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)

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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.

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(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 PM_{10}, PM2.5, SO_2, or NO_2 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 (SO_2) and PM_{10}, since February 8, 1988 for NO_2, and since October 20, 2010 for PM2.5 pursuant to Section 7 of this Chapter. The growth analysis shall be performed only for those pollutants (SO_2, PM_{10}, PM2.5 and/or NO_2) 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 of 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 SO_2;

(b) 250 tpy for CO;

(c) 25 tpy for PM_{10};

(d) 15 tpy for PM2.5 direct emissions;

(e) 50 tpy for NO_x (measured as NO_2);

(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 $\mu g/m^3$, 8-hr. average;

(ii) Nitrogen dioxide – 14 $\mu g/m^3$, annual average;

(iii) Sulfur dioxide – 13 $\mu g/m^3$, 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 $\mu g/m^3$, 24-hr. average;

(vi) Mercury – 0.25 $\mu g/m^3$, 24-hr. average;

(vii) Beryllium – 0.0005 $\mu g/m^3$, 24-hr. average;

(viii) Fluorides – 0.25 $\mu g/m^3$, 24-hr. average;

(ix) Vinyl chloride – 15 $\mu g/m^3$, 24-hr. average;

(x) Total reduced sulfur – 10 $\mu g/m^3$, 1-hr. average;

(xi) Hydrogen sulfide – 0.04 $\mu g/m^3$, 1-hr. average;

(xii) Reduced sulfur compounds – 10 $\mu g/m^3$ 1-hr;

(xiii) Chromium – 0.02 $\mu g/m^3$, 24-hr. average;

(xiv) PM2.5 - 4 $\mu g/m^3$, 24-hr. average; and

(xv) PM_{10} – 10 $\mu g/m^3$, 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 SO_2, NO_2, CO, PM2.5 and PM_{10}**. Prior to undertaking significant impact modeling for SO_2, NO_2, CO, PM2.5 and PM_{10}, 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 SO_2, NO_2, CO, PM2.5 and PM_{10} 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

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AMENDED:
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July 10, 1990
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October 28, 1995

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May 8, 1996

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. CO_2 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-fining 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 21ºC.
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 21ºC 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 21ºC 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 150ºC or vp not more than 5 mm Hg at 21ºC 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

				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 (HEXACHLORCYCLOHEXANE, 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	VINYLIDENE 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-AMINOBIPHENYL	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