses made for federal Class I areas):
- (i) Basis for assessment;
 - (ii) Modeling approach/model(s) used;
 - (iii) Model version used;
 - (iv) Model switch selections;
 - (v) Class I areas affected;
 - (vi) Emissions and conditions of operating scenarios;
 - (vii) Meteorological data;
 - (viii) Receptor grid;
 - (ix) Computational grid;
 - (x) Air quality impacts (ambient air quality standards and ambient increments);
 - (xi) Visibility (plume blight assessment (for regions within a Class I area that are affected by plumes or layers that are viewed against a background (generally within 50 kilometers of the source)) and regional haze assessment (for regions of a Class I area where visibility impairment from the source would cause a general alteration of the appearance of the scene (generally 50 kilometers or more away from the source or from the interaction of the emissions from multiple sources)) and other assessments that the Federal Land Manager and the Department agree should be assessed; and
 - (xii) All input files needed to duplicate the final Class I analysis model runs and all final Class I analysis model output and diagnostic files shall be submitted on media approved by the Department.

NOTE: The Department recommends that any applicant likely to be required to conduct and submit an air quality dispersion modeling analysis meet once with the Department staff prior to submitting the information specified in subsection 7(E)(5) of this Chapter. A failure by the Department to notify or provide information to the applicant as specified in this subsection does not constitute an approval of the proposed protocol and/or modeling.

NOTE: If a source of NO_x is subject to both the Prevention of Significant Deterioration (PSD) and New Source Review (NSR) thresholds, the source shall comply with the nonattainment area NSR provisions for ozone as well as modeling requirements for the NO_2 National Ambient Air Quality Standard, NO_2 increment, and Class I areas analyses, etc.

STATUTORY AUTHORITY: 38 M.R.S.A. §§ 590, 585-A

EFFECTIVE DATE:

August 9, 1988

AMENDED:

October 25, 1989

July 10, 1990

December 12, 1993

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AMENDED:

October 6, 1996

NON-SUBSTANTIVE CORRECTIONS:

January 2, 1997 - added machine readable version of Appendix A.

February 18, 1997 - minor reformatting requested by the Department

May 9, 1997 - insertion of missing map, Figure 6.1 in Appendix A

AMENDED:

September 22, 2001 - includes repeal of Appendix A, for which see the companion filing 2001-405

NON-SUBSTANTIVE CORRECTION:

July 26, 2002 - Appendix B corrected from September 22, 2001 paper filing

AMENDED:

December 24, 2005 – filing 2005-500

August 4, 2008 - Section 1(C)(3) and (4), filing 2008-336

December 1, 2012 – filing 2012-337

(APA Office Note: Appendix A repealed by filing 2001-405 effective September 22, 2001.)

**APPENDIX B
CHAPTER 115****INSIGNIFICANT ACTIVITIES****Insignificant Activities**

A unit or activity may be considered insignificant, but may still be subject to applicable requirements.

A. Categorically Exempt

The following insignificant units and activities are exempt from being included on a Chapter 115 license application and Chapter 115 license:

1. Recreational fireplaces, including the use of barbecues, campfires and ceremonial fires.
2. Office activities.
3. Blue printing operations.
4. Paper trimmers/binders.
5. Personal care activities.
6. Flares used to indicate danger to the public.
7. Food preparation for human consumption including cafeterias, kitchen facilities and barbecues, located at a source for providing food service on the premises.
8. Materials and equipment used by, and activity related to operation of an infirmary, where the infirmary is not the source's business activity.
9. Comfort air conditioning or air cooling systems, not used to remove regulated pollutants from specific equipment (unless subject to Part 82).
10. Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains.
11. Natural and forced air vents and stacks, for bathroom/toilet facilities.
12. Plant upkeep including routine housekeeping, preparation for and painting of structures or equipment, retarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements and paving or stripping of parking lots.
13. Cleaning and sweeping of streets and paved surfaces.
14. Fugitives from application of sand in the winter months, where the sand is used for vehicle or pedestrian safety.
15. Repair and maintenance activities, not involving installation of an emissions unit and not increasing the potential to emit of regulated pollutants.
16. Routine repair of equipment using commercially available cleaners, lubricants, etc.
17. Lawn and landscaping activities.
18. Agricultural activities on a facility's property that are not subject to registration or new source review by the Department
19. Structural changes not having regulated pollutant emissions.
20. Portable drums and totes.
21. Internal combustion engines for propelling or powering a vehicle.
22. Vehicle exhaust from auto maintenance and repair shops. General vehicle maintenance including vehicle exhaust from repair facilities.
23. Mobile transport tanks on vehicles.
24. Fuel and exhaust emissions, from vehicles in parking lots.

25. Storage tanks, mixing, packaging, storage and handling activities, reservoirs and pumping and handling equipment of any size, limited to soaps, lubricants, hydraulic fluid, thermal oil, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes, using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter.
26. Pressurized storage of oxygen, nitrogen, carbon dioxide, or inert gases.
27. Sodium hydroxide storage tanks.
28. Vents from continuous emissions monitors and other analyzers.
29. Vents from rooms, buildings and enclosures (including elevator vents), that contain permitted emissions units or activities from which local ventilation, controls and separated exhaust are provided.
30. Manual wall or roof vents and powered wall or roof vents, used for temperature control of a building or structure.
31. Material, gas and chemical storage area vents, where closed containers are present.
32. CO₂ lasers, used only on metals and other materials, which do not emit HAPs in the process.
33. Acetylene, butane, and propane torches.
34. Manufacturing brazing, soldering and welding equipment and oxygen-hydrogen cutting torches, for use in cutting metal where in components of the metal do not generate significant HAPs or HAP precursors per Section C of Appendix B.
35. All manufacturing welding, including arc welding, where emissions of particulate matter are vented to a control device located and vented inside the building (not to include HAP or VOC emissions).
36. Metal finishing or cleaning using tumblers which do not emit VOCs or HAPs.
37. Metal casting molds and molten metal crucibles that do not contain potential VOCs or HAPs.
38. Metal or glass heat-treating, in absence of molten materials, VOCs, or HAPs.
39. Drop hammers or hydraulic presses for forging or metalworking.
40. Electrolytic deposition which do not produce HAPs.
41. Metal fume vapors from electrically heated foundry/forging operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are excluded from consideration for listing as insignificant.
42. Molten metal holding equipment and operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are excluded from consideration for listing as insignificant.
43. Mineral and metal working processes including squeezing processes (cold rolling, cold forging, extrusion, sizing, coining, peening, burnishing), blending processes, shearing processes (stamping, piercing, blanking), and drawing processes (bar and tube drawing, wire drawing, spinning).
44. Inspection equipment for metal products.
45. Die casting.
46. Machine tool coolant sumps, coolant recycling and processing tanks and equipment and water soluble machining coolant emissions from general machining operations which emit to the interior of the facility.
47. Conveying and storage of plastic pellets.
48. Plastic compression, injection, and transfer molding and extrusion, rotocasting, pultrusion, blowmolding, excluding acrylics, PVC, polystyrene and related copolymers and the use of plasticizer that emit no VOCs or HAPs. Only oxygen, carbon dioxide, nitrogen, air, or inert gas allowed as blowing agents.
49. Plastic pipe welding.
50. Wax melting and wax application equipment.

51. Ultraviolet curing processes that emit no VOCs or HAPs.
52. Hot melt adhesive application with no VOCs or HAPs in the adhesive formulation.
53. Laundering, dryers, extractors, tumblers for fabrics, using water solutions of bleach and/or detergents.
54. Portable steam cleaning units.
55. Steam sterilizers.
56. Sample gathering, preparation, management and sampling connections used exclusively to withdraw materials for laboratory analyses and testing.
57. Fire fighting and similar safety equipment used to train fire fighters excluding fire drill pits.
58. Carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, shot peening, sintering or polishing; Ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock or wood, also including cotton roll grinding and groundwood pulping stone sharpening provided that:
 - a. Activity is performed indoors; and
 - b. No fugitive particulate emissions enter the environment.
59. Water blast cleaning and stripping operations that do not emit fugitive PM into the environment and do not create a nuisance.
60. Slaughterhouse equipment except rendering cookers.
61. Ozonation equipment.
62. Batch loading and unloading of solid phase catalysts.
63. Demineralization and oxygen scavenging (deaeration) of water.
64. Pulse capacitors.
65. Laser trimmers, using dust collection to prevent fugitive emissions that do not emit fugitive PM, VOCs or HAPs.
66. Plasma etcher and plasma spray unit, using dust collection to prevent fugitive emissions and using only oxygen, nitrogen, carbon dioxide, or inert gas that do not emit VOCs or HAPs.
67. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, e.g., blueprint activity, photocopiers, mimeograph, telefax, photographic developing and microfiche.
68. Packaging equipment that does not use VOC or HAP containing adhesives.
69. Handling equipment and associated activities for glass and aluminum which is destined for recycling, not the re-finishing process itself.
70. Hydraulic and hydrostatic testing equipment.
71. Batteries and battery charging.
72. Porcelain and vitreous enameling equipment.
73. Salt baths using nonvolatile salts and not used in operations which results in air emissions.
74. Shock chambers.
75. Wire strippers that do not emit PM, VOCs or HAPs.
76. Solar simulators.
77. Humidity and environmental chambers not using VOC or HAP gasses.
78. Steam vents and leaks.
79. Air compressors, pneumatically operated equipment, systems and hand tools and centrifuges used for compressing air and the related compressed air system.
80. Recovery boiler blow-down tank.
81. Demineralizer tanks.
82. Clean condensate tanks.
83. Alum tanks.
84. Broke beaters, repulpers, pulp and repulping tanks, stock chests and bulk pulp handling, process water and white water storage tanks not associated with requirements in 40 CFR Part 63.

85. Lime mud filtrate tanks, lime mud water, lime mud filter, lime grits washers, filters and handling.
86. Hydrogen peroxide tanks.
87. Smelt viewing ports.
88. Causticizers and white liquor clarifiers and storage tanks and associated pumping, piping, and handling.
89. Vacuum cleaning equipment and operations where the fugitive emissions are indoors.
90. Winders, slitters, calenders, supercalenders, and paper roll wrapping operations.
91. Debarking.
92. Wastewater treatment lagoon pond dredging, screw press vents and sludge dewatering and handling.
93. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation.
94. Oil filled circuit breakers, oil filled transformers and other equipment that is analogous to, but not considered to be, a tank.
95. Electric or steam-heated drying ovens and autoclaves that emit only water vapor.
96. Oven exhaust where the oven is used to dry water from parts.
97. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems not associated with requirements in 40 CFR Part 63.
98. Sanitary sewer and storm sewer manholes, vents and drains.
99. Water cooling towers processing exclusively noncontact cooling water to which a source does not add VOCs or HAPs in excess of the levels in Section C of Appendix B.
100. Emissions from water storage tanks in air emission control systems utilizing a wetting process.
101. Ventilating and exhaust systems for laboratory hoods used.
 - a. By colleges, primary, or secondary schools used only for academic purposes.
 - b. By hospitals and medical care facilities used for medical care purposes only.
 - c. By pulp and paper mills; including pulp testing labs, paper testing labs, analytical labs, water treatment labs, and coating labs.
102. Chemical, metallurgical, or physical analytical laboratory operations or equipment including fume hoods and vacuum pumps.
103. Emissions from laboratory electric hot air drying ovens for oriented strand board quality testing.
104. Kilns or ventilating hoods for art or ceramic curricula at colleges, primary or secondary schools.
105. Abandoned stack that has not been capped off.
106. Machining coolants used in super abrasive machining operations.
107. Chip/bark piles and log storage yards where natural drying of wood occurs.
108. Ash and lime storage piles.
109. Emissions from town permitted open burning of wood or grass.
110. Emissions from log hot ponds.
111. Oriented strand board storage and handling.
112. Conveying of wood chips.
113. Log sawing.
114. Temporary air emission related activities which are granted approval from the Department.
115. Maintenance brazing, soldering and welding equipment and oxygen-hydrogen cutting torches, for use in cutting metal where in components of the metal do not generate significant HAPs or HAP precursors in excess of the threshold in Appendix B Section C of this Chapter.

B. Units and Activities defined as Insignificant based on Size or Production Rate

The following units and activities are insignificant based on size or production and shall be listed on the Chapter 115 license application, but may not be included in the Chapter 115 license.

1. Processes, individual emission units, facilities or activities with the potential to emit less than each of the following thresholds:
 - a. one (1) ton per year of any single regulated criteria pollutant for any process;
 - b. four (4) tons per year total regulated criteria pollutants for any process;
 - c. one (1) ton per year total HAPS for any individual emission unit or activity; and
 - d. the applicable quantity of HAPS for any facility and emission unit as specified in Section C of this Appendix.
2. Fuel burning equipment, including sludge dryers but excluding incinerators and stationary internal combustion engines, with a maximum design heat input of less than 1.0 MMBtu/hr. Note: Units may still be subject to the requirements of Chapters 101 and 103.
3. Stationary Internal Combustion Engines with a maximum design heat input of less than 0.5 MMBtu/hr. Note: Units may still be subject to the requirements of Chapters 101 and 103.
4. Temporary fuel burning equipment less than 10.0 MMBtu/hr heat input installed for maintenance shut-downs, not to be used for primary steam, heating or electrical generation needs, firing fuel less than 0.05% sulfur, and if rented or leased less than 4 weeks per unit per calendar year. Note: Units may still be subject to the requirements of Chapters 101 and 103.
5. Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than two hundred sixty gallon capacity (35 cubic feet), heated only to the minimum extent to avoid solidification if necessary with a vp up to 550 mm Hg at 21°C.
6. Operation, loading and unloading of storage tanks, not greater than one thousand one hundred gallon capacity with lids, vapor return, or other appropriate closure, maximum vp 550 mmHg at 21°C and is not subject to Part 63 requirements.
7. Operation, loading and unloading of VOC storage tanks (including petroleum storage tanks), ten thousand gallons capacity or less, with lids, vapor return or other appropriate closure, vp not greater than 80 mm Hg at 21°C and is not subject to Part 63 requirements.
8. Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas (LPG) tanks having a capacity under forty thousand gallons.
9. Foundry sand molds, unheated and using binders with less than 0.25% free phenol by sand weight.
10. Parylene coaters using less than five hundred gallons of coating per year.
11. Coating, printing and silkscreening using less than 50 gallons per year (combined) of VOC or HAP containing coating.
12. Water cooling towers and ponds, not using chromium-based corrosion inhibitors, not used with barometric jets or condensers, not greater than ten thousand gpm, not in direct contact with gaseous or liquid process streams containing regulated air pollutants.
13. Batch solvent distillation, not greater than fifty-five gallons batch capacity.
14. Municipal and industrial water chlorination facilities of not greater than twenty million gallons per day capacity. The exemption does not apply to waste water treatment (see next item).
15. Municipal and industrial waste water chlorination facilities of not greater than one million gallons per day capacity.
16. Water and wastewater treatment units, provided the facility performs only the following function of disinfecting, softening, filtration, flocculation, stabilization, taste and odor control, clarification, carbonation, sedimentation, and neutralization.

17. Surface coating and painting processes which exclusively use non-refillable aerosol cans that emit less than 100 pounds of VOC per year.
18. Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids excluding:
 - a. 99% or greater H_2SO_4 or H_3PO_4
 - b. 70% or greater HNO_3
 - c. 30% or greater HCl
 - d. More than one liquid phase where the top phase is more than one percent VOC
19. Equipment used exclusively to pump, load, unload or store high boiling point organic material, material with initial boiling point (IBP) not less than 150°C or vp not more than 5 mm Hg at 21°C with lids or other appropriate closure.
20. Smokehouses under twenty square feet.
21. Milling and grinding activities, using paste-form compounds with less than one percent VOCs.
22. Cleaning and stripping activities and equipment, using solutions having less than one percent VOCs and HAPs by weight. On metallic substrates, acid solutions are not considered for listing as insignificant.
23. Storage and handling of water based lubricants for metal working where the organic content of the lubricant is less than ten percent.
24. Nondestructive inspection fluids and powders where the VOC content is less than 3.5 lb/gal and fugitive dust equipment is used provided no more than 50 gallons per year are used.
25. Salt cake mix tanks with TRS emissions less than 0.75lbs./hr.

C. Insignificant HAP Thresholds

A unit under Chapter 115, Appendix B, Section A 34 and 99 and Chapter 115, Appendix B Section B(1)(d) would be considered insignificant under the following thresholds.

Legend:	UR	=	Based on the unit risk value
	DEF=1	=	Used for carcinogens where no UR exists
	Rfc	=	Based on reference concentration in IRIS

	CAS #	Chemical Name	Basis	Unit
1	79345	1,1,2,2-TETRACHLOROETHANE	UR	60.00
2	79005	1,1,2-TRICHLOROETHANE	UR	200.00
3	57147	1,1-DIMETHYL HYDRAZINE	UR	1.60
4	120821	1,2,4-TRICHLOROBENZENE	CS	2000.00
5	96128	1,2-DIBROMO-3-CHLOROPROPANE	UR	1.60
6	122667	1,2-DIPHENYLHYDRAZINE	UR	18.00
7	106887	1,2-EPOXYBUTANE	DEF=1	2000.00
8	75558	1,2-PROPYLENIMINE (2-METHYL AZIRIDINE)	UR	0.60
9	189559	1,2:7,8-DIBENZOPYRENE	GWP	2.00
10	106990	1,3-BUTADIENE	UR	14.00
11	542756	1,3-DICHLOROPROPENE	DEF=1	200.00
12	1120714	1,3-PROPANE SULTONE	UR	6.00
13	106467	1,4-DICHLOROBENZENE(P)	UR	600.00
14	123911	1,4-DIOXANE (1,4-DIETHYLENEOXIDE)	UR	1200.00
15	540841	2,2,4 - TRIMETHYLPENTANE	DEF=5	2000.00
16	1746016	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN	UR	0.00
17	584849	2,4 - TOLUENE DIISOCYANATE	ACUTE	200.00
18	88062	2,4,6-TRICHLOROPHENOL	UR	1200.00
19	94757	2,4-D, SALTS, ESTERS(2,4-DICHLOROPHENOXY ACETIC AC	CS	2000.00

20	51285	2,4-DINITROPHENOL	CS	2000.00
21	121142	2,4-DINITROTOLUENE	UR	4.00
22	95807	2,4-TOLUENE DIAMINE	UR	4.00
23	53963	2-ACETYLAMINOFLUORINE	UR	1.00
24	532274	2-CHLOROACETOPHENONE	RfC	1200.00
25	110805	2-ETHOXY ETHANOL	CAP-RfC	2000.00
26	108864	2-METHOXY ETHANOL	CAP-RfC	2000.00
27	79469	2-NITROPROPANE	DEF=1	200.00
28	119904	3,3'-DIMETHOXYBENZIDINE	UR	20.00
29	119937	3,3'-DIMETHYL BENZIDINE	UR	1.60
30	91941	3,3-DICHLOROBENZIDENE	UR	40.00
31	92933	4 - NITROBIPHENYL	DEF=1	2000.00
32	100027	4 - NITROPHENOL	DEF=5	2000.00
33	101144	4,4-METHYLENE BIS(2-CHLOROANILINE)	UR	40.00
34	534521	4,6-DINITRO-O-CRESOL, AND SALTS	ACUTE	200.00
35	57976	7,12-DIMETHYLBENZ(A)ANTHRACENE	GWP	2.00
36	75070	ACETALDEHYDE	UR	1800.00
37	75058	ACETONITRILE	RfC	2000.00
38	98862	ACETOPHENONE	CS	2000.00
39	107028	ACROLEIN	RfC	80.00
40	79061	ACRYLAMIDE	UR	4.00
41	79107	ACRYLIC ACID	RfC	1200.00
42	107131	ACRYLONITRILE	UR	60.00
43	107051	ALLYL CHLORIDE	DEF=1	200.00
44	62533	ANILINE	UR	200.00
45	8888810	ANTIMONY COMPOUNDS (EXCEPT THOSE SPECIFICALLY LIST	DEF=5	2000.00
46	7783702	ANTIMONY PENTAFLUORIDE	ACUTE	200.00
47	28300745	ANTIMONY POTASSIUM TARTRATE	CS	2000.00
48	1309644	ANTIMONY TRIOXIDE	DEF=1	200.00
49	1345046	ANTIMONY TRISULFIDE	CS	200.00
50	99999904	ARSENIC AND INORGANIC ARSENIC COMPOUNDS	UR	0.92
51	7784421	ARSINE	UR	1.00
52	1332214	ASBESTOS		0.00
53	56553	BENZ(A)ANTHRACENE	GWP	2.00
54	225514	BENZ(C)ACRIDINE	GWP	2.00
55	71432	BENZENE	UR	400.00
56	92875	BENZIDINE	UR	0.06
57	50328	BENZO(A)PYRENE	UR	2.00
58	205992	BENZO(B)FLUORANTHENE	GWP	2.00
59	98077	BENZOTRICHLORIDE	UR	12.00
60	100447	BENZYL CHLORIDE	ACUTE	200.00
61	7440417	BERYLLIUM COMPOUNDS (EXCEPT BERYLLIUM SALTS)	UR	1.60
62	88888804	BERYLLIUM SALTS		0.00
63	92524	BIPHENYL	CS	2000.00
64	117817	BIS(2-ETHYLHEXYL)PHTHALATE (DEHP)	UR	1000.00
65	542881	BIS(CHLOROMETHYL)ETHER	UR	0.06
66	75252	BROMOFORM	CAP-UR	2000.00
67	88888806	CADMIUM COMPOUNDS	UR	2.00
68	156627	CALCIUM CYANAMIDE	CS	2000.00
69	105602	CAPROLACTAM	CS	2000.00
70	133062	CAPTAN	CAP-UR	2000.00
71	63252	CARBARYL	CS	2000.00
72	75150	CARBON DISULFIDE	CS	2000.00
73	56235	CARBON TETRACHLORIDE	UR	280.00
74	463581	CARBONYL SULFIDE	DEF=5	2000.00
75	120809	CATECHOL	DEF=5	2000.00
76	57749	CHLORDANE	GWP	2.00
77	7782505	CHLORINE	ACUTE	200.00
78	79118	CHLOROACETIC ACID	ACUTE	200.00

79	108907	CHLOROBENZENE	CS	2000.00
80	510156	CHLOROBENZILATE	UR	80.00
81	67663	CHLOROFORM	UR	172.00
82	107302	CHLOROMETHYL METHYL ETHER	ACUTE	200.00
83	126998	CHLOROPRENE	DEF=1	2000.00
84	218019	CHRYSENE	GWP	2.00
85	7440484	COBALT AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY LI	CS	200.00
86	10210681	COBALT CARBONYL	ACUTE	200.00
87	99999908	COKE OVEN EMISSIONS	UR	6.00
88	1319773	CRESOLS/CRESYLIC ACID (ISOMERS AND MIXTURE)	DEF=1	200.00
89	98828	CUMENE	CS	2000.00
90	88888812	CYANIDE COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTE	DEF=5	2000.00
91	72559	DDE (P,P'-DICHLORODIPHENYLDICHLOROETHYLENE)	GWP	2.00
92	53703	DIBENZ(AH)ANTHRACENE	GWP	2.00
93	132649	DIBENZOFURAN	DEF=5	2000.00
94	84742	DIBUTYLPHTHALATE	CS	2000.00
95	111444	DICHLOROETHYL ETHER (BIS(2-CHLOROETHYL)ETHER)	UR	12.00
96	62737	DICHLORVOS	UR	40.00
97	11422	DIETHANOLAMINE	DEF=5	2000.00
98	60117	DIMETHYL AMINOAZOBENZENE	DEF=1	200.00
99	79447	DIMETHYL CARBAMOYL CHLORIDE	CAP-UR	4.00
100	68122	DIMETHYL FORMAMIDE	DEF=1	2000.00
101	131113	DIMETHYL PHTHALATE	CS	2000.00
102	77781	DIMETHYL SULFATE	ACUTE	200.00
103	106898	EPICHLOROHYDRIN	RfC	2000.00
104	140885	ETHYL ACRYLATE	UR	200.00
105	100414	ETHYL BENZENE	CAP-RfC	2000.00
106	51796	ETHYL CARBAMATE (URETHANE)	UR	160.00
107	75003	ETHYL CHLORIDE	CAP-RfC	2000.00
108	106934	ETHYLENE DIBROMIDE (DIBROMOETHANE)	UR	20.00
109	107062	ETHYLENE DICHLORIDE (1,2-DICHLOROETHANE)	UR	152.00
110	107211	ETHYLENE GLYCOL	CS	2000.00
111	111762	ETHYLENE GLYCOL MONOBUTYL ETHER	CS	2000.00
112	151564	ETHYLENE IMINE (AZIRIDINE)	UR	6.00
113	75218	ETHYLENE OXIDE	ACUTE	20.00
114	96457	ETHYLENE THIOUREA	UR	120.00
115	75343	ETHYLIDENE DICHLORIDE (1,1-DICHLOROETHANE)	DEF=1	200.00
116	62207765	FLUOMINE	ACUTE	200.00
117	50000	FORMALDEHYDE	UR	1600.00
118	88888813	GLYCOL ETHERS (EXCEPT THOSE SPECIFICALLY LISTED)*	DEF=5	2000.00
119	76448	HEPTACHLOR	UR	4.00
120	118741	HEXACHLOROBENZENE	GWP	2.00
121	87683	HEXACHLOROBUTADIENE	UR	180.00
122	77474	HEXACHLOROCYCLOPENTADIENE	ACUTE	200.00
123	67721	HEXACHLOROETHANE	UR	1000.00
124	822060	HEXAMETHYLENE-1, 6 -DIISOCYANATE	RfC	40.00
125	110543	HEXANE	CAP-RfC	2000.00
126	88888805	HEXA VALENT CHROMIUM COMPOUNDS	UR	0.36
127	302012	HYDRAZINE	UR	0.80
128	7647010	HYDROCHLORIC ACID	CAP-RfC	2000.00
129	7664393	HYDROGEN FLUORIDE	ACUTE	200.00
130	123319	HYDROQUINONE	DEF=1	2000.00
131	193395	INDENO(1,2,3-CD)PYRENE	GWP	2.00
132	78591	ISOPHORONE	CAP-UR	2000.00
133	88888808	LEAD AND COMPOUNDS (EXCEPT FOR THOSE SPECIFICALLY	GWP	20.00
134	58899	LINDANE (HEXACHLOROCYCLOHEXANE, GAMMA)	GWP	2.00
135	108316	MALEIC ANHYDRIDE	CS	2000.00
136	7439965	MANGANESE AND COMPOUNDS	RfC	1600.00
137	748794	MERCURIC CHLORIDE	GWP	20.00

138	10045940	MERCURIC NITRATE	GWP	20.00
139	88888814	MERCURY COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED)	GWP	20.00
140	67561	METHANOL	CS	2000.00
141	72435	METHOXYCHLOR	CS	2000.00
142	74839	METHYL BROMIDE (BROMOMETHANE)	RfC	2000.00
143	74873	METHYL CHLORIDE (CHLOROMETHANE)	CAP-UR	2000.00
144	71556	METHYL CHLOROFORM (1,1,1-TRICHLOROETHANE)	CS	2000.00
145	78933	METHYL ETHYL KETONE (2-BUTANONE)	CAP-RfC	2000.00
146	60344	METHYL HYDRAZINE	UR	12.00
147	74884	METHYL IODIDE (Iodomethane)	DEF=1	200.00
148	108101	METHYL ISOBUTYL KETONE	CS	2000.00
149	624839	METHYL ISOCYANATE	ACUTE	200.00
150	80626	METHYL METHACRYLATE	CS	2000.00
151	1634044	METHYL TERT-BUTYL ETHER	CAP-RfC	2000.00
152	12108133	METHYLCYCLOPENTADIENYL MANGANESE	ACUTE	200.00
153	75092	METHYLENE CHLORIDE (DICHLOROMETHANE)	CAP-UR	2000.00
154	101688	METHYLENE DIPHENYL DIISOCYANATE	CS	200.00
155	88888809	MINERAL FIBER COMPOUNDS		0.00
156	121697	N,N-DIMETHYLANILINE	CS	2000.00
157	684935	N-NITROSO-N-METHYLUREA	UR	0.04
158	62759	N-NITROSODIMETHYLAMINE	UR	0.20
159	91203	NAPHTHALENE	CS	2000.00
160	13463393	NICKEL CARBONYL	ACUTE	20.00
161	88888807	NICKEL COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED)	DEF=1	2000.00
162	12035722	NICKEL REFINERY DUST	UR	16.00
163	88888817	NICKEL SUBSULFIDE	UR	8.00
164	98953	NITROBENZENE	CS	2000.00
165	56382	PARATHION	ACUTE	200.00
166	82688	PENTACHLORONITROBENZENE (QUINTOBENZENE)	UR	60.00
167	87865	PENTACHLOROPHENOL	UR	140.00
168	108952	PHENOL	CS	200.00
169	62384	PHENYL MERCURIC ACETATE	GWP	20.00
170	75445	PHOSGENE	ACUTE	200.00
171	7803512	PHOSPHINE	DEF=5	2000.00
172	7723140	PHOSPHOROUS	ACUTE	200.00
173	85449	PHTHALIC ANHYDRIDE	DEF=5	2000.00
174	1336363	POLYCHLORINATED BIPHENYLS (AROCLORS)	UR	1.80
175	88888815	POLYCYCLIC ORGANIC MATTER (POM)	GWP	2.00
176	151508	POTASSIUM CYANIDE	ACUTE	200.00
177	123386	PROPIONALDEHYDE	DEF=5	2000.00
178	78875	PROPYLENE DICHLORIDE (1,2-DICHLOROPROPANE)	UR	200.00
179	75569	PROPYLENE OXIDE	UR	1000.00
180	91225	QUINOLINE	UR	1.20
181	106514	QUINONE	DEF=5	2000.00
182	99999918	RADIONUCLIDES (INCLUDING RADON)		0.00
183	7782492	SELENIUM AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED)	CS	200.00
184	7488564	SELENIUM SULFIDE (MONO AND DI)	CS	20.00
185	143339	SODIUM CYANIDE	ACUTE	200.00
186	100425	STYRENE	DEF=1	200.00
187	127184	TETRACHLOROETHYLENE (PERCHLOROETHYLENE)	CAP-UR	40.00
188	78002	TETRAETHYL LEAD	GWP	200.00
189	75741	TETRAMETHYL LEAD	GWP	200.00
190	7550450	TITANIUM TETRACHLORIDE	ACUTE	200.00
191	108883	TOLUENE	CAP-RfC	2000.00
192	8001352	TOXAPHENE (CHLORINATED CAMPHENE)	GWP	2.00
193	79016	TRICHLOROETHYLENE	CAP-UR	800.00
194	121448	TRIETHYLAMINE	CAP-RfC	2000.00
195	1582098	TRIFLURALIN	UR	1800.00
196	88888816	TRIVALENT CHROMIUM COMPOUNDS	DEF=5	8.00

197	108054	VINYL ACETATE	DEF=1	2000.00
198	593602	VINYL BROMIDE (BROMOETHENE)	UR	120.00
199	75014	VINYL CHLORIDE	UR	40.00
200	75354	VINYLDENE CHLORIDE (1,1-DICHLOROETHYLENE)	UR	80.00
201	1330207	XYLENES (ISOMERS AND MIXTURE)	CS	2000.00
202	57578	BETA-PROPIOLACTONE	ACUTE	200.00
203	108394	M-CRESOL	DEF=1	200.00
204	108383	M-XYLENES	CS	2000.00
205	95487	O-CRESOL	DEF=1	200.00
206	95534	O-TOLUIDINE	DEF=1	800.00
207	95476	O-XYLENES	CS	2000.00
208	106445	P-CRESOL	DEF=1	200.00
209	106503	P-PHENYLENEDIAMINE	CS	2000.00
210	106423	P-XYLENES	CS	2000.00
211	101779	4,4'-METHYLENEDIANILINE	DEF=1	2000.00
212	92671	4-AMINOBIIPHENYL	DEF=1	2000.00
213	96093	STYRENE OXIDE	DEF=1	2000.00
214	64675	DIETHYL SULFATE	DEF=1	2000.00
215	59892	N-NITROSOMORPHOLINE	DEF=1	2000.00
216	680319	HEXAMETHYLPHOSPHORAMIDE	RfC	20.00
217	60355	ACETAMIDE	DEF=1	2000.00
218	90040	O-ANISIDINE	DEF=1	2000.00
219	334883	DIAZOMETHANE	DEF=1	2000.00
220	95954	2,4,5-TRICHLOROPHENOL	DEF=1	2000.00
221	133904	CHLORAMBN	DEF=1	2000.00
222	10025737	CHROMIC CHLORIDE	ACUTE	200.00
223	7783075	HYDROGEN SELENIDE	ACUTE	200.00
224	13410010	SODIUM SELENATE	ACUTE	200.00
225	10102188	SODIUM SELENITE	ACUTE	200.00
226	1306190	CADMIUM OXIDE	UR	20.00
227	114261	PROPOXUR (BAYGONE)	DEF=1	200.00

Chapter 140: PART 70 AIR EMISSION LICENSE REGULATION

SUMMARY: This regulation identifies the sources of air emissions that require a Part 70 air emission license and incorporates the requirements of Title IV and Title V of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.*; and 38 MRSA, Section 344 and Section 590. The pre-filing requirements and public notice requirements of this Chapter supersedes Rules Concerning the Processing of Applications and other Administrative Matters, 06-096 CMR 2, where applicable. It contains extensive information on a wide variety of variables in the licensing process as specified in the following sections:

- Section 1. Applicability (p1)
- Section 2. General Terms and Conditions of Applications and Licenses (p3)
- Section 3. Renewal of a Part 70 License and Initial Part 70 License for Existing Sources (p16)
- Section 4. Part 70 Acid Rain Sources (p28)
- Section 5. New Source Review (NSR) for Part 70 Sources (p30)
- Section 6. HAP Emission Limitations (p30)
- Section 7. Part 70 Administrative Revisions (p34)
- Section 8. Part 70 Section 502(b)(10) Change (p36)
- Section 9. Part 70 Minor License Modification (p37)
- Section 10. Part 70 Significant License Modification (p40)
- Section 11. Intrafacility Emissions Trading (p41)
- Section 12. Part 70 License Transfer (p43)
- Section 13. Part 70 General License (p45)
- Section 14. Ambient Air Quality Analysis (p46)

NOTE: Please see Definitions, 06-096 CMR 100 for definitions.

1. Scope and Applicability

- A. Geographic scope.** This regulation shall be effective in all ambient air quality control regions in the State.
- B. General Requirement.** A Part 70 license is required for all Part 70 major sources. Once a source requires an air emission license, all emissions units which emit regulated pollutants at the source must be included except those insignificant activities listed in Appendix B of this Chapter. At such time that a particular source or modification becomes a major source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980 on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of Major and Minor Source Air Emission License Regulation, 06-096 CMR 115(4)(A) shall apply to the source or modification as though construction had not yet commenced on the source or modification.

C. Part 70 license or license amendment is required for the following:

- (1) Any Part 70 major source;
- (2) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 (Standards of Performance for New Stationary Sources) of the CAA;
- (3) Any source, including a HAP area source, subject to a standard or other requirement under Section 112 (Hazardous Air Pollutants) of the CAA;
- (4) Any source required to have a license under Part C (Prevention of Significant Deterioration of Air Quality) and Part D (Plan Requirements for Federal Nonattainment Areas) of Title I of the CAA;
- (5) Any CAA Title IV source (Acid Rain);
- (6) Any source in a source category designated by EPA pursuant to 40 CFR Part 70.3(a);
- (7) Any changes or revision to the requirements in the Part 70 license. The processes to amend the Part 70 license include Part 70 Administrative Revisions, Part 70 Minor Licenses Modifications, and Part 70 Significant License Modifications; and
- (8) Major sources undergoing 06-096 CMR 115 New Source Review. Following a new major source license issued under the NSR provisions of 06-096 CMR 115, the source must then apply for an initial Part 70 license within one year of commencing operations as provided in 40 CFR Part 70.5.

D. Exemptions

- (1) All sources listed in subsection 1(C) of this Chapter that are not Part 70 major sources, Title IV sources, or solid waste incineration units required to obtain a license pursuant to Section 129(e) of the CAA are exempted by the Department from the obligation to obtain a Part 70 license until such time as EPA completes a rulemaking to determine how the program should be structured for nonmajor sources;
- (2) In the case of nonmajor sources subject to a standard or other requirement under either Section 111 (Standards of Performance for New Stationary Sources) or Section 112 (Hazardous Air Pollutants) of the CAA promulgated after July 21, 1992, EPA will determine whether to exempt any or all such sources from the requirement to obtain a Part 70 license at the time that the new standard is promulgated;
- (3) Unless otherwise required by the Department to obtain a Part 70 license, the following sources are exempted from the obligation to obtain a Part 70 license:
 - (a) All sources that would be required to obtain a Part 70 license solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters;

- (b) All sources that would be required to obtain a Part 70 license solely, because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation; and
 - (c) Any source that is licensed under Major and Minor Source Air Emission License Regulation, 06-096 CMR 115 that would otherwise be subject to this Chapter, but received federally enforceable license conditions to retain a minor source status as allowed by 40 CFR Part 70.
- (4) Any source listed in this subsection that is exempted from the requirement to obtain a Part 70 license may opt to apply for a Part 70 license under this Chapter.

NOTE: A source exempt from this Chapter may be subject to the requirements of obtaining an air emission license under 06-096 CMR 115.

2. General Terms and Conditions of Applications and Licenses

A. Projects requiring multiple application submittals under this Chapter

If a Part 70 source is applying simultaneously for the renewal of a Part 70 license and/or amendments under more than one section of this Chapter, the source may submit one application covering all required information for each relevant section.

B. Required application form and additional information

The application shall include an application form prescribed by the Department and additional information required by the Department, unless otherwise specified by this Chapter. The application may not omit information needed to determine the applicability of, or to impose, any Applicable or state requirement, or to evaluate the fee amount. An application for a license modification need supply only that information related to the proposed amendment. The application form and the additional required information shall include, but is not limited to, the following elements:

- (1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, responsible official's name, and telephone number and names of plant site manager/contact;
- (2) Identification and description of the source's processes and products by Standard Industrial Classification (SIC) Code and North American Industry Classification System (NAICS) Code, including any processes or products associated with each alternative operating scenario identified by the applicant;
- (3) Any insignificant activities that must be listed in the application as specified in Appendix B of this Chapter;
- (4) The following emissions related information for units and activities that are not insignificant as specified in Appendix B of this Chapter:

- (a) All emissions of air pollutants for which the Part 70 source is defined as a Part 70 major source and all emissions of regulated pollutants, including fugitive emissions to the extent quantifiable;
 - (b) Any additional emissions-related information necessary to verify which requirements are applicable to the source or to calculate Part 70 license fees;
 - (c) Identification and description of all points of emissions described in (a) and (b) above in sufficient detail to establish applicability of requirements of the CAA and state regulations;
 - (d) Emission rates in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable EPA standard reference test method and compliance consistent with the applicable emission limit;
 - (e) The following information to the extent it is needed to determine or regulate emissions: fuel types, fuel use, raw materials, production rates, and operating schedules;
 - (f) Identification and description of air pollution control equipment and compliance monitoring devices or activities;
 - (g) Limitations on source operation affecting emissions, or any work practice standards, where applicable, for all regulated pollutants at the Part 70 source;
 - (h) Other information required by any Applicable requirement or state requirement; and
 - (i) Calculations used as the basis for emissions-related information.
- (5) The following air pollution control requirements:
- (a) Citation and description of all Applicable requirements;
 - (b) Citation and description of all state requirements; and
 - (c) Description of or reference to any applicable test method for determining compliance with each Applicable requirement and state requirement;
- (6) Other specific information that may be necessary to implement and enforce other Applicable requirements of the CAA, this Chapter or state requirements or to determine the applicability of such requirements.
- (7) An explanation of any proposed exemptions from otherwise Applicable requirements and state requirements;
- (8) Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the applicant or to define terms and conditions in the Part 70 license allowing intrafacility emission trading which are under the allowable emissions in the Part 70 license;

- (9) A description of the source category or categories which are applicable to the source, HAP emission unit(s) requiring HAP emission limitations, and whether the HAP emission unit(s) require a MACT emission limitation for an existing or new Part 70 HAP source;
- (10) If required by the Department, proposed monitoring, modeling, testing, record keeping and reporting protocols, the results of previously performed in-stack monitoring, and results of previously performed stack testing. This information shall not be used in the completeness determination of the application.
- (11) A compliance plan that includes the following information:
 - (a) A description of the compliance status of the Part 70 source with respect to all Applicable requirements and state requirements;
 - (b) A statement that the Part 70 source will continue to comply with any Applicable requirements and state requirements with which it is in compliance;
 - (c) A statement that the Part 70 source will meet on a timely basis any Applicable requirements and state requirements that will become effective during the Part 70 license period, unless a more detailed schedule is expressly required by the Applicable requirement;
 - (d) For Part 70 sources out of compliance at the time of issuance of the Part 70 license:
 - (i) A narrative description of how the Part 70 source will achieve compliance with all Applicable requirements and state requirements; and
 - (ii) A compliance schedule for achieving compliance that shall include remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any Applicable requirements and state requirements for which the Part 70 source will be in noncompliance at the time of the Part 70 license issuance. The compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the Part 70 source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the Applicable requirements and state requirements on which it is based; and
 - (e) For Part 70 sources required to have a schedule of compliance to remedy a violation, a schedule for submission of certified progress reports to be submitted at least once every six (6) months from the date of issuance of the Part 70 license;
- (12) A compliance certification that includes the following information:
 - (a) A certification of compliance with all Applicable requirements and state requirements by a responsible official consistent with subsection 2(C) of this Chapter and Section 114(a)(3) of the CAA;
 - (b) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods;

- (c) A schedule for submission of compliance certifications during the Part 70 license term, to be submitted at least once every twelve (12) months from the date of issuance of the Part 70 license, or more frequently if specified by the Department or an underlying Applicable requirement;
 - (d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the CAA; and
 - (e) Such other facts or information that the Department may require to determine the compliance status of the Part 70 source;
- (13) Results of meteorology or air quality monitoring if required by the Department, including an analysis of meteorological and topographical data necessary to evaluate the air quality impact pursuant to Section 14 of this Chapter. The information required pursuant to Section 14 of this Chapter shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application; and
- (14) If any regulated pollutant from an existing source has or will have a significant impact, a description of the factors used in the ambient air quality impact analysis pursuant to Section 14 of this Chapter. The information required pursuant to Section 14 of this Chapter shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application.

C. Certification by Responsible Official

All application forms, reports, and compliance certifications submitted to the Department shall contain a certification of truth, accuracy and completeness with the signature and printed name of the responsible official (see Definitions, 06-096 CMR 100). The signatory sheet shall make the following certification:

"I certify under penalty of law that, based on information and belief formed after reasonable inquiry, I believe the information included in the attached document is true, complete, and accurate."

Upon becoming aware that he or she submitted incorrect information or failed to submit relevant facts, the responsible official must provide the Department with the supplementary facts or corrected information.

D. Public Notice of Intent to File

- (1) Any applicant for a renewal of a Part 70 license, an initial Part 70 license, or a Part 70 license transfer must publish within thirty (30) days prior to filing an application a public notice of Intent to File at the applicant's expense. This notice shall be published once in the public notice section of a newspaper of general circulation in the region in which the source would be located. In addition, a copy of the application shall be made available at the municipal office of the municipality(ies) where the source is located. A copy of the notice from the paper must be submitted with the application. Applications for administrative revisions, Section 502(b)(10) changes, Part 70 Minor License Modifications and Part 70

Significant License Modifications do not require publication of a public notice. The Public Notice of Intent to File must include the following information:

- (a) Name, address and telephone number of the applicant;
- (b) Citation of the statutes or rules under which the application is being processed;
- (c) Location of the proposed action;
- (d) Summary of the proposed action;
- (e) Anticipated date for filing the application with the Department;
- (f) A statement that public requests for either of the following must be submitted to the Department in writing no later than twenty (20) days after the application is accepted as complete for processing:
 - (i) for the Board of Environmental Protection to assume jurisdiction over the application; or
 - (ii) for a public hearing on the application;
- (g) A statement of the name, address and phone number of the Department contact person;
- (h) A statement providing the local filing location where the application can be examined; and
- (i) Any other information required by rule or law.

NOTE: A Public Notice of Intent to File form is available from the Department.

- (2) An applicant must publish a Public Notice of Intent to File for a resubmitted application that was originally returned and deemed incomplete by the Department.
- (3) After an application has been filed, if the Department determines that the applicant submits significant new or additional information or substantially modifies its application at any time after acceptance of the application as complete, the applicant shall provide additional notice to interested persons who have commented on that application. The Department may also require additional public notice and may extend the time to submit requests for a public hearing or for the Board to assume jurisdiction.

E. Application acceptability and completeness

- (1) **General.** Within fifteen (15) working days of receipt of any application, the Department shall determine the completeness of an application and shall notify the applicant in writing of the official date on which the application was accepted as complete for processing; or return the application with the reasons why the application was not accepted as complete. If the Department does not mail notice to the applicant of acceptance or rejection of the application

within fifteen (15) working days, the application shall be deemed accepted as complete for processing on the 16th day.

- (2) **Criteria for completeness.** An application shall be deemed complete when all of the relevant information and other data required by the Department to evaluate the application and to allow the Department to begin processing the application are submitted. In addition, for completeness determination the certification by the Responsible Official and a copy of the Public Notice of Intent to File must be included as part of the application submittal.

F. Application submittal

Applications must be filed with the Bureau of Air Quality, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017.

G. Authority to request additional information.

The Department's determination that an application is accepted as complete for processing is not a review of the sufficiency of that information, and does not preclude the Department from requesting additional information. Additional information needed to process the application may be requested in writing by the Department and shall be provided by the applicant within the deadline specified by the Department.

If the applicant fails to submit the requested information by the deadline specified or as otherwise agreed in writing by the Department, the Department may deny the license. Thirty (30) days prior to having the license denied, the Department shall provide written notice to the applicant including a list of the required information which must be submitted by the specified date in order to prevent the denial. A person may reapply at any time after the license is denied. The reapplication shall meet all requirements of a complete initial license application, including any required license fee.

The applicant must provide additional information as necessary to address any requirement that becomes applicable to the Part 70 source after the date the source filed a complete application, but prior to release of the Part 70 draft license.

H. Procedures for timely license processing and license denials

- (1) The requirements of Title 38 MRSA §344 shall govern the processing of applications under this Chapter. In no case shall the processing times be longer than 18 months from the date the renewal application is deemed complete.
- (2) Upon the denial of any license, the Department shall provide the applicant a written statement with the grounds of the denial.

I. Permit Shield

- (1) Except as provided in this Chapter, the Department shall include in the Part 70 license a provision stating that compliance with the conditions of the Part 70 license shall be deemed in compliance with any Applicable requirements and state requirements as of the date of license issuance, provided that:

- (a) Such Applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or
 - (b) The Department, in acting on the Part 70 license application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 license includes the determination or a concise summary, thereof.
- (2) Nothing in this section or any Part 70 license shall alter or affect the following:
- (a) The provisions of Section 303 of the CAA (emergency orders), including the authority of EPA under Section 303;
 - (b) The liability of an owner or operator of a source for any violation of Applicable requirements prior to or at the time of permit issuance; or
 - (c) The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA.

J. Operational Flexibility

The following changes are allowed without requiring a license amendment:

- (1) Changes that must be addressed by the Part 70 license, are not Title I modifications or a modification or reconstruction under any provision of Section 111, or 112 of the CAA, do not exceed the emissions allowable under the Part 70 license. These changes may include the following:
 - (a) Intrafacility emission trading, as specified in this Chapter;
 - (b) Alternative operating scenarios which are specifically identified in the Part 70 license; or
 - (c) Operational flexibility provided for in the Part 70 license language.
- (2) **Off-License Changes.** Off-license changes that are not addressed or prohibited in the Part 70 license, shall meet all Applicable requirements, shall not violate any existing permit term or condition, and are the following:
 - (a) A change at Part 70 source for which the applicant has received written Departmental approval that the change does not require a license amendment. The licensee shall keep a record describing the changes made under this section. Department approved changes are not eligible for the permit shield; or
 - (b) The modification of an insignificant activity that can still be qualified as such after the modification.

K. Public and Affected States Draft Notification

Except for Part 70 Administrative Revisions, Part 70 Minor License Modification, Part 70 License Transfers and Section 502(b)(10) Changes, a public comment period shall be held on the Part 70 draft license or draft amendment, as follows:

- (1) The applicant shall provide a copy of the Part 70 draft license or draft amendment and the application for Part 70 license, including any supporting documentation and any subsequent amendments to the application, to the municipal clerk of the municipality where the source is located, or, if the project is in an unorganized area, to the county commissioners. This material shall also be available at the Department's Augusta office. This material must be on file for public comment for thirty (30) calendar days.
- (2) The applicant shall provide a copy of the Part 70 draft license to the affected states on or before the date that the Draft Availability notice is published.
- (3) Draft Availability Notice. The notice of Draft Availability shall be published by the applicant or at the applicant's expense, once in the public notice section of a newspaper of general circulation in the region in which the source would be located. The Draft Availability notice shall include:
 - (a) the name, address and telephone number of the applicant;
 - (b) a citation of the statutes or rules under which the application is being processed;
 - (c) the location of the proposed action;
 - (d) a summary of the proposed action including the emissions change involved in any proposed license modification;
 - (e) a statement of the availability of the application and supporting documents and the Department's preliminary determination in the form of a Part 70 draft license;
 - (f) a statement of the public's right to provide written public comment or to request a public hearing, with the mailing address of the Department;
 - (g) the date, place and time a public meeting may be held, if requested within 15 calendar days from the date upon which the notice is published. The date the public meeting is scheduled shall be no sooner than 30 days after the date the notice is published; and
 - (h) name, address, and phone number of a Department contact from whom interested parties may obtain additional information, including copies of the draft license application and all relevant supporting materials.

NOTE: A Draft Availability Notice form is available from the Department.

- (4) The applicant shall mail a copy of the notice to all persons on a mailing list developed by the Department who requested to be notified about license actions at the licensed facility and by any other means the Department finds necessary to assure adequate notice to the public.

- (5) For any Department action subject to this subsection, any person may request the Department in writing to hold a public meeting. The written request shall state the nature of the issues to be raised at a public meeting. If the Department's Augusta office receives a written request for a public meeting within fifteen (15) calendar days from the date upon which the notice is published which raises a material issue, a public meeting will be held on the date and time as scheduled in the public notice. Whenever the Department holds a public meeting, the duration of the public comment period may be extended to the close of the public meeting or extended to a later date announced at the public meeting, at the Department's discretion.
- (6) The Department shall receive comment for at least thirty (30) days, beginning after the day on which the notice of the Draft Availability is published or after the last day on which all of the persons in this section are mailed notice, whichever is later.
- (7) The Department shall consider and keep records of all analyses and all written comments received during the public comment period, and all comments received at any public meeting or public hearing in making a final decision on the approvability of the Part 70 draft license. The Department shall file all written comments for public inspection at the Department's Augusta office.
- (8) The Department shall notify any affected state and EPA, in writing, of any refusal to incorporate into the Part 70 draft license any recommendations that the affected state submitted during the affected state review period. This notice shall include the Department's reasons for not accepting any such recommendations.
- (9) The Department shall provide a statement that sets forth the legal and factual basis for the Part 70 draft license conditions (including referenced to the applicable statutory or regulatory provisions). The Department shall send this statement to any person who requests it.

L. EPA Comment Period

- (1) Except for Part 70 License Transfers, Section 502(b)(10) Changes and Part 70 Administrative Revisions, the Department shall provide a copy of the Part 70 draft proposed license and any additional supporting documentation to EPA for a 45 day review and comment period. The Department shall also provide to EPA a statement that sets forth the legal and factual basis for the Part 70 draft proposed license conditions (including reference to the applicable statutory or regulatory provisions).
- (2) Upon receipt of a Part 70 draft proposed license or at the time of the Department's explanation for any refusal to accept affected state's comments, whichever is later, if EPA determines the Part 70 draft proposed license is not in compliance with any Applicable requirement or with 40 CFR Part 70, including 40 CFR § 70.8(c)(3), the EPA shall have 45 days to object in writing to the issuance of the Part 70 draft proposed license by the Department.

If EPA submits an objection to the Department, the Part 70 draft proposed license shall not be issued by the Department. The objection shall include a statement of the EPA's reasons for objection and a description of the terms and conditions that the Part 70 license must include to respond to the objection. EPA shall send the applicant a copy of the objection

pursuant to 40 CFR Part 70.8(c)(2). The Department shall have ninety (90) days to revise the Part 70 draft proposed license.

- (3) If the Department fails, within ninety (90) days after the date of an objection under this subsection, to revise and submit a Part 70 draft proposed license in response to the objection, the EPA will issue or deny the Part 70 license in accordance with the requirements of the federal operating permit program promulgated under Title V of the CAA.

M. Public Petition to the EPA

- (1) **General.** If the EPA does not object in writing within 45 days of receipt of the Part 70 draft proposed license, including supplementary information, any person, including the applicant may petition the EPA in writing within sixty (60) calendar days after the expiration of the 45-day review period to make an objection.

Any petition shall be based only on objections that were raised with reasonable specificity during the public comment period provided in subsection 2(K) of this Chapter, unless the petitioner demonstrates to the EPA that raising such objections within the public comment period was impractical, or that the grounds for objection arose after the public comment period.

- (2) **Procedures.** If the EPA objects to the Part 70 license (after the EPA's 45-day review period) as a result of a public petition pursuant to this subsection, the following procedures shall apply:
 - (a) The petitioner must identify in writing all objections in the public petition;
 - (b) The petitioner must provide a copy of the public petition to the Department and to the applicant; and
 - (c) If the Part 70 license was not issued, the Department shall not issue the Part 70 draft proposed license until the EPA's objection resulting from the public petition is resolved; or if the Part 70 license was issued after the end of the 45-day EPA review period but prior to the subsequent EPA objection, the following provisions apply:
 - (i) The public petition does not halt the effectiveness of the Part 70 license or its terms and conditions; and
 - (ii) The EPA will amend, terminate or revoke the Part 70 license for cause as prescribed by subsection 2(O) of this Chapter, and the Department may thereafter issue a Part 70 license pursuant to subsection 2(N) of this Chapter, that satisfies the EPA's objection. In any case, the owner or operator of the Part 70 source will not be in violation of the requirement to have submitted a timely and complete application.
- (3) **Appeals.** The public petition to EPA shall not affect the terms and conditions of a Part 70 license issued by the Department, or the finality of the Department's action for purposes of an appeal under the Maine Administrative Procedures Act.

N. Reopening for cause by the Department of a Part 70 license

- (1) The Department shall have the authority to reopen and amend, terminate or revoke for cause and to reissue the Part 70 license as a renewal of a Part 70 license for reasons as stated in subsection 3(E)(7) of this Chapter.
- (2) A reopening shall not be initiated by the Department before a written notice of such intent is provided to the owner or operator of the Part 70 source and to any person who submitted written comments on the license application at least thirty (30) calendar days in advance of the date that the Part 70 license is to be reopened, or within ten (10) calendar days if necessary to protect public health, safety and welfare.
- (3) The procedures to reopen for cause of a Part 70 license and to reissue the Part 70 license shall comply with the same requirements as they apply to the renewal of a Part 70 license and shall pertain only to those parts of the Part 70 license for which cause to reopen exists, and shall proceed as expeditiously as practicable.

O. Reopening for cause by EPA of a Part 70 license

- (1) If EPA finds that cause exists to terminate, amend, or revoke and reissue a Part 70 license for reasons as stated in subsection 3(E)(7) of this Chapter, EPA will notify the Department and the licensee of such findings in writing.
- (2) Within ninety (90) days of EPA's written notification, the Department shall send EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. In the event additional information is needed from the licensee, the Department may request from EPA a ninety (90)-day extension to resolve the EPA objection.
- (3) EPA will review the proposed determination from the Department within 90 days of receipt.
- (4) The Department shall have ninety (90) days from the receipt of EPA's notification of objection to resolve the objection that EPA makes and to terminate, amend, or revoke and reissue the Part 70 license as prescribed by subsection 2(N) of this Chapter.
- (5) If the Department fails to resolve the objection, EPA will revise, terminate, or revoke the Part 70 license, after taking the following actions:
 - (a) Providing at least 30 days notice to the licensee in writing of the reasons for any such action. This notice may be given during or after the procedures in 1 and 2 of this section.
 - (b) Providing the licensee an opportunity for comment on EPA's proposed action and an opportunity for a hearing.

P. Transmittal of the Part 70 license and amendments to the EPA

The Department shall submit to the EPA a copy of all Part 70 licenses, off-permit Department approval determinations and amendments upon issuance.

Q. Effective Date of a Part 70 license

Unless otherwise indicated as a condition of the Part 70 license, a Part 70 license granted by the Department is effective when the Commissioner, or his or her designee, signs the Part 70 license. A Part 70 license granted by the Board of Environmental Protection (BEP) is effective when the BEP chair signs the license.

R. Term of a Part 70 license

Each renewal of a Part 70 license or Initial Part 70 issued by the Department shall have a term of five (5) years after the date of issuance.

S. Expiration of a Part 70 license

If a complete renewal application as determined by the Department, is submitted at least 6 months prior to expiration but no earlier than 18 months, then pursuant to Title 5 MRSA §10002, the license shall not expire and all terms and conditions of the Part 70 license shall remain in effect until the Department takes final action on the renewal of the Part 70 license. Licenses in effect under this provision may also be modified prior to a renewal issuance. The provisions of this subsection do not bar enforcement action pursuant to Title 5 MRSA §10004, Title 38 MRSA §349 or any other applicable statutes.

An existing source submitting a complete renewal application under this Chapter prior to the expiration of the Part 70 license will not be in violation of operating without a Part 70 license.

Failure to submit a complete renewal application prior to expiration of the Part 70 license renders the license expired and the owner or operator is considered to be operating and maintaining an air contamination source without a Part 70 license from the Department, in violation of this Chapter.

T. Source obligation

Approval to construct a new source or modification, or an exemption pursuant to subsection 1(D) of this Chapter shall not relieve any owner or operator of a source from the responsibility to comply fully with any Applicable requirements and state requirements.

U. Public access to information and confidentiality

As a general rule, all information and data submitted in an application for a Part 70 license shall be available upon request for public inspection and copying. Any exception to this general rule shall be governed by the provisions of the Freedom of Access Law, Title 1 MRSA §401 *et seq.*, as amended. Information for which the applicant seeks confidential status shall be conspicuously identified in a separate document and submitted to the Department for a determination that one or more of the criteria of Title 1 MRSA §402(3) with respect to the exemptions from the term, "public records," was met. Such information shall be stored separately in accordance with procedures developed by the Department. Public records include, but are not limited to, the following:

- (1) Information concerning the nature and extent of the emissions of any air contaminant 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.

In the case where a source has submitted information to the Department under a claim of confidentiality, the Department may also require the source to submit a copy of such information directly to EPA.

The contents of a Part 70 license shall not be treated as confidential.

At reasonable times and location the Department shall provide for the inspection of public records. Charges for copying shall reflect the costs to the Department and payment shall be made to the Maine Environmental Protection Fund.

V. Inspections to verify information

Employees and authorized representatives of the Department shall be allowed safe access to the licensee's 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.

W. Replacement of Air Pollution Control Systems

If a licensee is proposing to replace an existing air pollution control system, including the replacement of oil burner guns, the applicant must obtain a license amendment pursuant to 06-096 CMR 115.

X. Licensing of HAP sources

Pursuant to 38 MRSA Section 585-B, the Department may control HAPs by adopting emission limits, design, equipment, work practices or operational standards for activities emitting hazardous air pollutants if no ambient air quality standards have been established for those pollutants.

Y. Modifications of Part 70 HAP sources

Sources applying for a new Part 70 HAP source, a modification or reconstruction of a Part 70 HAP source which is not currently subject to a HAP emission limitation, and which sources are not Part 70 major sources, will be reviewed only under the New Source Review section of 06-096 CMR 115.

Z. Computation of time period

"Days" are calendar days unless otherwise designated. "Working days" excludes Saturdays, Sundays, state holidays and state shutdown days. In computing any period of time prescribed or allowed by this Chapter, the last day of the period is to be included unless it is a Saturday, Sunday, state holiday, or state shutdown day in which event the period runs until the end of the

next day which is not a Saturday, Sunday, state holiday, or state shutdown day. If a person is required to take some action within a prescribed period after service of notice or other paper and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

AA. Emergency provision

An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limits if the conditions of this subsection (subsection 2(AA)) are met. The affirmative defense for an emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and the licensee can identify the cause or causes of the emergency;
- (2) The licensed facility was at the time being properly operated;
- (3) During the period of the emergency, the licensee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the Part 70 license; and
- (4) The licensee submitted notice of the emergency to the Department within two (2) days or the next working day, whichever is later, of the time when emission limits were exceeded due to the emergency. This notice must contain:
 - (a) a description of the emergency;
 - (b) steps taken to mitigate emissions; and
 - (c) corrective actions taken.

In any enforcement proceeding, the licensee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any Applicable requirement.

3. Renewal of a Part 70 License and the Initial Part 70 Licenses

A. Applicability. The following procedures shall be used for sources applying for an initial Part 70 license and for the renewal of a Part 70 license or a lapsed Part 70 license.

B. Schedule

- (1) If the applicant is applying for a renewal of a Part 70 license, an application must be submitted at least six (6) months, but no earlier than eighteen (18) months prior to the date of expiration of the Part 70 license.
- (2) If the applicant is applying for an initial Part 70 license, an application must be submitted within one year of commencing operations as provided in 40 CFR Part 70.5.

C. Application Notification

- (1) The applicant shall give public notice of Intent to File as stated in subsection 2(D) of this Chapter.
- (2) A copy of the application shall be submitted by the source to EPA Region I.

D. Required Application Information

For a renewal of a Part 70 license and initial Part 70 license for existing sources, the applicant shall submit to the Department the information listed below:

- (1) For an initial Part 70 license the application form and information as specified in subsection 2(B) of this Chapter, containing all required information;
- (2) For a renewal of a Part 70 license, the last complete application forms for a Part 70 license with all new information indicated, including a compliance assurance monitoring (CAM) plan and any proposed alternative operating scenarios. New material appended to the application may be limited to any changes that may have occurred since the time of previous license issuance;
- (3) A Best Practical Treatment (BPT) analysis as described below:
 - (a) Best Practical Treatment (BPT). Emissions from existing sources undergoing renewal of a Part 70 license or the issuance of the initial Part 70 license shall be deemed to be receiving best practical treatment if those emissions are being controlled by pollution control apparatus which was installed less than 15 years prior to the date of license application approval, or an acceptable best practical treatment analysis shows that those emissions are being controlled in a manner consistent with emission controls commonly used in sources of similar age and design in similar industries.

For emissions from existing sources controlled by pollution control apparatus which was installed less than 15 years prior to the date of license application approval, the applicant shall submit a summary of the pollution control apparatus for those emission sources.

If the pollution control apparatus has been installed 15 years or more from the date of license application approval, the applicant must demonstrate that each emissions unit is receiving BPT and such demonstration shall consider the emission limit for which the air pollution control system was designed, the emission limitations adopted by the Department and in effect at the time of submission of an application for renewal, as well as the reliability, age, and life expectancy of the air pollution control system.

BPT shall not require the use of a lower sulfur content unless a lower sulfur fuel is required to comply with the applicable emissions standards or applicable ambient air quality standards.

BPT shall not force replacement of existing air pollution control equipment on the basis that more efficient or reliable air pollution control equipment is available at the time of

renewal. However, BPT may require replacement with more efficient or reliable air pollution control equipment under the following conditions:

- (i) The applicant is proposing replacement of the existing air pollution control equipment;
- (ii) Any emissions unit violates the applicable emission limitation;
- (iii) Additional reductions are necessary to achieve or maintain ambient air quality standards;
- (iv) The Department determines that previously uncontrolled emissions should be controlled in order to prevent an unreasonable risk to the environment or public health;
- (v) The Department determines that previously controlled emissions should be controlled to a greater efficiency considering the toxicity of air contaminants; or
- (vi) Additional reductions are necessary to restore ambient increment even if that ambient increment was previously authorized to the owner or operator of an existing source.

BPT may require the use of additional instrumentation, operating practices, automated process controls, upgrading of component parts, emissions testing, requirements for continuous emission monitors, maintenance programs for air pollution control equipment, or record keeping to demonstrate performance of air pollution control systems or other mitigating measures.

- (4) BPT for lapsed licenses shall undergo an analysis similar to Major and Minor Source Air Emission License Regulation, 06-096 CMR 115(4)(A)(4)(d).
- (5) **Reasonably Available Control Technology (RACT).** The applicant for an existing source located in, or whose emissions of a federal nonattainment pollutant result in a significant impact to any federal nonattainment area, shall include a summary of the conditions the source complies with to meet RACT requirements.
- (6) **Best Available Retrofit Technology (BART).** An existing source with emissions that the Department has determined to cause an adverse impact on visibility in any Class I area or any integral vista for that Class I area, shall demonstrate that each emissions unit contributing to the adverse impact on visibility will receive BART as expeditiously as practicable, but no later than five (5) years after the Department identifies BART.
- (7) **Hazardous Air Pollutants (HAPs).** If an existing source is subject to a newly applicable HAP emission limitation, the application shall be submitted according to the schedule in Appendix C and subsection 6(B) and shall contain the HAP information as required by Section 6 of this Chapter.
- (8) **Ambient Air Quality Impact Analysis.** If required by the Department pursuant to this Chapter, the applicant shall submit the results of any ambient air quality impact analyses, including an analysis of the impacts to Air Quality Related Values and impact on visibility if the Department determines that the source may affect ambient increments or Air Quality Related Values in any Class I area or integral vista to that Class I area. The analysis shall be

performed pursuant to this Chapter. This analysis shall not be used in the completeness determination of the application.

- (9) The certification of the responsible official pursuant to subsection 2(C) of this Chapter and a copy of the published public notice of Intent to File pursuant to subsection 2(D) of this Chapter.
- (10) List all section 502(b)(10) changes that occurred during the term of the previous license.

E. License Content

The following elements shall be included in the Part 70 license:

- (1) **Emission Limitations and Standards.** Emission limitations and standards, including those operational requirements and limitations that assure compliance with all Applicable requirements and state requirements at the time of the Part 70 license issuance.
 - (a) The Part 70 license shall:
 - (i) For Part 70 major sources, include in the Part 70 license all Applicable requirements for all relevant emissions units at the Part 70 major source.
 - (ii) For any nonmajor source subject to this Chapter under Section 1, include in the Part 70 license all Applicable requirements applicable to emissions units that cause the source to be a Part 70 source.
 - (b) The Part 70 license shall specify and reference the origin of and authority for each term or condition pertaining to all Applicable requirements, and identify any difference in form as compared to the Applicable requirement upon which the term or condition is based.
 - (c) The Department shall specifically designate as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.
 - (d) If an applicable implementation plan allows a determination of an alternative emission limit at a Part 70 source, equivalent to that contained in the plan, to be made in the Part 70 license issuance, renewal, or amendment process, and the State elects to use such process, any Part 70 license containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
 - (e) Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:
 - (i) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the licensed facility a record of the scenario under which it is operating;

- (ii) May extend the permit shield described in subsection 2(I) of this Chapter to all terms and conditions pertaining to Applicable requirements under each such operating scenario; and
 - (iii) Must ensure that the terms and conditions of each such alternative scenario meet all Applicable requirements and state requirements and the requirements of this Chapter.
- (f) Terms and conditions, if the applicant requests them, for the trading of emissions increases and decreases in the licensed facility, to the extent that the Applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:
 - (i) Shall include all terms required to determine compliance;
 - (ii) May extend the permit shield described in subsection 2(I) of this Chapter to all terms and conditions pertaining to Applicable requirements that allow such increases and decreases in emissions; and
 - (iii) Must meet all Applicable requirements, state requirements, and requirements of this Chapter.

(2) Compliance Assurance Requirements

(a) Monitoring Requirements

- (i) All emissions monitoring and analysis procedures or test methods required under the Applicable requirements and state requirements. This includes any procedures and methods promulgated pursuant to Sections 114(a)(3), pertaining to the enhanced monitoring and compliance certification requirements, or 504(b), pertaining to the monitoring and analysis provisions, of the CAA;
- (ii) Where the Applicable requirement or state requirement does not require periodic testing or instrumental or non instrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the Part 70 license;

Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the Applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this paragraph (subsection 3(E)(2)); and

- (iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

- (b) **Recordkeeping Requirements.** The Part 70 license shall incorporate applicable record keeping requirements and require where applicable the following records of required monitoring information:

- (i) The date, place as defined in the Part 70 license, and time of sampling or measurements;
 - (ii) The date(s) analyses were performed;
 - (iii) The company or entity that performed the analyses;
 - (iv) The analytical techniques or methods used;
 - (v) The results of such analyses; and
 - (vi) The operating conditions as existing at the time of sampling or measurement;
- (c) **Reporting Requirements.** The Part 70 license shall incorporate the required reporting requirements, including the submittal of summary reports of any required periodic monitoring at least every 6 months in the semiannual reports. The semiannual reports must indicate all instances of deviations from license requirements.
- (d) **Compliance Requirements**
- (i) Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the Part 70 license. Any document (including reports) required by a Part 70 license shall contain a certification by a responsible official.
 - (ii) For Part 70 sources out of compliance at time of issuance of the Part 70 license, a schedule of compliance consistent with subsection 2(B)(11) of this Chapter;
 - (iii) Progress reports consistent with an applicable schedule of compliance and subsection 2(B)(11) of this Chapter to be submitted at least every six (6) months, or at a more frequent period if specified in the Applicable requirement or by the Department. Such progress reports shall contain the following:
 - (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted;
 - (iv) Requirements for compliance certification with terms and conditions contained in the Part 70 license, including emission limitations, standards, or work practices and such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the CAA.
- (3) Part 70 licenses for temporary sources shall include conditions that will assure compliance with all Applicable requirements and state requirements at all authorized locations, the requirements of this Chapter and the requirement that the owner or operator notify the Department at least ten (10) days in advance of each change in location.

- (4) **Permit Shield.** The permit shield as specified in subsection 2(I) of this Chapter shall apply to the terms and conditions of the Part 70 license, except where the Part 70 license expressly identifies those terms and conditions pertaining to Applicable and state requirements which do not have a permit shield. In addition, the Part 70 license shall include the Department's determination or a concise summary thereof for other Applicable and state requirements specifically identified by the applicant as being not applicable to the Part 70 source.
- (5) **HAPs.** If an existing source is subject to a HAP emission limitation, the Part 70 license shall contain the applicable requirements of the HAP emission limitation as specified in subsection 6(E) of this Chapter in addition to the relevant requirements of subsection 3(E).
- (6) **Ambient Air Quality Impact Analysis.** The Part 70 license shall include a section summarizing any required ambient air quality impact analysis.
- (7) **Standard Statements and Conditions.** All Part 70 licenses shall include and be subject to the following standard statements and conditions:
 - (a) **Standard Statements**
 - (i) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both;
 - (ii) The Part 70 license does not convey any property rights of any sort, or any exclusive privilege;
 - (iii) All terms and conditions are enforceable by EPA and citizens under the CAA unless specifically designated as state enforceable.
 - (iv) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license;
 - (v) Notwithstanding any other provision 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.
 - (vi) Compliance with the conditions of this Part 70 license shall be deemed compliance with any applicable requirement as of the date of license issuance and is deemed a permit shield, provided that:
 - (a) Such applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or

- (b) The Department, in acting on the Part 70 license application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 license includes the determination or a concise summary thereof.

Nothing in this section or any Part 70 license shall alter or affect the provisions of Section 303 of the CAA (emergency orders), including the authority of EPA under Section 303; the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or the ability of EPA to obtain information from a source pursuant to Section 114 of the CAA.

- (vii) The Part 70 license shall be reopened for cause by the Department or EPA, prior to the expiration of the Part 70 license, if:

- (a) Additional applicable requirements under the CAA become applicable to a Part 70 major source with a remaining Part 70 license term of 3 or more years. However, no reopening is required if the effective date of the requirement is later than the date on which the Part 70 license is due to expire, unless the original Part 70 license or any of its terms and conditions has been extended pursuant to Chapter 140;
- (b) Additional requirements (including excess emissions requirements) become applicable to a Title IV source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the Part 70 license;
- (c) The Department or EPA determines that the Part 70 license contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Part 70 license; or
- (d) The Department or EPA determines that the Part 70 license must be revised or revoked to assure compliance with the applicable requirements.

The licensee shall furnish to the Department within a reasonable time any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 license or to determine compliance with the Part 70 license.

- (viii) No license revision or amendment shall be required under any approved economic incentives, marketable licenses, emissions trading and other similar programs or processes for changes that are provided for in the Part 70 license.

(b) Standard Conditions

- (i) Employees and authorized representatives of the Department shall be allowed access to the licensee's 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 and this license;

- (ii) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in this Chapter;
- (iii) The licensee 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;
- (iv) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.
- (v) The licensee shall maintain and operate all emission units, air pollution control and monitoring systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions;
- (vi) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. In addition, the licensee shall retain records of all required monitoring data and support information for a period of at least six (6) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Part 70 license. The records shall be submitted to the Department upon written request or in accordance with other provisions of this license;
- (vii) The licensee shall comply with all terms and conditions of the air emission license. The submission of notice of intent to reopen for cause by the Department, the filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a Part 70 license or amendment shall not stay any condition of the Part 70 license.
- (viii) 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 licensee shall:
 - (a) perform stack testing 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;
 - (ii) to demonstrate compliance with the applicable emission standards; or
 - (iii) pursuant to any other requirement of this license to perform stack testing.

- (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 to the Department within thirty (30) days from date of test completion.
- (ix) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicates emissions in excess of the applicable standards, then:
- (a) within thirty (30) days following receipt of such test results, the licensee 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 stack 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 licensee 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.
- (x) The licensee shall maintain records of all deviations from license requirements. Such deviations shall include, but are not limited to malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emission unit itself that is not consistent with the terms and conditions of the air emission license.
- (a) The licensee shall notify the Commissioner within 48 hours of a violation of any emission standard and/or a malfunction or breakdown in any component part that causes a violation of any emission standard, and shall report the probable cause, corrective action, and any excess emissions in the units of the applicable emission limitation;
 - (b) The licensee shall submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component part causes a violation of any emission standard, together with any exemption requests.

Pursuant to 38 MRSA §349(9), the Commissioner may exempt from civil penalty an air emission in excess of license limitations if the emission occurs during start-up or shutdown or results exclusively from an unavoidable

malfunction entirely beyond the control of the licensee and the licensee has taken all reasonable steps to minimize or prevent any emission and takes corrective action as soon as possible. There may be no exemption if the malfunction is caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition or preventable equipment breakdown. The burden of proof is on the licensee seeking the exemption under this subsection.

- (c) All other deviations shall be reported to the Department in the facility's semiannual report.
- (xi) Upon the written request of the Department, the licensee 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 manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.
- (xii) The licensee shall submit semiannual reports of any required periodic monitoring by January 31 and July 31 of each year, or on an equivalent schedule specified in the license. All instances of deviations from Part 70 license requirements must be clearly identified in such reports. All required reports must be certified by a responsible official.
- (xiii) The licensee shall submit a compliance certification to the Department and EPA annually by January 31 of each year, or more frequently if specified in the Applicable requirement or by the Department. The compliance certification shall include the following:
 - (a) The identification of each term or condition of the Part 70 license that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The method(s), specified in the source's license and information not specifically required by the license, used for determining the compliance status of the source, currently and over the reporting period; and
 - (e) Such other facts as the Department may require to determine the compliance status of the source;

F. Criteria for license approval

The Department shall grant the Part 70 license, if the following criteria are met:

- (1) The Department has received a complete application for a Part 70 license pursuant to this Chapter;

- (2) The emissions will receive best practical treatment (BPT), including, but not limited to, the requirements specified in subsection 3(D)(3) of this Chapter;
- (3) The emissions will not violate state standards adopted by the Department pursuant to Title 38 MRSA §585 or can be controlled so as not to violate the same;
- (4) The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate ambient air quality standards including, but not limited to, ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;
- (5) If the source is subject to a HAP emission limitation, the source has met the criteria as specified in subsection 6(F) of this Chapter.
- (6) If the Department determines that the emissions from an existing source are reasonably attributable to the adverse impact on Air Quality Related Values in any Class I area, BART, as specified in subsection 3(D)(5) of this Chapter will apply to the emissions;
- (7) The conditions of the Part 70 license provide for compliance with all Applicable requirements, state requirements and the relevant requirements of this Chapter;
- (8) The Part 70 license shall specifically designate as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.
- (9) The Department and applicant have complied with the public participation, affected states and EPA notification and review procedures for issuance of a Part 70 license pursuant to subsections 3(C) and 3(G) of this Chapter;
- (10) All control technology requirements, including, but not limited to, BPT, BACT, RACT, MACT, LAER, and other operating limitations, imposed in the air emission license will be complied with;
- (11) If the applicant proposes to change the emission limit upon which an air quality impact analysis was based, the applicant may be required to provide a new ambient air quality impact analysis for the new emission limit; and
- (12) If an air emission license renewal can be granted only if the licensee installs additional emissions controls or other mitigating measures, then the licensee may continue to emit pollutants from emission sources that will receive these controls or measures up to the same level allowed in its existing license as long as the additional emission controls or mitigating measures are fully operational as soon as practicable but in no case later than twenty four (24) months after the Department issues the license renewal, except as provided in this subsection. After a showing of the licensee that it can not install and bring to full operation the required emission controls or mitigating measures within the twenty four (24) month period, the Department may establish a later date for the installation and operation. No such

compliance schedule shall excuse any violation of an Applicable requirement. This provision is limited to state only requirements.

G. Draft Notification

- (1) A comment period of 30 days shall be held for the public and affected states on the Part 70 draft license, as described in subsection 2(K) of this Chapter.
- (2) After the end of the public review period stated above, EPA shall have a comment period of 45 days on the Part 70 draft proposed license as described in subsection 2(L) of this Chapter.

4. Part 70 Acid Rain Sources

The Department hereby adopts and incorporates by reference the provisions of 40 CFR Part 72, as in effect on January 11, 1993, and as amended March 23, 1993, and October 24, 1997, for purposes of implementing an acid rain program that meets the requirements of Title IV of the CAA. In the event the provisions or requirements of 40 CFR Part 72 conflict with, or are not included in this Chapter, the Part 72 provisions and requirements shall apply and take precedence. For the purposes of this section, the term, "permitting authority," shall mean the Department, and the term, "Administrator," shall mean the Administrator of the U.S. Environmental Protection Agency.

A. Schedule

Submittal of permit applications and the permitting of affected sources shall occur in accordance with the deadlines in Title IV of the Act and the regulations promulgated thereunder. If the applicant is applying for an initial Phase II acid rain permit, an application shall be submitted by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides, or by such other deadlines established under Title IV of the CAA and the regulations promulgated thereunder.

B. Required Application Information

The application shall be on a nationally-standardized form in addition to the application form and information required in subsection 2(B) of this Chapter. The applicant shall also include a compliance plan with regard to the schedule and method(s) the Title IV source will use to achieve compliance with the acid rain emissions limitations promulgated under Title IV of the CAA.

C. License Content

In addition to the information in subsection 3(E) of this Chapter, the following shall be included in the air emission license for a Title IV source:

- (1) A statement that an amendment is not required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require an amendment under any other Applicable requirement.
- (2) The compliance plan content requirements specified in Section 4 of this Chapter shall apply and be included in the acid rain portion of a compliance plan for an Title IV source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard

to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

- (3) A license condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.
 - (a) No license revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a license revision under any other Applicable requirement.
 - (b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other Applicable requirement.
 - (c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the CAA.
- (4) The Part 70 license shall state that, where an Applicable requirement of the CAA is more stringent than an Applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the license and shall be enforceable by the EPA.
- D.** Nothing in the permit shield, specified in subsection 2(I) of this Chapter, or any Part 70 license shall alter or effect the Applicable requirements of the acid rain program, consistent with Section 408(b) of the CAA.

E. Part 70 General Licenses

Part 70 General licenses shall not be granted for Title IV sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the CAA.

- F.** Modifications for Acid Rain sources pursuant to Title IV of the CAA shall provide an opportunity for public comment and review including public notice and the offering of an opportunity for public comment and a public meeting, and shall be governed by 40 CFR Part 72.
- G.** A Part 70 source shall be prohibited from making, without a permit revision, if such changes are subject to any requirements under Title IV of the Act or are Title I modifications or a modification or reconstruction under any provision of Section 111, or 112 of the CAA.
- H.** A license modification or license amendment for purposes of the acid rain portion of the license shall be governed by regulations promulgated under Title IV of the Act.

5. New Source Review for a New Part 70 Source, Major Modification or Minor Modification of a Part 70 Source. The applicant shall obtain a license pursuant to the provisions of 06-096 CMR 115.

6. HAP Emission Limitations

A. Applicability

(1) Promulgated HAP emission limitations. A new or existing Part 70 HAP source is subject to any HAP emissions limitation promulgated by EPA if one or more of the following conditions occur:

- (a) The source meets the criteria for applicability of such HAP emission limitation;
- (b) The source has proposed construction of a Part 70 HAP source; and
- (c) The source has proposed reconstruction of a Part 70 HAP source.

(2) Case-by-case MACT determinations

- (a) The Department shall establish a case-by-case MACT determination for a Part 70 HAP source if EPA has failed to promulgate a MACT emission limitation applicable to a Part 70 HAP source upon receipt and approval of a Part 1 and Part 2 MACT application submitted by the owner or operator. The Department shall issue the MACT emission limitation within 18 months of receiving a complete Part 2 application.
 - (b) Where no applicable emission limitations have been established by EPA, the Department shall establish a case-by-case MACT determination for the proposed construction or reconstruction of Part 70 HAP sources unless the source has been specifically regulated or exempted under a regulation issued pursuant to Section 112(d).
- (3) The following are excluded from MACT emission limitation determinations as required by 112(g) and 112(j):
- (a) Stationary sources in deleted sources categories pursuant to Section 112(c)(9) of the CAA.
 - (b) Research and development activities as defined by 40 CFR Part 63.41.

B. Schedule

- (1) If EPA promulgates a HAP emission limitation applicable to an existing Part 70 HAP source and three (3) years or more remain before a Part 70 license expires, an application must be submitted within the six (6) months following EPA's promulgation of the HAP emission limitation. If less than three (3) years remain before a Part 70 license expires, the application must be submitted with the renewal application.
- (2) If EPA fails to promulgate a MACT emission limitation applicable to a source category or subcategory by the date scheduled for promulgation, the owner or operator of the existing HAP major source (that includes one or more stationary sources in that category) must

submit a Part 1 MACT application within 18 months after the date scheduled for promulgation. The Part 1 MACT application must include the following requirements:

- (a) The name and address (physical location) of the major source;
- (b) A brief description of the major source and an identification of the relevant source category;
- (c) An identification of the types of emission points belonging to the relevant source category; and
- (d) An identification of any affected sources for which a Section 112(g) MACT determination has been made.

Within 24 months after an owner or operator submits a Part 1 MACT application the owner or operator must submit a Part 2 MACT application meeting the requirements of subsections 6(D)(1)(a) through (i) and 6(D)(2)(a) through (d) of this Chapter.

- (3) If the applicant is applying for a new Part 70 HAP source or a reconstruction of a Part 70 HAP source, an application must be submitted and processed in accordance with this Chapter and 06-096 CMR 115.

C. Application Notification

- (1) No application notification is required for the processing of a Part 70 license amendment for the purpose of a HAP emission limitation.
- (2) A copy of the application shall be submitted by the source to EPA Region I.

D. Required Application Information

- (1) For sources subject to HAP emission limitations promulgated by the EPA or adopted by the Department through regulation, the applicant shall submit the information required in subsection 2(B) of this Chapter in addition to the following information:
 - (a) A description of all emission units and the HAP emitted by each Part 70 HAP source which is subject to a HAP emission limitation for existing Part 70 HAP sources or a HAP emission limitation for new Part 70 HAP sources;
 - (b) The emission rate of each HAP emitted by each emission unit, stated in terms that would be federally enforceable, as defined by EPA;
 - (c) The annual rate of uncontrolled emissions of any HAP from the Part 70 HAP source;
 - (d) The annual rate of controlled emissions for the emission units subject to HAP emission limitations;
 - (e) Parameters to be monitored or frequency of monitoring to demonstrate continuous compliance with the HAP emission limitations;

- (f) Supporting technical information that documents any applicable HAP emission limitation for new Part 70 HAP sources will be met upon commencement of operation;
 - (g) Supporting technical information that documents the source is, or will be in compliance with any applicable HAP emission limitation promulgated by EPA;
 - (h) Any other information required by the Department to assess compliance with any existing Federal, State or local limitations or requirements applicable to the affected source;
 - (i) For a new affected source, the anticipated date of start-up.
- (2) For sources subject to a MACT emission limitation determined on a case-by-case basis by the Department, the applicant shall submit the information required in subsection 2(B) of this Chapter in addition to the following information:
- (a) All of the information listed above in subsection 6(D)(1) of this Chapter;
 - (b) The HAP emission limitations proposed by the applicant that under representative operating conditions and maintenance, would achieve the MACT emission limitation for existing Part 70 HAP sources or the MACT emission limitation for new Part 70 HAP sources, whichever is applicable.

Supporting technical information must be included, such as design, operation, size, control efficiency, identification of control technology in place for each affected emission point or group of affected emission points or any other information deemed necessary by the Department;

- (c) The HAP emission limitations proposed by the applicant shall:
 - (i) For sources that propose to construct a new or reconstruct an existing Part 70 HAP source, be no less stringent than the emission control that is achieved in practice by the best controlled similar source.
 - (ii) Provide the maximum degree of reduction in emissions of HAP which can be achieved by utilizing those control technologies that can be identified from the available information, taking into consideration the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.
 - (iii) Include either a proposed relevant emission standard pursuant to Section 112(d) or Section 112(h) of the Clean Air Act or adopted presumptive MACT determination for the source category which includes the constructed or reconstructed major source. The MACT requirements applied to the constructed or reconstructed major source shall reflect those MACT emission limitations and requirements of the proposed standard or presumptive MACT determination.

- (iv) For sources for which EPA fails to promulgate a MACT emission limitation within eighteen (18) months after the scheduled promulgation date, be no less stringent than the emission limitation that would be achieved at the MACT floor, and that at a minimum meets the requirements of a top-down case-by-case MACT analysis for the type and quantity of HAP emitted by the source.
- (d) Where feasible, applicants should propose HAP emission limitations that are based upon pollution prevention techniques rather than the use of control equipment.

E. License Content. The Part 70 license shall contain the following:

- (1) The HAP emission limitation promulgated by EPA, adopted by the Department, or determined on a case-by-case basis by the Department.
- (2) Requirements specifying notification, operation and maintenance, performance testing, monitoring, record keeping, reporting requirements, and compliance dates, as provided in subsection 3(E) of this Chapter and any other compliance requirements deemed necessary by the Department.
- (3) **Schedule of compliance**
 - (a) For a constructed or reconstructed Part 70 HAP source, compliance with a promulgated MACT, GACT, residual risk, or work practice standard must be achieved upon commencing operations.
 - (b) For existing Part 70 HAP sources, compliance with a promulgated MACT, GACT, or work practice emission limitation must be achieved by the compliance date specified in the applicable, promulgated emission limitation. If the applicable regulation does not specify a compliance date, compliance must be achieved as expeditiously as practicable, as specified in the Part 70 license, but no later than three (3) years after the effective date of the applicable regulation.
 - (c) For existing Part 70 HAP sources subject to a case-by-case MACT standard due to EPA's failure to promulgate a MACT emission limitation, compliance with a case-by-case MACT standard must be achieved as expeditiously as practicable, but no later than three (3) years following the issuance of the Title V permit containing a MACT emission limitation or following the promulgation of the MACT standard by EPA, whichever occurs first.
 - (d) Notwithstanding the requirements of this subsection, no existing Part 70 HAP source which is controlled as a result of the installation of BACT or technology for LAER prior to the promulgation of a MACT, GACT, or work practice emission limitation shall not be required to comply with the MACT, GACT, or work practice emission limitation standards until five (5) years after the date of installation of BACT or LAER or until the compliance date of the standard, whichever is later;
 - (e) Notwithstanding the requirements of this subsection, new Part 70 HAP sources which commence construction or reconstruction after a MACT, GACT, or work practice emission limitation applicable to such source is proposed, and before such standard is

promulgated, shall not be required to comply with the standard until three (3) years after the promulgation date if:

- (i) The promulgated HAP emission limitation is more stringent than the proposed standard; and
- (ii) The source complies with the HAP emission limitation, as proposed, during the three (3) years immediately after promulgation.

F. Criteria for license approval

The Department shall grant the Part 70 license if the Department determines that the Part 70 HAP source will meet the applicable HAP emission limitations.

G. Draft Notification

- (1) The applicant shall provide a copy of the Part 70 draft license to the affected states for a comment period of 30 days. The comment period shall begin on or before the date that the affected states receive a copy of the Part 70 draft license.
- (2) In addition, for sources subject to a MACT emission limitation determined on a case-by-case basis by the Department, a comment period of 30 days shall be held for the public on the Part 70 draft license, as described in subsection 2(K) of this Chapter.
- (3) After the end of the affected states review and public comment period stated above, EPA shall have a comment period of 45 days on the Part 70 draft proposed license as described in subsection 2(L) of this Chapter.

7. Part 70 Administrative Revision

A. Applicability

Part 70 Administrative Revision procedures may be used for the correction of typographical errors, change in the name, address, or phone number of any person or facility identified in the Part 70 license, or a similar administrative change, or the change to more frequent monitoring, reporting, recordkeeping or testing requirements.

An “administrative license revision” is a license revision that:

- (1) Corrects typographical errors;
- (2) Identifies a change in the name, address or phone number of any person identified in the license , or provides a similar minor administrative change at the source;
- (3) Requires more frequent monitoring or reporting by the licensee;
- (4) Allows for a change in ownership or operational control of a source where the licensing authority determines that no other change in the license is necessary, provided that a written

agreement containing a specific date for transfer of license responsibility, coverage, and liability between the current and new licensee has been submitted to the licensing authority; or

- (5) Incorporates any other type of change which the Administrator has determined as part of the approved Part 70 program to be similar to those in paragraphs 40 CFR § 70.7(d)(1)(i) through (iv).

B. Schedule

- (1) The applicant may request a Part 70 Administrative Revision at any time during the term of a Part 70 license.
- (2) The Department shall take no more than 60 days from receipt of a request for a Part 70 Administrative Revision to take final action on such request.

C. Application Notification

No application notification is required for the processing of a Part 70 Administrative Revision. The source may implement the changes addressed in the request for a Part 70 Administrative Revision immediately upon submittal of the request.

D. Required Application Information

- (1) The application submission shall consist of a written request documenting the Part 70 Administrative Revision with the reason for the request, along with any relevant information for the revision. The signatory sheet signed by a responsible official shall be included in the submittal.
- (2) The application submission shall include verification that the proposed modification meets the criteria for use of the Part 70 Administrative procedures and a request that such procedure be used.

E. License Content

A Part 70 Administrative Revision shall contain the following:

- (1) A description of the revision and the reason for the request.
- (2) Terms and conditions that will assure compliance with all Applicable requirements and state requirements pertaining to the revisions, including the relevant requirements of subsection 3(E).
- (3) Specific designation as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.
- (4) The permit shield, as specified in subsection 2(I) shall not apply to the terms and conditions of the Part 70 Administrative Revision license.

F. Criteria for license approval

The Part 70 Administrative Revision shall be granted if the Department determines that the revision meets the applicability criteria specified above in subsection 7(A) of this Chapter and will not violate any Applicable requirements and state requirements.

The Part 70 license shall specifically designate as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.

G. Draft Notification

Draft notification is not required for a Part 70 Administrative Revision.

8. Part 70 Section 502(b)(10) Change**A. Applicability**

Changes within a Part 70 facility (or one operating pursuant to Section 503(d) of the CAA) may be made without requiring a license revision if the changes are not modifications under Section 5 of this chapter and the changes do not cause emissions in excess of the standards in the permit (whether expressed therein as a rate of emissions or in terms of total emissions) and qualify as a 502 change of the Clean Air Act.

B. Schedule

The applicant may make a Section 502(b)(10) Change at any time during the term of a Part 70 license.

C. Notification

The facility must provide the EPA and the Department with written notification of a Section 502(b)(10) Change a minimum of 7 days in advance of the proposed changes.

D. Required Notification Information

- (1) The application submission shall consist of a letter requesting the Section 502(b)(10) Change with the reason for the request, along with any relevant information for the change. The signatory sheet signed by a responsible official shall be included in the submittal.
- (2) The application submission shall include verification that the proposed modification meets the criteria for use of a Section 502(b)(10) Change procedure and a request that such procedure be used.

E. Criteria for license approval

Changes must not be physical changes in, or changes in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted and the changes do not exceed the

emissions allowable under the license (whether expressed therein as a rate of emissions or in terms of total emissions).

F. Draft Notification

Draft notification is not required for a Section 502(b)(10) Change.

9. Part 70 Minor License Modification

A. Applicability

Part 70 Minor License Modification procedures may be used only for those license changes that:

- (1) Do not violate any Applicable requirement or state requirement;
- (2) Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the license;
- (3) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts or a visibility or increment analyses;
- (4) Do not seek to establish or change a Part 70 license term or condition for which there is no corresponding underlying Applicable requirement, and that the source has assumed to avoid an Applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (a) A federally enforceable emissions cap assumed to avoid classification as a modification or reconstruction under Section 112 of the CAA, or as a Title I Modification under the CAA; and
 - (b) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA;
- (5) Are not a modification or reconstruction under Section 111 or 112 of the CAA, or a Title I Modification under the CAA; and
- (6) Are not required by the Department to be processed as a significant modification.

Notwithstanding 1 through 6, Part 70 Minor License Modification procedures may be used for license modifications involving the use of economic incentives, marketable licenses, intrafacility emission trading, and other similar approaches, to the extent that such Part 70 Minor License Modification procedures are explicitly provided for in an applicable implementation plan or in Applicable requirements promulgated by EPA.

B. Schedule

- (1) The applicant may request a Part 70 Minor License Modification at any time during the term of a Part 70 license.

- (2) The Department may approve, but may not issue, a final Part 70 Minor License Modification until after EPA's 45-day review period or until EPA has notified the Department that EPA will not object to issuance, whichever is first. Within 90 days of the Department's receipt of an application under Part 70 minor license modification procedures or 15 days after the end of the EPA's 45-day review period, whichever is later, the Department shall:
 - (a) Issue the Part 70 Minor License Modification as proposed;
 - (b) Deny the Part 70 Minor License Modification application;
 - (c) Determine that the requested Part 70 Minor License Modification does not meet the Part 70 Minor License Modification criteria; or
 - (d) Revise the draft license and transmit to the EPA the new proposed Part 70 Minor License Modification.
- (3) The source may make the changes proposed in its Part 70 Minor License Modification application immediately after it files an application, only if such application includes the suggested draft of subsection 9(D)(3) of this Chapter. After the source makes the change allowed by the preceding sentence, and until the Department takes any of the actions specified in this section, the source must comply with both the Applicable requirements governing the change and the suggested draft license terms and conditions. During this time period, the source need not comply with the existing license terms and conditions it seeks to modify.

However, if the source fails to comply with its proposed license terms and conditions during this time period, the existing license terms and conditions it seeks to modify may be enforced against it.

C. Application Notification

- (1) No application notification is required for the processing of a Part 70 Minor License Modification.
- (2) A copy of the application shall be submitted by the source to EPA Region I and affected states.

D. Required Application Information

- (1) The application form as specified in subsection 2(B) of this Chapter that contains the applicable required information.
- (2) In addition, the applicant shall provide the following information:
 - (a) A description of the change, the emissions resulting from the change, and any new Applicable requirements and state requirements that will apply if the change occurs; and

- (b) Certification by a responsible official that the proposed modification meets the criteria for use of Part 70 Minor License Modification procedures and a request that such procedures be used.
- (3) The applicant shall also submit a suggested draft license, if the source wishes to make the changes proposed in its Part 70 Minor License Modification application immediately after it files the application.

E. License Content

A Part 70 Minor License Modification shall contain the following:

- (1) A description of the change and the reason for the request, and
- (2) Terms and conditions that will assure compliance with all Applicable requirements and state requirements pertaining to the change.
- (3) Specific designation as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.
- (4) The permit shield, as specified in subsection 2(I) shall not apply to the terms and conditions of the Part 70 Minor License Modification.

F. Criteria for license approval

The Part 70 Minor License Modification shall be granted if the Department determines that the change meets the applicability criteria specified above in subsection 9(A) of this Chapter and will not violate any Applicable requirement or state requirement of the Part 70 source.

The Part 70 license shall specifically designate as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.

G. Draft Notification

- (1) The applicant shall provide a copy of the suggested draft license to the affected states and to the EPA within 5 days of submitting the application to the Department, if the source wishes to make the changes proposed in its Part 70 Minor License Modification application immediately after it files the application.
- (2) For Part 70 Minor License Modifications, the applicant shall provide a copy of the Part 70 draft proposed license to the affected states for a 30 day comment period as specified for in subsection 2(K) of this Chapter, as applicable only for affected states review.
- (3) EPA shall have a comment period on the draft Part 70 minor license modification for 45 days as described in subsection 2(L) of this Chapter or until EPA has notified the Department that EPA will not object to the issuance, whichever is first. The 45 day comment period shall begin on the date the affected states or EPA receives a copy of the Part 70 Minor License

Modification draft proposed license, or when EPA receives the Department's explanation for why it has refused to accept an affected state's comment when the comment is not acted upon by the Department, whichever is later.

10. Part 70 Significant License Modification

A. Applicability

Part 70 Significant License Modification procedures shall be used for applications requesting license changes that do not qualify as Administrative Revisions or Part 70 Minor License Modifications.

Part 70 Significant License Modification procedures shall be used for applications requesting license changes that are determined by the Department to be substantial changes in existing monitoring and testing license terms or conditions and any relaxation of testing, reporting or record keeping license terms or conditions.

Any variance or compliance extension issued pursuant to Title 38 MRSA § 587 and 590 for a Part 70 source shall be processed as a Part 70 Significant License Modification and be subject to the terms and conditions for the issuance of a Part 70 Significant License Modification.

B. Schedule

The applicant may request a Part 70 Significant License Modification at any time during the term of a Part 70 license.

C. Application Notification

- (1) No application notification is required for the processing of a Part 70 Significant License Modification.
- (2) A copy of the application shall be submitted by the source to EPA Region I.

D. Required Application Information

- (1) The application form as specified in subsection 2(B) of this Chapter that contains the applicable required information.
- (2) In addition, the applicant shall provide the following information:
 - (a) A description of the change, the emissions resulting from the change, and any Applicable requirements and state requirements that pertain to the change; and
 - (b) Certification by a responsible official that the proposed modification meets the criteria for use of Part 70 Significant License Modification procedures and a request that such procedures be used.

E. License Content

A Part 70 Significant License Modification shall contain the following:

- (1) A description of the change and the reason for the request, and
- (2) Terms and conditions that will assure compliance with all Applicable requirements and state requirements pertaining to the change.
- (3) Specific designation as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.
- (4) Permit shield. The permit shield as specified in subsection 2(I) of this Chapter shall apply to the terms and conditions of the Part 70 Significant License Modification license, except where the Part 70 Significant License Modification license expressly identifies those terms and conditions pertaining to Applicable and state requirements which do not have a permit shield. In addition, the Part 70 Significant License Modification license shall include the Department's determination or a concise summary thereof for other Applicable and state requirements specifically identified by the applicant as being not applicable to the Part 70 source.

F. Criteria for license approval

The Part 70 Significant License Modification shall be granted if the Department determines that the change meets the applicability criteria specified above in subsection 10(A) of this Chapter and will not violate any Applicable requirements and state requirements of the Part 70 source.

The Part 70 license shall specifically designate as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.

G. Draft Notification

- (1) For Part 70 Significant License Modification, a comment period of 30 days shall be held for the public and affected states on the Part 70 draft license, as described in subsection 2(K) of this Chapter.
- (2) EPA shall have a comment period on the Part 70 Significant License Modification draft proposed license for 45 days as described in subsection 2(L) of this Chapter or until EPA has notified the Department that EPA will not object to the issuance, whichever is first. The 45 day comment period shall begin on the date EPA receives a copy of the Part 70 Significant License Modification draft proposed license, or when EPA receives the Department's explanation for why it has refused to accept an affected state's comment when the comment is not acted up on by the Department, whichever is later.

11. Intrafacility Emission Trading

The Department shall allow intrafacility emission trading within a facility without requiring an amendment to the Part 70 license if the intrafacility emission trade will not violate any BPT findings, and is an intrafacility emission trade that:

Does not exceed the emissions allowable under the Part 70 license (emissions cap), whether expressed therein as a rate of emissions or in terms of total emissions, the intrafacility emission trade is not a Title I modification or a modification or reconstruction under any provision of Section 111 or 112 of the CAA, is not a HAP intrafacility emission trade, and meets the following criteria:

A. Trading Under the Permitted Emissions Caps

The Department shall include in the Part 70 license an emissions cap, pursuant to a request submitted by the applicant, consistent with any specific emission limits or restrictions otherwise required in the license by any Applicable requirements, and license terms and condition for intrafacility emission trading solely for the purposes of complying with that emissions cap.

The responsible official for the Part 70 source shall provide EPA and the Department with written notification at least seven (7) days in advance of the proposed intrafacility emission trade. The notice must include the following information:

- (1) A description of the intrafacility emission trade to be made within the licensed facility;
- (2) The date on which the proposed intrafacility emission trade will occur; and
- (3) A statement on how emission increases and decreases will comply with the conditions of the Part 70 license.
- (4) The Part 70 source, the Department and the EPA shall attach each notice required by this section to their copy of the relevant Part 70 license.

B. Trading Under the Implementation Plan

For Part 70 licenses that do not contain provisions for intrafacility emission trading, the Department shall provide for intrafacility emission trading increases and decreases, where the applicable implementation plan provides for such intrafacility emission trading without requiring a permit revision and based on the 7 day notice provided for below.

The responsible official for the Part 70 source shall provide EPA and the Department with written notification at least seven (7) days in advance of the proposed intrafacility emission trade. The notice must include the following information:

- (1) A description of the intrafacility emission trades to be made within the licensed facility;
- (2) The date on which the proposed intrafacility emission trade will occur;
- (3) Identification of the license terms which may be replaced with the intrafacility emission trading provisions in the state implementation plan;
- (4) Identification of the Part 70 license requirements with which the Part 70 source will comply using the intrafacility emission trading provisions of the state implementation plan;
- (5) Identification of the pollutants emitted subject to the intrafacility emission trades; and

- (6) A reference to the provisions in the state implementation plan with which the Part 70 source will comply and that provide for the intrafacility emission trades.

The Part 70 source, the Department and the EPA shall attach each notice required by this section to their copy of the relevant Part 70 license.

C. Amending the Part 70 license to Incorporate Intrafacility Emission Trading Provisions

For Part 70 licenses that do not contain provisions for intrafacility emission trading, and the licensee would like to establish such provisions within the Part 70 license, and:

- (1) The State Implementation Plan does not provide for such intrafacility emission trading, the licensee shall be required to submit an application to amend the Part 70 license through the Part 70 Significant License Modification license procedures, renewal of a Part 70 license, or initial source Part 70 license procedures to include conditions of the Part 70 license that allow for intrafacility emission trading increases and decreases; or
- (2) The State Implementation Plan does provide for such intrafacility emission trading, the licensee shall be required to submit an application to amend the Part 70 license through the Part 70 Minor License Modification license procedures to include conditions of the Part 70 license that allow for intrafacility emission trading increases and decreases substantially identical to those provided for in the SIP.

D. Part 70 License Intrafacility Emission Trading Provision Requirements

The Part 70 license must contain the following conditions, to incorporate provisions for intrafacility emission trading, that are requested by the applicant and approved by the Department:

- (1) An emissions cap that is consistent with any specific emission limits or restrictions otherwise required in the Part 70 license by any Applicable requirements and state requirements. The emissions cap shall be only for the emission units which are quantifiable and have replicable procedures and license terms that ensure the emissions cap is enforceable and transfers pursuant to it are quantifiable and enforceable;
- (2) Conditions for intrafacility emission trading solely for the purposes of complying with the emissions cap required by this section; and
- (3) Conditions to assure compliance with all Applicable requirements and state requirements.
- (4) The permit shield described in subsection 2(I) of this Chapter may extend to those intrafacility emission trades made pursuant to subsection 11(A) of this Chapter, but the permit shield shall not extend to any change made pursuant to subsection 11(B) of this Chapter.

12. Part 70 License Transfer

The following outlines the procedures for issuing a Part 70 License Transfer:

A. Applicability

The transferee shall abide by all of the conditions of the Part 70 license and is jointly or severally liable with the original licensee for any violation of the terms and conditions thereof pending determination on the application for approval of a transfer.

B. Schedule

An application for a Part 70 License Transfer shall be submitted to the Department no later than two weeks after any transfer of property subject to a Part 70 license.

C. Application Notification

The applicant shall publish notice of Intent to File as specified in subsection 2(D) of this Chapter.

D. Required Application Information

- (1) Identifying new information, including company name and address (or plant name and address if different from the company name), owner's name, agent and telephone number, responsible official's name and address, telephone number and names of plant site manager or designated contact person;
- (2) A letter including the following information:
 - (a) The full name and address of the new owner;
 - (b) The date of the official sale;
 - (c) A copy of the purchase agreement or deed showing transfer of ownership, or demonstration of title, right, or interest;
 - (d) A statement that there will be no increase in air emissions beyond that provided for in the existing license, either in quantity or type, without prior written permission from the Department; and
 - (e) A demonstration of technical capacity of the new owner and intent to:
 - (i) Comply with all conditions of the Part 70 license, and
 - (ii) To satisfy all statutory criteria.
- (3) The signatory sheet from a responsible official.

E. License Content

The Part 70 License Transfer shall contain the following:

- (1) Full name and address of new owner and the date of transfer of ownership;
- (2) A statement that there will be no increase in air emissions beyond that provided for in the existing license, either in quantity or type, without prior written permission from the Department; and
- (3) A statement describing the technical capacity of the new owner.

F. Criteria for license approval

Approval for a Part 70 License Transfer shall be based on the acceptability of the information required in the application submittal.

G. Draft Notification

Draft notification is not required for a Part 70 License Transfer.

13. Part 70 General Licenses

The Department may, on a case-by-case basis, issue a Part 70 General license for specific source categories. A source qualifying for an existing Part 70 General license must apply to the Department to be licensed under the terms of the Part 70 General license or must apply for a Part 70 license through the procedures described in Section 3 or Section 5 of this Chapter, whichever is relevant.

A. Issuance of a Part 70 General license

- (1) The Part 70 General license shall be issued by the same process as any Part 70 license, including public participation and review.
- (2) The terms and conditions of any Part 70 General license shall be consistent with subsection 3(E) of this Chapter and shall provide for compliance with all Applicable requirements and state requirements of other Part 70 licenses.
- (3) The Part 70 General license shall identify criteria by which Part 70 sources may qualify for the Part 70 General license.
- (4) The Part 70 General license shall specify the deadline for existing sources for the submission of requests for authorization and the date(s) when a person is authorized to operate under the Part 70 General license.

B. Requirements to apply under a Part 70 General license

- (1) Owners or operators of Part 70 sources that qualify for a Part 70 General license must apply in writing to the Department to be licensed under the terms and conditions of the Part 70 General license in accordance with the requirements of this subsection.
- (2) Owners or operators of Part 70 sources that qualify for a Part 70 General license shall give public notice of Intent to File as stated in subsection 2(D) of this Chapter.
- (3) An application for a Part 70 General license must include the following information necessary to determine qualification for, and to assure compliance with, the Part 70 General license:
 - (a) The application form as specified in subsection 2(B) of this Chapter that contains the required information, including any information necessary to determine whether the applicant qualifies to operate under the General license.

- (b) The certification of the responsible official and a copy of the published public notice of Intent to File as specified in subsections 3(D) and 3(C) of this Chapter.
- (c) A copy of the application shall be submitted by the source to EPA Region I.

C. Granting Approval Under a Part 70 General license

The Department shall grant the conditions and terms of the Part 70 General license to a Part 70 source upon request, if the Part 70 source meets the following criteria:

- (1) The source is similar to other sources for that category of Part 70 General licenses in regard to the following attributes:
 - (a) Air quality classification of the source's location;
 - (b) Proximity to Class I areas;
 - (c) Total emission quantity and nature of regulated pollutants;
 - (d) Classification of areas downwind;
 - (e) Geographic area involved for the same or substantially similar types of operation;
 - (f) Emissions of the same type of air pollutants;
 - (g) Requires the same control systems or operating conditions;
 - (h) Requires the same or similar monitoring; and
 - (i) In the opinion of the Department, the source is more appropriately controlled under a Part 70 General license than under an individual Part 70 license.
- (2) The Department shall grant a request for authorization to operate under an existing Part 70 General license to owners or operators of Part 70 sources that qualify, and may grant the Part 70 General license without repeating the public participation and affected state review procedures on the Part 70 draft license. Such a grant shall not be a final action by the Department for purposes of judicial review.

14. Ambient Air Quality Analysis

- A. General requirement.** It shall be the burden of any applicant to provide an affirmative demonstration that its emissions, in conjunction with all other sources, will not violate ambient air quality standards, except that Part 70 sources in nonattainment areas or which significantly impact a nonattainment area shall be required to demonstrate that the Part 70 source's emissions are consistent with Reasonable Further Progress provisions of the State Implementation Plan. An applicant may use ambient air monitoring, modeling, or other assessment techniques as approved by the Department and shall be consistent with EPA regulations and guidelines or other requirements under the CAA. The analyses shall include relevant emissions units at the Part 70 source, meteorological and topographical data necessary to estimate such impacts, and shall

consider the impact of fugitive emissions, to the extent quantifiable, secondary emissions, and emissions from other existing sources including increases in mobile and area source emissions impacting the same area.

The level of analysis shall depend upon the size of the Part 70 source, the regulated air pollutants emitted, existing air quality, proximity to Class I or nonattainment areas, or areas where increment has been substantially consumed. (For the purposes of this subsection, the Class I area shall include any conservation easements under the jurisdiction of an appropriate Federal Land Manager as of August 7, 1977.) The air quality impact analysis, in general, will not be required of the applicant for those regulated pollutants that are not listed under "significant emissions increase" in Chapter 100 of the Department's Regulations. The analysis shall be conducted in accordance with the provisions of subsection 14(C) of this Chapter, Chapter 116 of the Department's Regulations and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models.

Air quality modeling conducted as part of the licensing of a new Part 70 source or modification to a Part 70 source in the United States is substantially governed by the Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models. That modeling guidance was first promulgated in 1978 and by law, must be routinely updated by EPA. Thus, federal regulatory guidance on modeling and the list of acceptable models do change. The Department recognizes that air dispersion modeling guidance will be periodically updated, to reflect the latest federal guidance. To maintain an orderly licensing process in the State, applicants will be required to conform with those procedures and guidelines in effect at the time of Department approval of a written modeling protocol that meets all applicable requirements provided the applicant completes modeling, as approved, and submits its results within six (6) months of the date of approval of the protocol. If the protocol calls for collection of on-site meteorological data, then the starting date for the on-site data collection must be no later than 6 months after approval of the protocol and modeling results must be submitted within six (6) months of obtaining acceptable on-site meteorological monitoring data. Requests by the applicant to modify the modeling protocol will require conformance with current applicable air dispersion modeling guidance.

(1) **Ambient Air Quality Monitoring Requirements.** Monitoring done by the owner or operator shall conform to the requirements of 40 CFR Part 58, Appendix B and the Department's Quality Assurance Plan (or other plan approved by the Department) during the operation of monitoring stations. It is recommended that a written protocol be developed by the owner or operator and the Department when a Part 70 source is required to conduct either pre-construction or post-construction monitoring. The protocol shall, at a minimum, specify the monitoring sites, frequency of sampling, data recovery, pollutants, and monitoring method(s).

(2) **Air Quality Impact Modeling Requirements**

- (a) All estimates of ambient concentrations required by an ambient or increment impact analysis shall be based on the relevant air quality models, data bases, and other requirements specified in the current Appendix W to 40 CFR Part 51 - Guideline on Air Quality Models, and in accordance with subsection 14(C) of this Chapter, and Chapter 116 of the Department's regulations. Fugitive emissions, to the extent quantifiable, shall be considered.

- (b) All input, output and diagnostic files used in the final Class I and Class II standards and increment compliance modeling analyses and Class I AQRV and visibility modeling analyses shall be submitted to the Department on media formatted for use by computer software which the Department uses unless otherwise approved by the Department.
- (c) Where an air quality impact model specified in the Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models, is inappropriate, the model may be changed or another model substituted; such change or substitution shall be subject to public comment and the written approval of the Department and the Regional Administrator of the U. S. Environmental Protection Agency or his designee. Methods like those outlined in the Protocol for Determining the Best Performing Model (EPA-454/R-92-025) and the Interim Procedures for Evaluating Air Quality Models: Experience with Implementation (EPA-450/4-85-006) should be used to determine the comparability of air quality models.

B. Renewal of a Part 70 license

- (1) A previously submitted impact analysis shall be acceptable unless:
 - (a) It has been found to be deficient with respect to requirements set forth in subsection 14(A) of this Chapter;
 - (b) The impact analysis fails to reflect available information with respect to ambient air quality levels in the area, which, based upon the Department's expertise, may reasonably be expected to be significantly impacted by the Part 70 source;
 - (c) The Part 70 source emits a regulated pollutant for which an ambient air quality standard has been adopted and whose impact was not addressed in the original impact analysis;
 - (d) There are changes in stack or building configurations or other factors which are determined to significantly alter the dispersion characteristics of the Part 70 source.
- (2) Continuation of an ambient air monitoring or meteorological monitoring program shall be made on a case-by-case basis at the time of the renewal. It shall be the burden of the applicant to demonstrate the adequacy of existing data, its relationship to past, present, and future facility operating conditions, and the adequacy of other means to document continuing compliance.
- (3) An existing Part 70 source shall be exempt from an impact analysis with respect to a regulated pollutant whose allowable emissions, after the application of control technology requirements specified in Section 4 of this Chapter, do not exceed the following, unless the Part 70 source is located in or near a Class I area or an area where the available air quality is limited, or other extenuating circumstances exist:
 - (a) 50 tons per year (tpy) for SO₂;
 - (b) 250 tpy for CO;
 - (c) 25 tpy for PM₁₀;

- (d) 15 tpy for PM_{2.5} direct emissions;
- (e) 50 tpy for NO_x (measured as NO₂);
- (f) 0.6 tpy for Lead (Pb); or
- (g) 0.2 tpy of total Chromium.

C. Modeling/data collection protocol. Any air quality dispersion modeling or data collection program shall be developed consistent with the following requirements:

- (1) **Guidance.** All air quality dispersion modeling and meteorological data collection shall be conducted consistent with Section 14 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models.

NOTE: For major sources and major modifications, the applicant should consult with the Department and Federal Land Managers (potentially affected federal lands are listed in Classification of Air Quality Control Regions, 06-096 CMR 114) if Class I analyses are required, prior to submitting a modeling/data collection protocol. The applicant is responsible for obtaining the training necessary to perform the required air dispersion modeling and meteorological data collection.

- (2) **Variance from guidance.** Upon an applicant's written request, the Department may grant a variance from any of the requirements set forth in Section 14 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models, when the Department finds that the alternative proposed by the applicant will not significantly affect the accuracy of the modeling, and/or when data collection results or compliance with the requirements specified in Section 14 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models is technically infeasible or economically unreasonable for the applicant. For any Part 70 source subject to PSD review, the variance shall be subject to EPA review, written approval, and shall be subject to notice and opportunity for public comment pursuant to 40 CFR Parts 51.160 (f) (2) and 51.166 (1) (2).
- (3) **Significant impact modeling protocol for SO₂, NO₂, CO, PM_{2.5} and PM₁₀.** Prior to undertaking significant impact modeling for SO₂, NO₂, CO, PM_{2.5} and PM₁₀, the applicant shall provide in writing to the Department, a description of the following factors that the applicant proposes to use in the significant impact modeling demonstration (see Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models for more specific guidance):
- (a) Operating scenarios, emission units and emission rates in English and metric units;
 - (b) Regulated air pollutants;
 - (c) Model(s) and methodologies;
 - (d) Origin and period of meteorological data, including location of collection site relative to facility, meteorological parameters, instrument height, recovery rates, substitution techniques and QA/QC procedures;

- (e) Receptor grid (listing of coordinates and elevations, topographic maps covering the receptor grid area map of receptors). A listing of all Digital Elevation Model (DEM) quadrangles used and method(s) used to convert DEM data to the proposed receptor grid shall also be included. If DEM data is being used to create a rectangular receptor grid, then the elevation of each receptor point shall be the highest elevation within the grid cell. The grid cell is defined as an area enclosed by boundaries located half way to the nearest receptor in each direction;
- (f) Any special (e.g., fenceline, air intake or flagpole) receptors;
- (g) Identity of emission units and emissions which are included in baseline;
- (h) A properly scaled plot plan of the proposed facility with clearly marked true north indicator, building heights and an accurate scale ruler. Also, show the location of the source on a map or aerial photograph of the area; and

NOTE: An original plot plan is preferred, but if a photocopy is submitted, care should be taken to make sure that the scale is not changed on any area of the plot.

- (i) Building dimension and Good Engineering Practice (GEP) analysis techniques. For each stack, all buildings that are large enough and close enough to influence the stack should be considered in the GEP analysis.

As expeditiously as possible and within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant in writing that such information is complete and acceptable for modeling or notify the applicant in writing of the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements.

(4) Submittal of significant impact modeling

- (a) Prior to undertaking the final air quality dispersion modeling demonstration, the applicant shall submit the following for review:
 - (i) Significant impact modeling results (If all modeled impacts of any regulated pollutant are below the significant impact levels for all averaging periods, then no further analysis is necessary for that pollutant);
 - (ii) Emissions data for regulated pollutants not in the significant impact modeling protocol;
 - (iii) A preliminary analysis of nearby sources that will not be included in the background concentration analysis;

NOTE: The Department is responsible for the final decision of off-site sources to be modeled. The Department will provide the applicant with a list of any additional sources that may have to be included in the final modeling analysis and the requisite model input data for these sources. This list will contain all data required for model

input including source location(s), emission rates, stack parameters, and necessary building dimensions for the applicant to determine direction-specific building parameters.

- (iv) **Background concentration data.** Conservative background values are available from the Department for all areas of the state. Should the applicant choose not to use the conservative background values supplied by the Department, the applicant shall be responsible for determining background values based on data normally supplied by and in consultation with the Department. For sources needing more refined background values, general guidance on determining background determinations based on monitoring data is provided in the most recent version of the Department's Guideline Document for Background Air Quality Determinations. Particular care must be taken when determining background values so that they do not implicitly include any impacts of the source(s) being modeled in order to avoid double counting; and

Processed meteorological data base (if required by the Department). The use of five (5) consecutive years of off-site National Weather Service (NWS) meteorological data (or other data equivalent or better in accuracy and detail to the NWS data) or at least 1 year of site specific data is the minimum requirement for modeling applications. If more than one (1) year (and up to five (5) years) of acceptable data is available, it shall be used in the air quality analysis. If there is a gap in data from a catastrophic incident or a persistent but subtle problem that evades detection, a two (2), three (3), four (4) or five (5) year on-site meteorological database acceptable for modeling purposes need not be compiled from two (2), three (3), four (4) or five (5) consecutive years or twenty-four (24), thirty-six (36), forty-eight (48) or sixty (60) consecutive months of data. If this is the case, then the applicant shall write to the Department requesting an exemption from the consecutive two (2), three (3), four (4) or five (5) year database requirement. If data requirements, source configurations or characteristics of the surrounding area change, the database may need to be updated after consultation with the Department. However, a requirement to collect a new database will neither preclude the applicant's ability to use the existing database in the interim data collection period nor require the applicant to redo any previously submitted analyses that used the original database.

- (b) Within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant of the following in writing:
- (i) The submitted information is complete and acceptable for modeling or the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements; and
 - (ii) For each regulated pollutant for which there are significant impacts, the Department shall specify which operating scenarios and other nearby sources, if any, need to be further modeled.

If the applicant requests in writing, information in the possession of the Department that is required for modeling (for example, emissions which are included in baseline

emissions, background data or other emissions data from nearby sources), the Department shall attempt to provide such information to the applicant within thirty (30) calendar days.

- (5) **Air quality dispersion modeling protocol.** If impacts from SO₂, NO₂, CO, PM_{2.5} and PM₁₀ are above significance or if there are other regulated pollutants to be modeled, then the applicant must provide in writing to the Department, a description of the following factors (if different from previously submitted data) that the applicant proposes to use in the air quality dispersion modeling (see Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models for more specific guidance):
- (a) Operating scenarios, emission units and emissions in English and metric units (including other nearby sources, if necessary);
 - (b) Regulated air pollutants;
 - (c) Model(s) and methodologies;
 - (d) Origin and period of meteorological data, including location of collection site relative to facility, meteorological parameters, instrument height, recovery rates, substitution techniques and QA/QC procedures;
 - (e) Receptor grid (listing of coordinates and elevations, topographic maps covering the receptor grid area, map of receptors and, if applicable, a listing of all Digital Elevation Model (DEM) quadrangles used and method(s) used to convert DEM data to the proposed receptor grid). If DEM data is being used to create a rectangular receptor grid, then the elevation of each receptor point shall be the highest elevation within the grid cell. The grid cell is defined as an area enclosed by boundaries located half way to the nearest receptor in each direction;
 - (f) Any special (e.g., fenceline, air intake or flagpole) receptors;
 - (g) Identity of emissions which are included in baseline emissions;
 - (h) A properly scaled plot plan of the proposed facility with clearly marked true north indicator, building heights and an accurate scale ruler. Also, show the location of the source on a map of the area;

NOTE: An original plot plan is preferred, but if a photocopy is submitted, care should be taken to make sure that the scale is not changed on any area of the plot.

- (i) **Building dimension and Good Engineering Practice (GEP) analysis techniques.** For each stack; all buildings that are large enough and close enough to influence the stack should be considered in the GEP analysis. Submit all BPIP input and output files on media approved by the Department. All tiers of a building will be input as tiers and not as separate buildings and

(j) **Background concentration data**

Within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant in writing that such information is complete and acceptable for modeling or notify the applicant in writing of the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements.

When all submitted information is considered complete and acceptable for modeling, the applicant shall perform air quality dispersion modeling and submit for review the air quality dispersion modeling analysis as part of the final application submittal.

(6) **Presentation of final results**

Once compliance with ambient air quality standards, ambient increments and other limitations has been demonstrated through modeling, the applicant shall prepare a written report documenting the source being modeled, the modeling effort, and a compliance demonstration. The following outline indicates the information required in the written report and information required to be submitted on media approved by the Department.

- (a) Introduction (briefly give an overview of the project, the analyses conducted, and the results);
- (b) Site and surroundings (describe the topography, demography, air quality control region and compliance status (attainment/nonattainment); include a topographic map section showing the site and a properly scaled plot plan of the proposed facility; include rural/urban classification and simple/complex terrain determination), topography and land-use need to be described in sufficient detail to specify roughness length if roughness length is a required input for the modeling system used in the analysis;
- (c) Source description (provide an overview of the source, describe the process(es) involved);
- (d) Description of each emission unit at the source (describe the equipment/operations, emissions' controls, emissions' limits; list emissions and stack parameters for each emission unit in English and metric units);
- (e) Screening modeling (describe the screening analyses performed):
 - (i) Modeling approach/model(s) used;
 - (ii) Model version used;
 - (iii) Model switch selections;
 - (iv) Source data (affected source and other nearby sources);
 - (v) Meteorological data; and

- (vi) Receptor data; and
 - (vii) Screening results.
- (f) Final compliance modeling analysis, (describe in detail modeling performed and results):
- (i) Modeling approach/model(s) used;
 - (ii) Model version used;
 - (iii) Model switch selections;
 - (iv) Source data (affected source and other nearby sources);
 - (v) Meteorological data base. The meteorological data base shall be submitted on media approved by the Department if the applicant processed the meteorological data base;
 - (vi) Receptor data. A map of the receptor grid shall be submitted. (If applicable, all DEM data used to create the receptor grid shall be submitted on media approved by the Department); and
 - (vii) Modeling results (All input files needed to duplicate the final compliance model runs and all final compliance model output and diagnostic files shall be submitted on media approved by the Department.)
- (g) Compliance demonstration (describe how the predicted concentrations comply with all applicable ambient air quality standards and ambient increments):
- (i) Background determination (include table of values);
 - (ii) Compliance with ambient air quality standards; and
 - (iii) Compliance with Class II Prevention of Significant Deterioration (PSD) increments (if applicable).
- (h) Class I area impact assessment (if required), (describe any analyses made for federal Class I areas):
- (i) Basis for assessment;
 - (ii) Modeling approach/model(s) used;
 - (iii) Model version used;
 - (iv) Model switch selections;
 - (v) Class I areas affected;
 - (vi) Emissions and conditions of operating scenarios;

- (vii) Meteorological data;
- (viii) Receptor grid;
- (ix) Computational grid;
- (x) Air quality impacts (ambient air quality standards and ambient increments);
- (xi) Visibility (plume blight assessment (for regions within a Class I area that are affected by plumes or layers that are viewed against a background (generally within 50 kilometers of the source)) and regional haze assessment (for regions of a Class I area where visibility impairment from the source would cause a general alteration of the appearance of the scene (generally 50 kilometers or more away from the source or from the interaction of the emissions from multiple sources)) and other assessments that the Federal Land Manager and the Department agree should be assessed; and
- (xii) All input files needed to duplicate the final Class I analysis model runs and all final Class I analysis model output and diagnostic files shall be submitted on media approved by the Department.

NOTE: The Department recommends that any applicant likely to be required to conduct and submit an air quality dispersion modeling analysis meet once with the Department staff prior to submitting the information specified in subsection 14(E)(5) of this Chapter. A failure by the Department to notify or provide information to the applicant as specified in this subsection does not constitute an approval of the proposed protocol and/or modeling.

STATUTORY AUTHORITY: 38 M.R.S.A. §§ 590, 585-A

EFFECTIVE DATE:

October 28, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 8, 1996

AMENDED:

February 15, 1997 - Appendix C

NON-SUBSTANTIVE CORRECTIONS:

May 16, 1997 insertion of missing Appendices A and B, which
were formally adopted effective October 28,
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August 19, 1997 - minor formatting

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April 12, 2000

September 22, 2001

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December 24, 2005 – filing 2005-501

December 1, 2012 - filing 2012-338

(APA Office Note: Appendix A repealed by filing 2001-405 effective September 22, 2001.)

APPENDIX B**CHAPTER 140****INSIGNIFICANT ACTIVITIES****Insignificant Activities**

A unit or activity may be considered insignificant, but still be subject to applicable requirements.

A. Categorically Exempt

The following insignificant units and activities are exempt from being included on a Chapter 140 license application and Chapter 140 license:

1. Recreational fireplaces, including the use of barbecues, campfires and ceremonial fires.
2. Office activities.
3. Blue printing operations.
4. Paper trimmers/binders.
5. Personal care activities.
6. Flares used to indicate danger to the public.
7. Food preparation for human consumption including cafeterias, kitchen facilities and barbecues, located at a source for providing food service on the premises.
8. Materials and equipment used by, and activity related to operation of an infirmary, where the infirmary is not the source's business activity.
9. Comfort air conditioning or air cooling systems, not used to remove regulated pollutants from specific equipment (unless subject to Part 82).
10. Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains.
11. Natural and forced air vents and stacks, for bathroom/toilet facilities.
12. Plant upkeep including routine housekeeping, preparation for and painting of structures or equipment, retarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements and paving or stripping of parking lots.
13. Cleaning and sweeping of streets and paved surfaces.
14. Fugitives from application of sand in the winter months, where the sand is used for vehicle or pedestrian safety.
15. Repair and maintenance activities, not involving installation of an emissions unit and not increasing the potential to emit of regulated pollutants.
16. Routine repair of equipment using commercially available cleaners, lubricants, etc.
17. Lawn and landscaping activities.
18. Agricultural activities on a facility's property that are not subject to registration or new source review by the Department
19. Structural changes not having regulated pollutant emissions.
20. Portable drums and totes.
21. Internal combustion engines for propelling or powering a vehicle.
22. Vehicle exhaust from auto maintenance and repair shops. General vehicle maintenance including vehicle exhaust from repair facilities.
23. Mobile transport tanks on vehicles.

24. Fuel and exhaust emissions, from vehicles in parking lots.
25. Storage tanks, mixing, packaging, storage and handling activities, reservoirs and pumping and handling equipment of any size, limited to soaps, lubricants, hydraulic fluid, thermal oil, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes, using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter.
26. Pressurized storage of oxygen, nitrogen, carbon dioxide, or inert gases.
27. Sodium hydroxide storage tanks.
28. Vents from continuous emissions monitors and other analyzers.
29. Vents from rooms, buildings and enclosures (including elevator vents), that contain permitted emissions units or activities from which local ventilation, controls and separated exhaust are provided.
30. Manual wall or roof vents and powered wall or roof vents, used for temperature control of a building or structure.
31. Material, gas and chemical storage area vents, where closed containers are present.
32. CO₂ lasers, used only on metals and other materials, which do not emit HAPs in the process.
33. Acetylene, butane, and propane torches.
34. Manufacturing brazing, soldering and welding equipment and oxygen-hydrogen cutting torches, for use in cutting metal where in components of the metal do not generate significant HAPs or HAP precursors per Section C of Appendix B.
35. All manufacturing welding, including arc welding, where emissions of particulate matter are vented to a control device located and vented inside the building (not to include HAP or VOC emissions).
36. Metal finishing or cleaning using tumblers which do not emit VOCs or HAPs.
37. Metal casting molds and molten metal crucibles that do not contain potential VOCs or HAPs.
38. Metal or glass heat-treating, in absence of molten materials, , VOCs, or HAPs.
39. Drop hammers or hydraulic presses for forging or metalworking.
40. Electrolytic deposition which do not produce HAPs.
41. Metal fume vapors from electrically heated foundry/forge operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are excluded from consideration for listing as insignificant.
42. Molten metal holding equipment and operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are excluded from consideration for listing as insignificant.
43. Mineral and metal working processes including squeezing processes (cold rolling, cold forging, extrusion, sizing, coining, peening, burnishing), blending processes, shearing processes (stamping, piercing, blanking), and drawing processes (bar and tube drawing, wire drawing, spinning).
44. Inspection equipment for metal products.
45. Die casting.
46. Machine tool coolant sumps, coolant recycling and processing tanks and equipment and water soluble machining coolant emissions from general machining operations which emit to the interior of the facility.
47. Conveying and storage of plastic pellets.
48. Plastic compression, injection, and transfer molding and extrusion, rotocasting, pultrusion, blowmolding, excluding acrylics, PVC, polystyrene and related copolymers and the use of plasticizer that emit no VOCs or HAPs. Only oxygen, carbon dioxide, nitrogen, air, or inert gas allowed as blowing agents.
49. Plastic pipe welding.

50. Wax melting and wax application equipment.
51. Ultraviolet curing processes that emit no VOCs or HAPs.
52. Hot melt adhesive application with no VOCs or HAPs in the adhesive formulation.
53. Laundering, dryers, extractors, tumblers for fabrics, using water solutions of bleach and/or detergents.
54. Portable steam cleaning units.
55. Steam sterilizers.
56. Sample gathering, preparation, management and sampling connections used exclusively to withdraw materials for laboratory analyses and testing.
57. Fire fighting and similar safety equipment used to train fire fighters excluding fire drill pits.
58. Carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, shot peening, sintering or polishing; Ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock or wood, also including cotton roll grinding and groundwood pulping stone sharpening provided that:
 - a. Activity is performed indoors; and
 - b. No fugitive particulate emissions enter the environment.
59. Water blast cleaning and stripping operations that do not emit fugitive PM into the environment and do not create a nuisance.
60. Slaughterhouse equipment except rendering cookers.
61. Ozonation equipment.
62. Batch loading and unloading of solid phase catalysts.
63. Demineralization and oxygen scavenging (deaeration) of water.
64. Pulse capacitors.
65. Laser trimmers, using dust collection to prevent fugitive emissions that do not emit fugitive PM, VOCs or HAPs.
66. Plasma etcher and plasma spray unit, using dust collection to prevent fugitive emissions and using only oxygen, nitrogen, carbon dioxide, or inert gas that do not emit VOCs or HAPs.
67. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, e.g., blueprint activity, photocopiers, mimeograph, telefax, photographic developing and microfiche.
68. Packaging equipment that does not use VOC or HAP containing adhesives.
69. Handling equipment and associated activities for glass and aluminum which is destined for recycling, not the re-finishing process itself.
70. Hydraulic and hydrostatic testing equipment.
71. Batteries and battery charging.
72. Porcelain and vitreous enameling equipment.
73. Salt baths using nonvolatile salts and not used in operations which results in air emissions.
74. Shock chambers.
75. Wire strippers that do not emit PM, VOCs or HAPs.
76. Solar simulators.
76. Humidity and environmental chambers not using VOC or HAP gasses.
78. Steam vents and leaks.
79. Air compressors, pneumatically operated equipment, systems and hand tools and centrifuges used for compressing air and the related compressed air system.
80. Recovery boiler blow-down tank.
81. Demineralizer tanks.
82. Clean condensate tanks.
83. Alum tanks.

84. Broke beaters, repulpers, pulp and repulping tanks, stock chests and bulk pulp handling, process water and white water storage tanks not associated with requirements in 40 CFR Part 63.
85. Lime mud filtrate tanks, lime mud water, lime mud filter, lime grits washers, filters and handling.
86. Hydrogen peroxide tanks.
87. Smelt viewing ports.
88. Causticizers and white liquor clarifiers and storage tanks and associated pumping, piping, and handling.
89. Vacuum cleaning equipment and operations where the fugitive emissions are indoors.
90. Winders, slitters, calenders, supercalenders, and paper roll wrapping operations.
91. Debarking.
92. Wastewater treatment lagoon pond dredging, screw press vents and sludge dewatering and handling.
93. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation.
94. Oil filled circuit breakers, oil filled transformers and other equipment that is analogous to, but not considered to be, a tank.
95. Electric or steam-heated drying ovens and autoclaves that emit only water vapor.
96. Oven exhaust where the oven is used to dry water from parts.
97. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems not associated with requirements in 40 CFR Part 63.
98. Sanitary sewer and storm sewer manholes, vents and drains.
99. Water cooling towers processing exclusively noncontact cooling water to which a source does not add VOCs or HAPs in excess of the levels in Section C of Appendix B.
100. Emissions from water storage tanks in air emission control systems utilizing a wetting process.
101. Ventilating and exhaust systems for laboratory hoods used.
 - a. By colleges, primary, or secondary schools used only for academic purposes.
 - b. By hospitals and medical care facilities used for medical care purposes only.
 - c. By pulp and paper mills; including pulp testing labs, paper testing labs, analytical labs, water treatment labs, and coating labs.
102. Chemical, metallurgical, or physical analytical laboratory operations or equipment including fume hoods and vacuum pumps.
103. Emissions from laboratory electric hot air drying ovens for oriented strand board quality testing.
104. Kilns or ventilating hoods for art or ceramic curricula at colleges, primary or secondary schools.
105. Abandoned stack that has not been capped off.
106. Machining coolants used in super abrasive machining operations.
107. Chip/bark piles and log storage yards where natural drying of wood occurs.
108. Ash and lime storage piles.
109. Emissions from town permitted open burning of wood or grass.
110. Emissions from log hot ponds.
111. Oriented strand board storage and handling.
112. Conveying of wood chips.
113. Log sawing.
114. Temporary air emission related activities which are granted approval from the Department.
115. Maintenance brazing, soldering and welding equipment and oxygen-hydrogen cutting torches, for use in cutting metal where in components of the metal do not generate significant HAPs or HAP precursors in excess of the threshold in Appendix B Section C of this Chapter.

B. Units and Activities defined as Insignificant based on Size or Production Rate

The following units and activities are insignificant based on size or production and shall be listed on the Chapter 140 license application. The activities will but may not be included in the Chapter 140 license if the activity is subject to an applicable requirement.

1. Processes, individual emission units, facilities or activities with the potential to emit less than each of the following thresholds:
 - a. one (1) ton per year of any single regulated criteria pollutant for any process;
 - b. four (4) tons per year total regulated criteria pollutants for any process;
 - c. one (1) ton per year total HAPS for any individual emission unit or activity; and
 - d. the applicable quantity of HAPS for any facility and emission unit as specified in Section C of this Appendix.
2. Fuel burning equipment, including sludge dryers but excluding incinerators and stationary internal combustion engines, with a maximum design heat input of less than 1.7 MMBtu/hr.
Note: Units may still be subject to the requirements of Chapters 101 and 103.
3. *[Removed]*
4. Temporary fuel burning equipment less than 10.0 MMBtu/hr heat input installed for maintenance shut-downs, not to be used for primary steam, heating or electrical generation needs, firing fuel with a sulfur content less than 0.05%, and if rented or leased less than 4 weeks per unit per calendar year. Note: Units may still be subject to the requirements of Chapters 101 and 103.
5. Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than two hundred sixty gallon capacity (35 cubic feet), heated only to the minimum extent to avoid solidification if necessary with a vp up to 550 mm Hg at 21°C.
6. Operation, loading and unloading of storage tanks, not greater than one thousand one hundred gallon capacity with lids, vapor return, or other appropriate closure, , maximum vp 550 mmHg at 21°C and is not subject to Part 63 requirements.
7. Operation, loading and unloading of VOC storage tanks (including petroleum storage tanks), ten thousand gallons capacity or less, with lids, vapor return or other appropriate closure, vp not greater than 80 mm Hg at 21°C and is not subject to Part 63 requirements.
8. Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas (LPG) tanks having a capacity under forty thousand gallons.
9. Foundry sand molds, unheated and using binders with less than 0.25% free phenol by sand weight.
10. Parylene coaters using less than five hundred gallons of coating per year.
11. Coating, printing and silk-screening using less than 50 gallons per year (combined) of VOC or HAP containing coating.
12. Water cooling towers and ponds, not using chromium-based corrosion inhibitors, not used with barometric jets or condensers, not greater than ten thousand gpm, not in direct contact with gaseous or liquid process streams containing regulated air pollutants.
13. Batch solvent distillation, not greater than fifty-five gallons batch capacity.
14. Municipal and industrial water chlorination facilities of not greater than twenty million gallons per day capacity. The exemption does not apply to waste water treatment (see next item).
15. Municipal and industrial waste water chlorination facilities of not greater than one million gallons per day capacity.
16. Water and wastewater treatment units, provided the facility performs only the following function of disinfecting, softening, filtration, flocculation, stabilization, taste and odor control, clarification, carbonation, sedimentation, and neutralization.

17. Surface coating and painting processes which exclusively use non-refillable aerosol cans that emit less than 100 pounds of VOC per year.
18. Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids excluding:
 - a. 99% or greater H_2SO_4 or H_3PO_4
 - b. 70% or greater HNO_3
 - c. 30% or greater HCl
 - d. More than one liquid phase where the top phase is more than one percent VOC
19. Equipment used exclusively to pump, load, unload or store high boiling point organic material, material with initial boiling point (IBP) not less than 150°C or vp not more than 5 mm Hg at 21°C with lids or other appropriate closure.
20. Smokehouses under twenty square feet.
21. Milling and grinding activities, using paste-form compounds with less than one percent VOCs.
22. Cleaning and stripping activities and equipment, using solutions having less than one percent VOCs and HAPs by weight. On metallic substrates, acid solutions are not considered for listing as insignificant.
23. Storage and handling of water based lubricants for metal working where the organic content of the lubricant is less than ten percent.
24. Nondestructive inspection fluids and powders where the VOC content is less than 3.5 lb/gal and fugitive dust equipment is used provided no more than 50 gallons per year are used.
25. Salt cake mix tanks with TRS emissions less than 0.75lbs./hr.

C. Insignificant HAP Thresholds

A unit under Chapter 140, Appendix B, Section A 34 and 99 and Chapter 140, Appendix B Section B(1)(d) would be considered insignificant under the following thresholds.

Legend: UR = Based on the unit risk value
 DEF=1 = Used for carcinogens where no UR exists
 Rfc = Based on reference concentration in IRIS

				Unit
	CAS #	Chemical Name	Basis	Total (lb/yr)
1	79345	1,1,2,2-TETRACHLOROETHANE	UR	60.00
2	79005	1,1,2-TRICHLOROETHANE	UR	200.00
3	57147	1,1-DIMETHYL HYDRAZINE	UR	1.60
4	120821	1,2,4-TRICHLOROBENZENE	CS	2000.00
5	96128	1,2-DIBROMO-3-CHLOROPROPANE	UR	1.60
6	122667	1,2-DIPHENYLHYDRAZINE	UR	18.00
7	106887	1,2-EPOXYBUTANE	DEF=1	2000.00
8	75558	1,2-PROPYLENIMINE (2-METHYL AZIRIDINE)	UR	0.60
9	189559	1,2:7,8-DIBENZOPYRENE	GWP	2.00
10	106990	1,3-BUTADIENE	UR	14.00
11	542756	1,3-DICHLOROPROPENE	DEF=1	200.00
12	1120714	1,3-PROPANE SULTONE	UR	6.00
13	106467	1,4-DICHLOROBENZENE(P)	UR	600.00

14	123911	1,4-DIOXANE (1,4-DIETHYLENEOXIDE)	UR	1200.00
15	540841	2,2,4 - TRIMETHYLPENTANE	DEF=5	2000.00
16	1746016	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN	UR	0.00
17	584849	2,4 - TOLUENE DIISOCYANATE	ACUTE	200.00
18	88062	2,4,6-TRICHLOROPHENOL	UR	1200.00
19	94757	2,4-D, SALTS, ESTERS(2,4-DICHLOROPHENOXY ACETIC AC	CS	2000.00
20	51285	2,4-DINITROPHENOL	CS	2000.00
21	121142	2,4-DINITROTOLUENE	UR	4.00
22	95807	2,4-TOLUENE DIAMINE	UR	4.00
23	53963	2-ACETYLAMINOFLUORINE	UR	1.00
24	532274	2-CHLOROACETOPHENONE	RfC	1200.00
25	110805	2-ETHOXY ETHANOL	CAP-RfC	2000.00
26	108864	2-METHOXY ETHANOL	CAP-RfC	2000.00
27	79469	2-NITROPROPANE	DEF=1	200.00
28	119904	3,3'-DIMETHOXYBENZIDINE	UR	20.00
29	119937	3,3'-DIMETHYL BENZIDINE	UR	1.60
30	91941	3,3-DICHLOROBENZIDENE	UR	40.00
31	92933	4 - NITROBIPHENYL	DEF=1	2000.00
32	100027	4 - NITROPHENOL	DEF=5	2000.00
33	101144	4,4-METHYLENE BIS(2-CHLOROANILINE)	UR	40.00
34	534521	4,6-DINITRO-O-CRESOL, AND SALTS	ACUTE	200.00
35	57976	7,12-DIMETHYLBENZ(A)ANTHRACENE	GWP	2.00
36	75070	ACETALDEHYDE	UR	1800.00
37	75058	ACETONITRILE	RfC	2000.00
38	98862	ACETOPHENONE	CS	2000.00
39	107028	ACROLEIN	RfC	80.00
40	79061	ACRYLAMIDE	UR	4.00
41	79107	ACRYLIC ACID	RfC	1200.00
42	107131	ACRYLONITRILE	UR	60.00
43	107051	ALLYL CHLORIDE	DEF=1	200.00
44	62533	ANILINE	UR	200.00
45	88888810	ANTIMONY COMPOUNDS (EXCEPT THOSE SPECIFICALLY LIST	DEF=5	2000.00
46	7783702	ANTIMONY PENTAFLUORIDE	ACUTE	200.00
47	28300745	ANTIMONY POTASSIUM TARTRATE	CS	2000.00
48	1309644	ANTIMONY TRIOXIDE	DEF=1	200.00
49	1345046	ANTIMONY TRISULFIDE	CS	200.00
50	99999904	ARSENIC AND INORGANIC ARSENIC COMPOUNDS	UR	0.92
51	7784421	ARSINE	UR	1.00
52	1332214	ASBESTOS		0.00
53	56553	BENZ(A)ANTHRACENE	GWP	2.00
54	225514	BENZ(C)ACRIDINE	GWP	2.00
55	71432	BENZENE	UR	400.00
56	92875	BENZIDINE	UR	0.06
57	50328	BENZO(A)PYRENE	UR	2.00
58	205992	BENZO(B)FLUORANTHENE	GWP	2.00

59	98077	BENZOTRICHLORIDE	UR	12.00
60	100447	BENZYL CHLORIDE	ACUTE	200.00
61	7440417	BERYLLIUM COMPOUNDS (EXCEPT BERYLLIUM SALTS)	UR	1.60
62	88888804	BERYLLIUM SALTS		0.00
63	92524	BIPHENYL	CS	2000.00
64	117817	BIS(2-ETHYLHEXYL)PHTHALATE (DEHP)	UR	1000.00
65	542881	BIS(CHLOROMETHYL)ETHER	UR	0.06
66	75252	BROMOFORM	CAP-UR	2000.00
67	88888806	CADMIUM COMPOUNDS	UR	2.00
68	156627	CALCIUM CYANAMIDE	CS	2000.00
69	105602	CAPROLACTAM	CS	2000.00
70	133062	CAPTAN	CAP-UR	2000.00
71	63252	CARBARYL	CS	2000.00
72	75150	CARBON DISULFIDE	CS	2000.00
73	56235	CARBON TETRACHLORIDE	UR	280.00
74	463581	CARBONYL SULFIDE	DEF=5	2000.00
75	120809	CATECHOL	DEF=5	2000.00
76	57749	CHLORDANE	GWP	2.00
77	7782505	CHLORINE	ACUTE	200.00
78	79118	CHLOROACETIC ACID	ACUTE	200.00
79	108907	CHLOROBENZENE	CS	2000.00
80	510156	CHLOROBENZILATE	UR	80.00
81	67663	CHLOROFORM	UR	172.00
82	107302	CHLOROMETHYL METHYL ETHER	ACUTE	200.00
83	126998	CHLOROPRENE	DEF=1	2000.00
84	218019	CHRYSENE	GWP	2.00
85	7440484	COBALT AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY LI	CS	200.00
86	10210681	COBALT CARBONYL	ACUTE	200.00
87	99999908	COKE OVEN EMISSIONS	UR	6.00
88	1319773	CRESOLS/CRESYLIC ACID (ISOMERS AND MIXTURE)	DEF=1	200.00
89	98828	CUMENE	CS	2000.00
90	88888812	CYANIDE COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTE	DEF=5	2000.00
91	72559	DDE (P,P'-DICHLORODIPHENYLDICHLOROETHYLENE)	GWP	2.00
92	53703	DIBENZ(AH)ANTHRACENE	GWP	2.00
93	132649	DIBENZOFURAN	DEF=5	2000.00
94	84742	DIBUTYLPHTHALATE	CS	2000.00
95	111444	DICHLOROETHYL ETHER (BIS(2-CHLOROETHYL)ETHER)	UR	12.00
96	62737	DICHLORVOS	UR	40.00
97	11422	DIETHANOLAMINE	DEF=5	2000.00
98	60117	DIMETHYL AMINOAZOBENZENE	DEF=1	200.00
99	79447	DIMETHYL CARBAMOYL CHLORIDE	CAP-UR	4.00

100	68122	DIMETHYL FORMAMIDE	DEF=1	2000.00
101	131113	DIMETHYL PHTHALATE	CS	2000.00
102	77781	DIMETHYL SULFATE	ACUTE	200.00
103	106898	EPICHLOROHYDRIN	RfC	2000.00
104	140885	ETHYL ACRYLATE	UR	200.00
105	100414	ETHYL BENZENE	CAP-RfC	2000.00
106	51796	ETHYL CARBAMATE (URETHANE)	UR	160.00
107	75003	ETHYL CHLORIDE	CAP-RfC	2000.00
108	106934	ETHYLENE DIBROMIDE (DIBROMOETHANE)	UR	20.00
109	107062	ETHYLENE DICHLORIDE (1,2-DICHLOROETHANE)	UR	152.00
110	107211	ETHYLENE GLYCOL	CS	2000.00
111	111762	ETHYLENE GLYCOL MONOBUTYL ETHER	CS	2000.00
112	151564	ETHYLENE IMINE (AZIRIDINE)	UR	6.00
113	75218	ETHYLENE OXIDE	ACUTE	20.00
114	96457	ETHYLENE THIOUREA	UR	120.00
115	75343	ETHYLIDENE DICHLORIDE (1,1-DICHLOROETHANE)	DEF=1	200.00
116	62207765	FLUOMINE	ACUTE	200.00
117	50000	FORMALDEHYDE	UR	1600.00
118	88888813	GLYCOL ETHERS (EXCEPT THOSE SPECIFICALLY LISTED)*	DEF=5	2000.00
119	76448	HEPTACHLOR	UR	4.00
120	118741	HEXACHLOROBENZENE	GWP	2.00
121	87683	HEXACHLOROBUTADIENE	UR	180.00
122	77474	HEXACHLOROCYCLOPENTADIENE	ACUTE	200.00
123	67721	HEXACHLOROETHANE	UR	1000.00
124	822060	HEXAMETHYLENE,-1, 6 -DIISOCYANATE	RfC	40.00
125	110543	HEXANE	CAP-RfC	2000.00
126	88888805	HEXAVALENT CHROMIUM COMPOUNDS	UR	0.36
127	302012	HYDRAZINE	UR	0.80
128	7647010	HYDROCHLORIC ACID	CAP-RfC	2000.00
129	7664393	HYDROGEN FLUORIDE	ACUTE	200.00
130	123319	HYDROQUINONE	DEF=1	2000.00
131	193395	INDENO(1,2,3-CD)PYRENE	GWP	2.00
132	78591	ISOPHORONE	CAP-UR	2000.00
133	88888808	LEAD AND COMPOUNDS (EXCEPT FOR THOSE SPECIFICALLY	GWP	20.00
134	58899	LINDANE (HEXACHLOROCYCLOHEXANE, GAMMA)	GWP	2.00
135	108316	MALEIC ANHYDRIDE	CS	2000.00
136	7439965	MANGANESE AND COMPOUNDS	RfC	1600.00
137	748794	MERCURIC CHLORIDE	GWP	20.00
138	10045940	MERCURIC NITRATE	GWP	20.00
139	88888814	MERCURY COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTE	GWP	20.00
140	67561	METHANOL	CS	2000.00
141	72435	METHOXYCHLOR	CS	2000.00
142	74839	METHYL BROMIDE (BROMOMETHANE)	RfC	2000.00
143	74873	METHYL CHLORIDE (CHLOROMETHANE)	CAP-UR	2000.00

144	71556	METHYL CHLOROFORM (1,1,1-TRICHLOROETHANE)	CS	2000.00
145	78933	METHYL ETHYL KETONE (2-BUTANONE)	CAP-RfC	2000.00
146	60344	METHYL HYDRAZINE	UR	12.00
147	74884	METHYL IODIDE (Iodomethane)	DEF=1	200.00
148	108101	METHYL ISOBUTYL KETONE	CS	2000.00
149	624839	METHYL ISOCYANATE	ACUTE	200.00
150	80626	METHYL METHACRYLATE	CS	2000.00
151	1634044	METHYL TERT-BUTYL ETHER	CAP-RfC	2000.00
152	12108133	METHYLCYCLOPENTADIENYL MANGANESE	ACUTE	200.00
153	75092	METHYLENE CHLORIDE (DICHLOROMETHANE)	CAP-UR	2000.00
154	101688	METHYLENE DIPHENYL DIISOCYANATE	CS	200.00
155	88888809	MINERAL FIBER COMPOUNDS		0.00
156	121697	N,N-DIMETHYLANILINE	CS	2000.00
157	684935	N-NITROSO-N-METHYLUREA	UR	0.04
158	62759	N-NITROSODIMETHYLAMINE	UR	0.20
159	91203	NAPHTHALENE	CS	2000.00
160	13463393	NICKEL CARBONYL	ACUTE	20.00
161	88888807	NICKEL COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED)	DEF=1	2000.00
162	12035722	NICKEL REFINERY DUST	UR	16.00
163	88888817	NICKEL SUBSULFIDE	UR	8.00
164	98953	NITROBENZENE	CS	2000.00
165	56382	PARATHION	ACUTE	200.00
166	82688	PENTACHLORONITROBENZENE (QUINTOBENZENE)	UR	60.00
167	87865	PENTACHLOROPHENOL	UR	140.00
168	108952	PHENOL	CS	200.00
169	62384	PHENYL MERCURIC ACETATE	GWP	20.00
170	75445	PHOSGENE	ACUTE	200.00
171	7803512	PHOSPHINE	DEF=5	2000.00
172	7723140	PHOSPHOROUS	ACUTE	200.00
173	85449	PHTHALIC ANHYDRIDE	DEF=5	2000.00
174	1336363	POLYCHLORINATED BIPHENYLS (AROCLORS)	UR	1.80
175	88888815	POLYCYCLIC ORGANIC MATTER (POM)	GWP	2.00
176	151508	POTASSIUM CYANIDE	ACUTE	200.00
177	123386	PROPIONALDEHYDE	DEF=5	2000.00
178	78875	PROPYLENE DICHLORIDE (1,2-DICHLOROPROPANE)	UR	200.00
179	75569	PROPYLENE OXIDE	UR	1000.00
180	91225	QUINOLINE	UR	1.20
181	106514	QUINONE	DEF=5	2000.00
182	99999918	RADIONUCLIDES (INCLUDING RADON)		0.00
183	7782492	SELENIUM AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY)	CS	200.00
184	7488564	SELENIUM SULFIDE (MONO AND DI)	CS	20.00
185	143339	SODIUM CYANIDE	ACUTE	200.00
186	100425	STYRENE	DEF=1	200.00

187	127184	TETRACHLOROETHYLENE (PERCHLOROETHYLENE)	CAP-UR	40.00
188	78002	TETRAETHYL LEAD	GWP	200.00
189	75741	TETRAMETHYL LEAD	GWP	200.00
190	7550450	TITANIUM TETRACHLORIDE	ACUTE	200.00
191	108883	TOLUENE	CAP-RfC	2000.00
192	8001352	TOXAPHENE (CHLORINATED CAMPHENE)	GWP	2.00
193	79016	TRICHLOROETHYLENE	CAP-UR	800.00
194	121448	TRIETHYLAMINE	CAP-RfC	2000.00
195	1582098	TRIFLURALIN	UR	1800.00
196	88888816	TRIVALENT CHROMIUM COMPOUNDS	DEF=5	8.00
197	108054	VINYL ACETATE	DEF=1	2000.00
198	593602	VINYL BROMIDE (BROMOETHENE)	UR	120.00
199	75014	VINYL CHLORIDE	UR	40.00
200	75354	VINYLDENE CHLORIDE (1,1-DICHLOROETHYLENE)	UR	80.00
201	1330207	XYLENES (ISOMERS AND MIXTURE)	CS	2000.00
202	57578	BETA-PROPIOLACTONE	ACUTE	200.00
203	108394	M-CRESOL	DEF=1	200.00
204	108383	M-XYLENES	CS	2000.00
205	95487	O-CRESOL	DEF=1	200.00
206	95534	O-TOLUIDINE	DEF=1	800.00
207	95476	O-XYLENES	CS	2000.00
208	106445	P-CRESOL	DEF=1	200.00
209	106503	P-PHENYLENEDIAMINE	CS	2000.00
210	106423	P-XYLENES	CS	2000.00
211	101779	4,4'-METHYLENEDIANILINE	DEF=1	2000.00
212	92671	4-AMINOBIIPHENYL	DEF=1	2000.00
213	96093	STYRENE OXIDE	DEF=1	2000.00
214	64675	DIETHYL SULFATE	DEF=1	2000.00
215	59892	N-NITROSOMORPHOLINE	DEF=1	2000.00
216	680319	HEXAMETHYLPHOSPHORAMIDE	RfC	20.00
217	60355	ACETAMIDE	DEF=1	2000.00
218	90040	O-ANISIDINE	DEF=1	2000.00
219	334883	DIAZOMETHANE	DEF=1	2000.00
220	95954	2,4,5-TRICHLOROPHENOL	DEF=1	2000.00
221	133904	CHLORAMBEN	DEF=1	2000.00
222	10025737	CHROMIC CHLORIDE	ACUTE	200.00
223	7783075	HYDROGEN SELENIDE	ACUTE	200.00
224	13410010	SODIUM SELENATE	ACUTE	200.00
225	10102188	SODIUM SELENITE	ACUTE	200.00
226	1306190	CADMIUM OXIDE	UR	20.00
227	114261	PROPOXUR (BAYGONE)	DEF=1	200.00