RULEMAKING FACT SHEET
TITLE 5 MRSA § 8057-A

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NAME AND RULE TITLE:
Chapter 115 Major and Minor Source Air Emission License Regulation
Chapter 140 Part 70 Air Emission License Regulation
Chapter 100 Definitions

STATUTORY AUTHORITY: Title 38 MRSA § 585-A

DATE AND PLACE OF PUBLIC HEARING: No public hearing scheduled – 30 day written comment period. A public hearing will be held if requested before the end of the comment period. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

COMMENT DEADLINE: July 20, 2012 5:00 P.M.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:
The Environmental Protection Agency finalized regulations to implement the New Source Review (NSR) program for fine particulate matter (PM2.5). The Department is proposing amendments to Chapter 115 and Chapter 140 to incorporate these PM2.5 updates. Also, clarifications as well as plantwide applicability limits (PAL) requirements are included in Chapter 115. Chapter 100 is being amended to include or amend definitions to support the Chapter 115 and 140 rulemaking and to correct incorporated federal requirements for licensed sources of greenhouse gases.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:
On May 16, 2008, EPA finalized rules which establish the minimum elements for state programs implementing NSR for the PM2.5 National Ambient Air Quality Standard. Chapter 115 and 140 changes update the ambient air quality analysis and modeling/data collection protocol sections to include PM2.5 and delete total suspended particulates (TSP) references.

On May 13, 2010, EPA issued a final rule addressing greenhouse gas emissions from stationary sources under the Clean Air Act permitting programs. This final rule sets thresholds for GHG emissions that define when permits under the New Source Review, Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. The Chapter 100 definition of significant emissions has been amended to reflect this rulemaking.

Chapter 100 amendments/additions include PM2.5 fine emissions, projected actual emissions, baseline actual emissions, significant emissions, significant impact in Class I areas for PM2.5, baseline concentration, actual emissions, and Type 4 waste.

FISCAL IMPACT OF THE RULE:

There should be minimal fiscal impact from this rulemaking on industry or state government.

BENEFITS OF THE RULE:

PM2.5: There is no immediate threat to public health, safety and/or welfare; however, the health effects associated with exposure to PM2.5 can be significant. Health effects can include aggravation of respiratory and cardiovascular disease, lung disease, decreased lung function, and asthma attacks. Individuals particularly sensitive to PM2.5 exposure include older adults, people with heart and lung disease, and children.