Chapter 140: PART 70 AIR EMISSION LICENSE REGULATIONS

SUMMARY: This regulation identifies the sources of air emissions that require a Part 70 air emission license and incorporates the requirements of Title IV and Title V of the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.; and 38 MRSA, Section 344 and Section 590. This Chapter supersedes 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 of a Part 70 License and Initial Part 70 License for Existing Sources (p16)
Section 4. Part 70 Acid Rain Sources (p2~~8~~7)
Section 5. New Source Review (NSR) for Part 70 Sources (p29)
Section 6. HAP Emission Limitations (p29)
Section 7. Part 70 Administrative Revisions (p34)
Section 8. Part 70 Section 502(b)(10) Change (p35)
Section 9. Part 70 Minor License Modification (p36)
Section 10. Part 70 Significant License Modification (p39)
Section 11. Intrafacility Emissions Trading (p41)
Section 12. Part 70 License Transfer (p43)
Section 13. Part 70 General License (p45)
Section 14. Ambient Air Quality Analysis (p46)

NOTE: Please see Definitions, 06-096 CMR 100~~Chapter 100 of the Department's Regulations~~ for definitions.

1. Scope and Applicability

A. Geographic scope. This regulation shall be effective in all ambient air quality control regions in the State.

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

C. Part 70 license is required for the following:

(1) Any Part 70 major source;

(2) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 (Standards of Performance for New Stationary Sources) of the CAA;

(3) Any source, including a HAP area source, subject to a standard or other requirement under Section 112 (Hazardous Air Pollutants) of the CAA;

(4) Any source required to have a license under Part C (Prevention of Significant Deterioration of Air Quality) and Part D (Plan Requirements for Federal Nonattainment Areas) of Title I of the CAA;

(5) Any CAA Title IV source (Acid Rain); and

(6) Any source in a source category designated by EPA pursuant to 40 CFR Part 70.3(a).

D. Exemptions

(1) All sources listed in subsection 1(C) of this Chapter that are not Part 70 major sources, Title IV sources, or solid waste incineration units required to obtain a license pursuant to Section 129(e) of the CAA are exempted by the Department from the obligation to obtain a Part 70 license until such time as EPA completes a rulemaking to determine how the program should be structured for nonmajor sources;

(2) In the case of nonmajor sources subject to a standard or other requirement under either Section 111 (Standards of Performance for New Stationary Sources) or Section 112 (Hazardous Air Pollutants) of the CAA promulgated after July 21, 1992, EPA will determine whether to exempt any or all such sources from the requirement to obtain a Part 70 license at the time that the new standard is promulgated;

(3) Unless otherwise required by the Department to obtain a Part 70 license, the following sources are exempted from the obligation to obtain a Part 70 license:

(a) All sources that would be required to obtain a Part 70 license solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters;

(b) All sources that would be required to obtain a Part 70 license solely, because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation; and

(c) Any source that is licensed under Major and Minor Source Air Emission License Regulation, 06-096 CMR 115~~Chapter 115~~ that would otherwise be subject to this Chapter, but received federally enforceable license conditions to retain a minor source status as allowed by 40 CFR Part 70.

(4) Any source listed in this subsection that is exempted from the requirement to obtain a Part 70 license may opt to apply for a Part 70 license under this Chapter.

NOTE: A source exempt from this Chapter ~~140~~ may be subject to the requirements of obtaining an air emission license under 06-096 CMR 115~~Chapter 115 of the Department Regulations~~.

2. General Terms and Conditions of Applications and Licenses

A. Projects requiring multiple application submittals under this Chapter.

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

B. Required application form and additional information.

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

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

(2) Identification and description of the source's processes and products by Standard Industrial Classification (SIC) Code and North American Industry Classification System (NAICS) Code, including any processes or products associated with each alternative operating scenario identified by the applicant;

(3) Any insignificant activities that must be listed in the application as specified in Appendix B of this Chapter;

(4) The following emissions related information for units and activities that are not insignificant as specified in Appendix B of this Chapter:

(a) All emissions of air pollutants for which the Part 70 source is defined as a Part 70 major source and all emissions of regulated pollutants;

(b) Any additional emissions-related information necessary to verify which requirements are applicable to the source or to calculate Part 70 license fees;

(c) Identification and description of all points of emissions described in (a) and (b) above in sufficient detail to establish applicability of requirements of the CAA and the state;

(d) Emission rates in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable EPA standard reference test method and compliance consistent with the applicable emission limit;

(e) The following information to the extent it is needed to determine or regulate emissions: fuel types, fuel use, raw materials, production rates, and operating schedules;

(f) Identification and description of air pollution control equipment and compliance monitoring devices or activities;

(g) Limitations on source operation affecting emissions, or any work practice standards, where applicable, for all regulated pollutants at the Part 70 source;

(h) Other information required by any Applicable requirement or state requirement.

(i) Calculations used as the basis for emissions-related information;

(j) Fugitive emissions from a Part 70 source shall be included in the Part 70 license application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of Part 70 major source.

(5) The following air pollution control requirements:

(a) Citation and description of all Applicable requirements;

(b) Citation and description of all state requirements; and

(c) Description of or reference to any applicable test method for determining compliance with each Applicable requirement and state requirement;

(6) Other specific information that may be necessary to implement and enforce other Applicable requirements of the CAA, this Chapter or state requirements or to determine the applicability of such requirements.

(7) An explanation of any proposed exemptions from otherwise Applicable requirements and state requirements;

(8) Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the applicant or to define terms and conditions in the Part 70 license allowing intrafacility emission trading which are under the allowable emissions in the Part 70 license;

(9) A description of the source category or categories which are applicable to the source, HAP emission unit(s) requiring HAP emission limitations, and whether the HAP emission unit(s) require a MACT emission limitation for an existing or new Part 70 HAP source;

(10) If required by the Department, proposed monitoring, modeling, testing, record keeping and reporting protocols, the results of previously performed in-stack monitoring, and results of previously performed stack testing. This information shall not be used in the completeness determination of the application.

(11) A compliance plan that includes the following information:

(a) A description of the compliance status of the Part 70 source with respect to all Applicable requirements and state requirements;

(b) A statement that the Part 70 source will continue to comply with any Applicable requirements and state requirements with which it is in compliance;

(c) A statement that the Part 70 source will meet on a timely basis any Applicable requirements and state requirements that will become effective during the Part 70 license period, unless a more detailed schedule is expressly required by the Applicable requirement;

(d) For Part 70 sources out of compliance at the time of issuance of the Part 70 license:

(i) A narrative description of how the Part 70 source will achieve compliance with all Applicable requirements and state requirements; and

(ii) A compliance schedule for achieving compliance that shall include remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any Applicable requirements and state requirements for which the Part 70 source will be in noncompliance at the time of the Part 70 license issuance. The compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the Part 70 source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the Applicable requirements and state requirements on which it is based; and

(e) For Part 70 sources required to have a schedule of compliance to remedy a violation, a schedule for submission of certified progress reports to be submitted at least once every six (6) months from the date of issuance of the Part 70 license;

(12) A compliance certification that includes the following information:

(a) A certification of compliance with all Applicable requirements and state requirements by a responsible official consistent with sub~~S~~section 2(C) of this Chapter and Section 114(a)(3) of the CAA;

(b) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods;

(c) A schedule for submission of compliance certifications during the Part 70 license term, to be submitted at least once every twelve (12) months from the date of issuance of the Part 70 license, or more frequently if specified by the Department or an underlying Applicable requirement;

(d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the CAA; and

(e) Such other facts or information that the Department may require to determine the compliance status of the Part 70 source;

(13) Results of meteorology or air quality monitoring if required by the Department, including an analysis of meteorological and topographical data necessary to evaluate the air quality impact pursuant to Section 14 of this Chapter. The information required pursuant to Section 14 of this Chapter shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application; and

(14) If any regulated pollutant from an existing source has or will have a significant impact, a description of the factors used in the ambient air quality impact analysis pursuant to Section 14 of this Chapter. The information required pursuant to Section 14 of this Chapter shall not be used in the completeness determination of the application, unless the information is required as part of a New Source Review application.

C. Certification by Responsible Official.

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

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

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

D. Public Notice of Intent to File

(1) Any applicant for a renewal of a Part 70 license, an initial Part 70 license, or a Part 70 license transfer must publish within thirty (30) days prior to filing an application a public notice of Intent to File at the applicant's expense. This notice shall be published once in the public notice section of a newspaper of general circulation in the region in which the source would be located. In addition, a copy of the application shall be made available at the municipal office of the municipality(ies) where the source is located. A copy of the notice from the paper must be submitted with the application. Applications for administrative revisions, Section 502(b)(10) changes, Part 70 Minor License Modifications and Part 70 Significant License Modifications do not require publication of a public notice. The public notice of Intent to File must include the following information:

(a) Name, address and telephone number of the applicant;

(b) Citation of the statutes or rules under which the application is being processed;

(c) Location of the proposed action;

(d) Summary of the proposed action;

(e) Anticipated date for filing the application with the Department;

(f) A statement that requests for the Board of Environmental Protection to assume jurisdiction over the application or requests for a public hearing on the application must be submitted to the Department in writing no later than twenty (20) days after the application is accepted as complete for processing. The statement shall include the name, address and phone number of the Department contact person;

(g) A statement providing the local filing location where the application can be examined;

(h) A statement that public comments on the application and requests for public hearing and/or the Board to assume jurisdiction may be provided to the Department, together with the mailing address of the Department; and

(i) Any other information required by rule or law.

NOTE: A public notice of Intent to File form is available from the Department.

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

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

E. Application acceptability and completeness

(1) General. Within fifteen (15) working days of receipt of any application, the Department shall determine the completeness of an application and shall notify the applicant in writing of the official date on which the application was accepted as complete for processing; or return the application with the reasons why the application was not accepted as complete. If the Department does not mail notice to the applicant of acceptance or rejection of the application within fifteen (15) working days, the application shall be deemed accepted as complete for processing on the 16th day.

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

F. Application submittal.

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

G. Authority to request additional information.

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

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

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

H. Procedures for timely license processing and license denials

(1) The requirements of Title 38 MRSA §344 shall govern the processing of applications under this Chapter. In no case shall the processing times be longer than 18 months from the date the renewal application is deemed complete.

(2) Upon the denial of any license, the Department shall provide the applicant a written statement with the grounds of the denial.

I. Permit Shield

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

(a) Such Applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or

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

(2) Nothing in this section or any Part 70 license shall alter or effect the following:

(a) The provisions of Section 303 of the CAA (emergency orders), including the authority of EPA under Section 303;

(b) The liability of an owner or operator of a source for any violation of Applicable requirements prior to or at the time of permit issuance; or

(c) The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA.

J. Operational Flexibility

The following changes are allowed without requiring a license amendment:

(1) Changes that must be addressed by the Part 70 license, are not Title I modifications or a modification or reconstruction under any provision of Section 111, or 112 of the CAA, do not exceed the emissions allowable under the Part 70 license. These changes may include the following:

(a) Intrafacility emission trading, as specified in this Chapter;

(b) Alternative operating scenarios which are specifically identified in the Part 70 license; or

(c) Operational flexibility provided for in the Part 70 license language.

(2) Off-License Changes. Off-license changes that are not addressed or prohibited in the Part 70 license, shall meet all Applicable requirements, shall not violate any existing permit term or condition, and are the following:

(a) A change at Part 70 source for which the applicant has received written Departmental approval that the change does not require a license amendment. The licensee shall keep a record describing the changes made under this section. Department approved changes are not eligible for the permit shield;

(b) The modification of an insignificant activity that can still be qualified as such after the modification; or

(c) A modification that has undergone the NSR requirements or 06-096 CMR 115~~Chapter 115~~. The source must then apply for an amendment to the Part 70 license within one year of commencing operations as provided in 40 CFR Part 70.5.

K. Public and Affected States Draft Notification.

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

(1) The applicant shall provide a copy of the Part 70 draft license or draft amendment and the application for Part 70 license, including any supporting documentation and any subsequent amendments to the application, to the municipal clerk of the municipality where the source is

located, or, if the project is in an unorganized area, to the county commissioners. This material shall also be available at the Department's Augusta office. This material must be on file for public comment for thirty (30) calendar days.

(2) The applicant shall provide a copy of the Part 70 draft license to the affected states on or before the date that the Draft Availability notice is published.

(3) Draft Availability Notice. The notice of Draft Availability shall be published by the applicant or at the applicant's expense, once in the public notice section of a newspaper of general circulation in the region in which the source would be located. The Draft Availability notice shall include:

(a) the name, address and telephone number of the applicant;

(b) a citation of the statutes or rules under which the application is being processed;

(c) the location of the proposed action;

(d) a summary of the proposed action including the emissions change involved in any proposed license modification;

(e) a statement of the availability of the application and supporting documents and the Department's preliminary determination in the form of a Part 70 draft license;

(f) a statement of the public's right to provide written public comment or to request a public hearing, with the mailing address of the Department; and

(g) ~~shall also include:~~

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.

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

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

(6) The Department shall receive comment for at least thirty (30) days, beginning after the day on which the notice of the Draft Availability is published or after the last day on which all of the persons in this section are mailed notice, whichever is later.

(7) The Department shall consider and keep records of all analyses and all written comments received during the public comment period, and all comments received at any public meeting or public hearing in making a final decision on the approvability of the Part 70 draft license. The Department shall file all written comments for public inspection at the Department's Augusta office.

(8) The Department shall notify any affected state and EPA, in writing, of any refusal to incorporate into the Part 70 draft license any recommendations that the affected state submitted during the affected state review period. This notice shall include the Department's reasons for not accepting any such recommendations.

(9) The Department shall provide a statement that sets forth the legal and factual basis for the Part 70 draft license conditions (including referenced to the applicable statutory or regulatory provisions). The Department shall send this statement to any person who requests it.

L. EPA Comment Period

(1) Except for Part 70 License Transfers, Section 502(b)(10) Changes and Part 70 Administrative Revisions, the Department shall provide a copy of the Part 70 draft proposed license and any additional supporting documentation to EPA for a 45 day review and comment period. The Department shall in addition provide to EPA a statement that sets forth the legal and factual basis for the Part 70 draft proposed license conditions (including reference to the applicable statutory or regulatory provisions).

(2) Upon receipt of a Part 70 draft proposed license or at the time of the Department’s explanation for any refusal to accept affected state's comments, whichever is later, if EPA determines the Part 70 draft proposed license is not in compliance with any Applicable requirement or with 40 CFR Part 70, including 40 CFR § 70.8(c)(3), the EPA shall have 45 days to object in writing to the issuance of the Part 70 draft proposed license by the Department.

If EPA submits an objection to the Department, the Part 70 draft proposed license shall not be issued by the Department. The objection shall include a statement of the EPA's reasons for objection and a description of the terms and conditions that the Part 70 license must include to respond to the objection. EPA shall send the applicant a copy of the objection pursuant to 40 CFR Part 70.8(c)(2). The Department shall have ninety (90) days to revise the Part 70 draft proposed license.

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

M. Public Petition to the EPA

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

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

(2) Procedures. If the EPA objects to the Part 70 license (after the EPA's 45-day review period) as a result of a public petition pursuant to this subsection, the following procedures shall apply:

(a) The petitioner must identify in writing all objections in the public petition;

(b) The petitioner must provide a copy of the public petition to the Department and to the applicant; and

(c) If the Part 70 license was not issued, the Department shall not issue the Part 70 draft proposed license until the EPA's objection resulting from the public petition is resolved; or if the Part 70 license was issued after the end of the 45-day EPA review period but prior to the subsequent EPA objection, the following provisions apply:

(i) The public petition does not halt the effectiveness of the Part 70 license or its terms and conditions; and

(ii) The EPA will amend, terminate or revoke the Part 70 license for cause as prescribed by subsection 2(O) of this Chapter, and the Department may thereafter issue a Part 70 license pursuant to subsection 2(N) of this Chapter, that satisfies the EPA's objection. In any case, the owner or operator of the Part 70 source will not be in violation of the requirement to have submitted a timely and complete application.

(3) Appeals. The public petition to EPA shall not affect the terms and conditions of a Part 70 license issued by the Department, or the finality of the Department's action for purposes of an appeal under the Maine Administrative Procedures Act.

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

(1) The Department shall have the authority to reopen and amend, terminate or revoke for cause and to reissue the Part 70 license as a renewal of a Part 70 license for reasons as stated in subsection 3(E)(7) of this Chapter.

(2) A reopening shall not be initiated by the Department before a written notice of such intent is provided to the owner or operator of the Part 70 source and to any person who submitted written comments on the license application at least thirty (30) calendar days in advance of the date that the Part 70 license is to be reopened, or within ten (10) calendar days if necessary to protect public health, safety and welfare.

(3) The procedures to reopen for cause of a Part 70 license and to reissue the Part 70 license shall comply with the same requirements as they apply to the renewal of a Part 70 license and shall pertain only to those parts of the Part 70 license for which cause to reopen exists, and shall proceed as expeditiously as practicable.

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

(1) If EPA finds that cause exists to terminate, amend, or revoke and reissue a Part 70 license for reasons as stated in subsection 3(E)(7) of this Chapter, EPA will notify the Department and the licensee of such findings in writing.

(2) Within ninety (90) days of EPA's written notification, the Department shall send EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. In the event additional information is needed from the licensee, the Department may request from EPA a ninety (90)-day extension to resolve the EPA objection.

(3) EPA will review the proposed determination from the Department within 90 days of receipt.

(4) The Department shall have ninety (90) days from the receipt of EPA's notification of objection to resolve the objection that EPA makes and to terminate, amend, or revoke and reissue the Part 70 license as prescribed by subsection 2(N) of this Chapter.

(5) If the Department fails to resolve the objection, EPA will revise, terminate, or revoke the Part 70 license, after taking the following actions:

(a) Providing at least 30 days notice to the licensee in writing of the reasons for any such action. This notice may be given during or after the procedures in 1 and 2 of this section.

(b) Providing the licensee an opportunity for comment on EPA's proposed action and an opportunity for a hearing.

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

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

Q. Effective Date of a Part 70 license

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

R. Term of a Part 70 license

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

S. Expiration of a Part 70 license

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

An existing source submitting a complete renewal application under this Chapter ~~140~~ prior to the expiration of the Part 70 license will not be in violation of operating without a Part 70 license.

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

T. Source obligation

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

U. Public access to information and confidentiality

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

(1) Information concerning the nature and extent of the emissions of any air contaminant by a source; and

(2) Information submitted by the source with respect to the economic, environmental and energy impacts of various control options in the determination of the control technology requirements.

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

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

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

V. Inspections to verify information

Employees and authorized representatives of the Department shall be allowed safe access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions.

W. Replacement of Air Pollution Control Systems

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

X. Licensing of HAP sources

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

Y. Modifications of Part 70 HAP sources

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

Z. Computation of time period

"Days" are calendar days unless otherwise designated. "Working days" excludes Saturdays, Sundays, state holidays and state shutdown days. In computing any period of time prescribed or allowed by this Chapter ~~140~~, the last day of the period is to be included unless it is a Saturday, Sunday, state holiday, or state shutdown day in which event the period runs until the end of the next day which is not a Saturday, Sunday, state holiday, or state shutdown day. If a person is required to take some action within a prescribed period after service of notice or other paper and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

AA. Emergency provision

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

(1) An emergency occurred and the licensee can identify the cause or causes of the emergency;

(2) The licensed facility was at the time being properly operated;

(3) During the period of the emergency, the licensee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the Part 70 license; and

(4) The licensee submitted notice of the emergency to the Department within two (2) days or the next working day, whichever is later, of the time when emission limits were exceeded due to the emergency. This notice must contain:

(a) a description of the emergency;

(b) steps taken to mitigate emissions; and

(c) corrective actions taken.

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

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

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

B. Schedule

(1) If the applicant is applying for a renewal of a Part 70 license, an application must be submitted at least six (6) months, but no earlier than eighteen (18) months prior to the date of expiration of the Part 70 license.

(2) If the applicant is applying for an initial Part 70 license, an application must be submitted within one year of commencing operations as provided in 40 CFR Part 70.5.

C. Application Notification

(1) The applicant shall give public notice of Intent to File as stated in subsection 2(D) of this Chapter.

(2) A copy of the application shall be submitted by the source to EPA Region I.

D. Required Application Information

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

(1) For an initial Part 70 license the application form and information as specified in subsection 2(B) of this Chapter, containing all required information;

(2) For a renewal of a Part 70 license, the last complete application forms for a Part 70 license with all new information indicated, including a compliance assurance monitoring (CAM) plan and any proposed alternative operating scenarios. New material appended to the application may be limited to any changes that may have occurred since the time of previous license issuance;

(3) A Best Practical Treatment (BPT) analysis as described below:

(a) Best Practical Treatment (BPT). Emissions from existing sources undergoing renewal of a Part 70 license or the issuance of the initial Part 70 license shall be deemed to be receiving best practical treatment if those emissions are being controlled by pollution control apparatus which was installed less than 15 years prior to the date of license application approval, or an acceptable best practical treatment analysis shows that those emissions are being controlled in a manner consistent with emission controls commonly used in sources of similar age and design in similar industries.

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

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

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

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

(i) The applicant is proposing replacement of the existing air pollution control equipment;

(ii) Any emissions unit violates the applicable emission limitation;

(iii) Additional reductions are necessary to achieve or maintain ambient air quality standards;

(iv) The Department determines that previously uncontrolled emissions should be controlled in order to prevent an unreasonable risk to the environment or public health;

(v) The Department determines that previously controlled emissions should be controlled to a greater efficiency considering the toxicity of air contaminants; or

(vi) Additional reductions are necessary to restore ambient increment even if that ambient increment was previously authorized to the owner or operator of an existing source.

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

(4) BPT for lapsed licenses shall undergo an analysis similar to Major and Minor Source Air Emission License Regulation, 06-096 CMR 115(4)(A)(4)(d).~~Section 4(A)(4)(d) of Chapter 115 (BACT).~~

(5) Reasonably Available Control Technology (RACT). The applicant for an existing source located in, or whose emissions of a federal nonattainment pollutant result in a significant impact to any federal nonattainment area, shall include a summary of the conditions the source complies with to meet RACT requirements.

(6) Best Available Retrofit Technology (BART). An existing source with emissions that the Department has determined to cause an adverse impact on visibility in any Class I area or any integral vista for that Class I area, shall demonstrate that each emissions unit contributing to the adverse impact on visibility will receive BART as expeditiously as practicable, but no later than five (5) years after the Department identifies BART.

(7) Hazardous Air Pollutants (HAPs). If an existing source is subject to a newly applicable HAP emission limitation, the application shall be submitted according to the schedule in Appendix C and sub~~S~~section 6(B) and shall contain the HAP information as required by Section 6 of this Chapter.

(8) Ambient Air Quality Impact Analysis. If required by the Department pursuant to this Chapter, the applicant shall submit the results of any ambient air quality impact analyses, including an analysis of the impacts to Air Quality Related Values and impact on visibility if the Department determines that the source may affect ambient increments or Air Quality Related Values in any Class I area or integral vista to that Class I area. The analysis shall be performed pursuant to this Chapter. This analysis shall not be used in the completeness determination of the application.

(9) The certification of the responsible official pursuant to subsection 2(C) of this Chapter and a copy of the published public notice of Intent to File pursuant to subsection 2(D) of this Chapter.

E. License Content

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

(1) Emission Limitations and Standards. Emission limitations and standards, including those operational requirements and limitations that assure compliance with all Applicable requirements and state requirements at the time of the Part 70 license issuance.

(a) The Part 70 license shall:

(i) For Part 70 major sources, include in the Part 70 license all Applicable requirements for all relevant emissions units at the Part 70 major source.

(ii) For any nonmajor source subject to this Chapter under Section 1, include in the Part 70 license all Applicable requirements applicable to emissions units that cause the source to be a Part 70 source.

(b) The Part 70 license shall specify and reference the origin of and authority for each term or condition pertaining to all Applicable requirements, and identify any difference in form as compared to the Applicable requirement upon which the term or condition is based.

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

(d) If an applicable implementation plan allows a determination of an alternative emission limit at a Part 70 source, equivalent to that contained in the plan, to be made in the Part 70 license issuance, renewal, or amendment process, and the State elects to use such process, any Part 70 license containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(e) Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:

(i) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the licensed facility a record of the scenario under which it is operating;

(ii) May extend the permit shield described in subsection 2(I) of this Chapter to all terms and conditions pertaining to Applicable requirements under each such operating scenario; and

(iii) Must ensure that the terms and conditions of each such alternative scenario meet all Applicable requirements and state requirements and the requirements of this Chapter.

(f) Terms and conditions, if the applicant requests them, for the trading of emissions increases and decreases in the licensed facility, to the extent that the Applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

(i) Shall include all terms required to determine compliance;

(ii) May extend the permit shield described in subsection 2(I) of this Chapter to all terms and conditions pertaining to Applicable requirements that allow such increases and decreases in emissions; and

(iii) Must meet all Applicable requirements, state requirements, and requirements of this Chapter.

(2) Compliance Assurance Requirements

(a) Monitoring Requirements

(i) All emissions monitoring and analysis procedures or test methods required under the Applicable requirements and state requirements. This includes any procedures and methods promulgated pursuant to Sections 114(a)(3), pertaining to the enhanced monitoring and compliance certification requirements, or 504(b), pertaining to the monitoring and analysis provisions, of the CAA~~.~~;

(ii) Where the Applicable requirement or state requirement does not require periodic testing or instrumental or non instrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the Part 70 license~~.~~;

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

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

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

(i) The date, place as defined in the Part 70 license, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions as existing at the time of sampling or measurement;

(c) Reporting Requirements. The Part 70 license shall incorporate the required reporting requirements, including the submittal of summary reports of any required periodic monitoring at least every 6 months in the semiannual reports. The semiannual reports must indicate all instances of deviations from license requirements.

(d) Compliance Requirements

(i) Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the Part 70 license. Any document (including reports) required by a Part 70 license shall contain a certification by a responsible official.

(ii) For Part 70 sources out of compliance at time of issuance of the Part 70 license, a schedule of compliance consistent with subsection 2(B)(11) of this Chapter;

(iii) Progress reports consistent with an applicable schedule of compliance and subsection 2(B)(11) of this Chapter to be submitted at least every six (6) months, or at a more frequent period if specified in the Applicable requirement or by the Department. Such progress reports shall contain the following:

(a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted;

(iv) Requirements for compliance certification with terms and conditions contained in the Part 70 license, including emission limitations, standards, or work practices and such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the CAA.

(3) Part 70 licenses for temporary sources shall include conditions that will assure compliance with all Applicable requirements and state requirements at all authorized locations, the requirements of this Chapter and the requirement that the owner or operator notify the Department at least ten (10) days in advance of each change in location.

(4) Permit Shield. The permit shield as specified in subsection 2(I) of this Chapter shall apply to the terms and conditions of the Part 70 license, except where the Part 70 license expressly identifies those terms and conditions pertaining to Applicable and state requirements which do not have a permit shield. In addition, the Part 70 license shall include the Department's determination or a concise summary thereof for other Applicable and state requirements specifically identified by the applicant as being not applicable to the Part 70 source.

(5) HAPs. If an existing source is subject to a HAP emission limitation, the Part 70 license shall contain the applicable requirements of the HAP emission limitation as specified in subsection 6(E) of this Chapter in addition to the relevant requirements of sub~~S~~section 3(E).

(6) Ambient Air Quality Impact Analysis. The Part 70 license shall include a section summarizing any required ambient air quality impact analysis.

(7) Standard Statements and Conditions. All Part 70 licenses shall include and be subject to the following standard statements and conditions:

(a) Standard Statements

(i) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both;

(ii) The Part 70 license does not convey any property rights of any sort, or any exclusive privilege;

(iii) All terms and conditions are enforceable by EPA and citizens under the CAA unless specifically designated as state enforceable.

(iv) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license;

(v) Notwithstanding any other provision in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.

(vi) Compliance with the conditions of this Part 70 license shall be deemed compliance with any applicable requirement as of the date of license issuance and is deemed a permit shield, provided that:

(a) Such applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or

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

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

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

(a) Additional applicable requirements under the CAA become applicable to a Part 70 major source with a remaining Part 70 license term of 3 or more years. However, no reopening is required if the effective date of the requirement is later than the date on which the Part 70 license is due to expire, unless the original Part 70 license or any of its terms and conditions has been extended pursuant to Chapter 140;

(b) Additional requirements (including excess emissions requirements) become applicable to a Title IV source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the Part 70 license;

(c) The Department or EPA determines that the Part 70 license contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Part 70 license; or

(d) The Department or EPA determines that the Part 70 license must be revised or revoked to assure compliance with the applicable requirements.

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

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

(b) Standard Conditions

(i) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions and this license;

(ii) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in this Chapter ~~140~~;

(iii) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request;

(iv) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.

(v) The licensee shall maintain and operate all emission units, air pollution control and monitoring systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions;

(vi) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. In addition, the licensee shall retain records of all required monitoring data and support information for a period of at least six (6) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Part 70 license. The records shall be submitted to the Department upon written request or in accordance with other provisions of this license;

(vii) The licensee shall comply with all terms and conditions of the air emission license. The submission of notice of intent to reopen for cause by the Department, the filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a Part 70 license or amendment shall not stay any condition of the Part 70 license.

(viii) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:

(a) perform stack testing under circumstances representative of the facility's normal process and operating conditions:

(i) within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions;

(ii) to demonstrate compliance with the applicable emission standards; or

(iii) pursuant to any other requirement of this license to perform stack testing.

(b) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and

(c) submit a written report to the Department within thirty (30) days from date of test completion.

(ix) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicates emissions in excess of the applicable standards, then:

(a) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; ~~and~~

(b) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

(c) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

(x) The licensee shall maintain records of all deviations from license requirements. Such deviations shall include, but are not limited to malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emission unit itself that is not consistent with the terms and conditions of the air emission license.

(a) The licensee shall notify the Commissioner within 48 hours of a violation of any emission standard and/or a malfunction or breakdown in any component part that causes a violation of any emission standard, and shall report the probable cause, corrective action, and any excess emissions in the units of the applicable emission limitation;

(b) The licensee shall submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component part causes a violation of any emission standard, together with any exemption requests.

Pursuant to 38 MRSA § 349(9), the Commissioner may exempt from civil penalty an air emission in excess of license limitations if the emission occurs during start-up or shutdown or results exclusively from an unavoidable malfunction entirely beyond the control of the licensee and the licensee has taken all reasonable steps to minimize or prevent any emission and takes corrective action as soon as possible. There may be no exemption if the malfunction is caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition or preventable equipment breakdown. The burden of proof is on the licensee seeking the exemption under this subsection.

(c) All other deviations shall be reported to the Department in the facility's semiannual report.

(xi) Upon the written request of the Department, the licensee shall establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

(xii) The licensee shall submit semiannual reports of any required periodic monitoring by January 31 and July 31 of each year, or on an equivalent schedule specified in the license. All instances of deviations from Part 70 license requirements must be clearly identified in such reports. All required reports must be certified by a responsible official.

(xiii) The licensee shall submit a compliance certification to the Department and EPA annually by January 31 of each year, or more frequently if specified in the Applicable requirement or by the Department. The compliance certification shall include the following:

(a) The identification of each term or condition of the Part 70 license that is the basis of the certification;

(b) The compliance status;

(c) Whether compliance was continuous or intermittent;

(d) The method(s), specified in the source's license, used for determining the compliance status of the source, currently and over the reporting period; and

(e) Such other facts as the Department may require to determine the compliance status of the source;

F. Criteria for license approval

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

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

(2) The emissions will receive best practical treatment (BPT), including, but not limited to, the requirements specified in subsection 3(D)(3) of this Chapter;

(3) The emissions will not violate state standards adopted by the Department pursuant to Title 38 MRSA §585 or can be controlled so as not to violate the same;

(4) The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate ambient air quality standards including, but not limited to,

ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;

(5) If the source is subject to a HAP emission limitation, the source has met the criteria as specified in subsection 6(F) of this Chapter.

(6) If the Department determines that the emissions from an existing source are reasonably attributable to the adverse impact on Air Quality Related Values in any Class I area, BART, as specified in subsection 3(D)(5) of this Chapter will apply to the emissions;

(7) The conditions of the Part 70 license provide for compliance with all Applicable requirements, state requirements and the relevant requirements of this Chapter;

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

(9) The Department and applicant have complied with the public participation, affected states and EPA notification and review procedures for issuance of a Part 70 license pursuant to subsections 3(C) and 3(G) of this Chapter;

(10) All control technology requirements, including, but not limited to, BPT, BACT, RACT, MACT, LAER, and other operating limitations, imposed in the air emission license will be complied with;

(11) If the applicant proposes to change the emission limit upon which an air quality impact analysis was based, the applicant may be required to provide a new ambient air quality impact analysis for the new emission limit; and

(12) If an air emission license renewal can be granted only if the licensee installs additional emissions controls or other mitigating measures, then the licensee may continue to emit pollutants from emission sources that will receive these controls or measures up to the same level allowed in its existing license as long as the additional emission controls or mitigating measures are fully operational as soon as practicable but in no case later than twenty four (24) months after the Department issues the license renewal, except as provided in this subsection. After a showing of the licensee that it can not install and bring to full operation the required emission controls or mitigating measures within the twenty four (24) month period, the Department may establish a later date for the installation and operation. No such compliance schedule shall excuse any violation of an Applicable requirement. This provision is limited to state only requirements.

G. Draft Notification

(1) A comment period of 30 days shall be held for the public and affected states on the Part 70 draft license, as described in subsection 2(K) of this Chapter.

(2) After the end of the public review period stated above, EPA shall have a comment period of 45 days on the Part 70 draft proposed license as described in subsection 2(L) of this Chapter.

4. Part 70 Acid Rain Sources

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

A. Schedule

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

B. Required Application Information

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

C. License Content

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

(1) A statement that an amendment is not required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require an amendment under any other Applicable requirement.

(2) The compliance plan content requirements specified in Section 4 of this Chapter shall apply and be included in the acid rain portion of a compliance plan for an Title IV source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(3) A license condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.

(a) No license revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a license revision under any other Applicable requirement.

(b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other Applicable requirement.

(c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the CAA.

(4) The Part 70 license shall state that, where an Applicable requirement of the CAA is more stringent than an Applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the license and shall be enforceable by the EPA.

D. Nothing in the permit shield, specified in subsection 2(I) of this Chapter, or any Part 70 license shall alter or effect the Applicable requirements of the acid rain program, consistent with Section 408(b) of the CAA.

E. Part 70 General Licenses

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

F. Modifications for Acid Rain sources pursuant to Title IV of the CAA shall provide an opportunity for public comment and review including public notice and the offering of an opportunity for public comment and a public meeting, and shall be governed by 40 CFR Part 72.

G. A Part 70 source shall be prohibited from making, without a permit revision, if such changes are subject to any requirements under Title IV of the Act or are Title I modifications or a modification or reconstruction under any provision of Section 111, or 112 of the CAA.

H. A license modification or license amendment for purposes of the acid rain portion of the license shall be governed by regulations promulgated under Title IV of the Act.

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

6. HAP Emission Limitations

A. Applicability

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

(a) The source meets the criteria for applicability of such HAP emission limitation;

(b) The source has proposed construction of a Part 70 HAP source; and

(c) The source has proposed reconstruction of a Part 70 HAP source.

(2) Case-by-case MACT determinations.

(a) The Department shall establish a case-by-case MACT determination for a Part 70 HAP source if EPA has failed to promulgate a MACT emission limitation applicable to a Part 70 HAP source upon receipt and approval of a Part 1 and Part 2 MACT application submitted by the owner or operator. The Department shall issue the MACT emission limitation within 18 months of receiving a complete Part 2 application.

(b) Where no applicable emission limitations have been established by EPA, the Department shall establish a case-by-case MACT determination for the proposed construction or reconstruction of Part 70 HAP sources unless the source has been specifically regulated or exempted under a regulation issued pursuant to Section 112(d).

(3) The following are excluded from MACT emission limitation determinations as required by 112(g) and 112(j):

(a) Stationary sources in deleted sources categories pursuant to Section 112(c)(9) of the CAA.

(b) Research and development activities as defined by 40 CFR Part 63.41.

B. Schedule

(1) If EPA promulgates a HAP emission limitation applicable to an existing Part 70 HAP source and three (3) years or more remain before a Part 70 license expires, an application must be submitted within the six (6) months following EPA's promulgation of the HAP emission limitation. If less than three (3) years remain before a Part 70 license expires, the application must be submitted with the renewal application.

(2) If EPA fails to promulgate a MACT emission limitation applicable to a source category or subcategory by the date scheduled for promulgation, the owner or operator of the existing HAP major source (that includes one or more stationary sources in that category) must submit a Part 1 MACT application within 18 months after the date scheduled for promulgation. The Part 1 MACT application must include the following requirements:

(a) The name and address (physical location) of the major source;

(b) A brief description of the major source and an identification of the relevant source category;

(c) An identification of the types of emission points belonging to the relevant source category; and

(d) An identification of any affected sources for which a Section 112(g) MACT determination has been made.

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

(3) If the applicant is applying for a new Part 70 HAP source or a reconstruction of a Part 70 HAP source, an application must be submitted and processed in accordance with this Chapter ~~115~~ and 06-096 CMR 115~~Chapter 140~~.

C. Application Notification

(1) No application notification is required for the processing of a Part 70 license amendment for the purpose of a HAP emission limitation.

(2) A copy of the application shall be submitted by the source to EPA Region I.

D. Required Application Information

(1) For sources subject to HAP emission limitations promulgated by the EPA or adopted by the Department through regulation, the applicant shall submit the information required in subsection 2(B) of this Chapter in addition to the following information:

(a) A description of all emission units and the HAP emitted by each Part 70 HAP source which is subject to a HAP emission limitation for existing Part 70 HAP sources or a HAP emission limitation for new Part 70 HAP sources;

(b) The emission rate of each HAP emitted by each emission unit, stated in terms that would be federally enforceable, as defined by EPA;

(c) The annual rate of uncontrolled emissions of any HAP from the Part 70 HAP source;

(d) The annual rate of controlled emissions for the emission units subject to HAP emission limitations;

(e) Parameters to be monitored or frequency of monitoring to demonstrate continuous compliance with the HAP emission limitations;

(f) Supporting technical information that documents any applicable HAP emission limitation for new Part 70 HAP sources will be met upon commencement of operation;

(g) Supporting technical information that documents the source is, or will be in compliance with any applicable HAP emission limitation promulgated by EPA;

(h) Any other information required by the Department to assess compliance with any existing Federal, State or local limitations or requirements applicable to the affected source;

(i) For a new affected source, the anticipated date of start-up.

(2) For sources subject to a MACT emission limitation determined on a case-by-case basis by the Department, the applicant shall submit the information required in subsection 2(B) of this Chapter in addition to the following information:

(a) All of the information listed above in subsection 6(D)(1) of this Chapter;

(b) The HAP emission limitations proposed by the applicant that under representative operating conditions and maintenance, would achieve the MACT emission limitation for existing Part 70 HAP sources or the MACT emission limitation for new Part 70 HAP sources, whichever is applicable.

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

(c) The HAP emission limitations proposed by the applicant shall:

(i) For sources that propose to construct a new or reconstruct an existing Part 70 HAP source, be no less stringent than the emission control that is achieved in practice by the best controlled similar source.

(ii) Provide the maximum degree of reduction in emissions of HAP which can be achieved by utilizing those control technologies that can be identified from the available information, taking into consideration the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.

(iii) Include either a proposed relevant emission standard pursuant to Section 112(d) or Section 112(h) of the Clean Air Act or adopted presumptive MACT determination for the source category which includes the constructed or reconstructed major source. The MACT requirements applied to the constructed or reconstructed major source shall reflect those MACT emission limitations and requirements of the proposed standard or presumptive MACT determination.

(iv) For sources for which EPA fails to promulgate a MACT emission limitation within eighteen (18) months after the scheduled promulgation date, be no less stringent than the emission limitation that would be achieved at the MACT floor, and that at a minimum meets the requirements of a top-down case-by-case MACT analysis for the type and quantity of HAP emitted by the source.

(d) Where feasible, applicants should propose HAP emission limitations that are based upon pollution prevention techniques rather than the use of control equipment.

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

(1) The HAP emission limitation promulgated by EPA, adopted by the Department, or determined on a case-by-case basis by the Department.

(2) Requirements specifying notification, operation and maintenance, performance testing, monitoring, record keeping, reporting requirements, and compliance dates, as provided in subSsection 3(E) of this Chapter and any other compliance requirements deemed necessary by the Department.

(3) Schedule of compliance

(a) For a constructed or reconstructed Part 70 HAP source, compliance with a promulgated MACT, GACT, residual risk, or work practice standard must be achieved upon commencing operations.

(b) For existing Part 70 HAP sources, compliance with a promulgated MACT, GACT, or work practice emission limitation must be achieved by the compliance date specified in the applicable, promulgated emission limitation. If the applicable regulation does not specify a compliance date, compliance must be achieved as expeditiously as practicable, as specified in the Part 70 license, but no later than three (3) years after the effective date of the applicable regulation.

(c) For existing Part 70 HAP sources subject to a case-by-case MACT standard due to EPA's failure to promulgate a MACT emission limitation, compliance with a case-by-case MACT standard must be achieved as expeditiously as practicable, but no later than three (3) years following the issuance of the Title V permit containing a MACT emission limitation or following the promulgation of the MACT standard by EPA, whichever occurs first.

(d) Notwithstanding the requirements of this subsection, no existing Part 70 HAP source which is controlled as a result of the installation of BACT or technology for LAER prior to the promulgation of a MACT, GACT, or work practice emission limitation shall not be required to comply with the MACT, GACT, or work practice emission limitation standards until five (5) years after the date of installation of BACT or LAER or until the compliance date of the standard, whichever is later;

(e) Notwithstanding the requirements of this subsection, new Part 70 HAP sources which commence construction or reconstruction after a MACT, GACT, or work practice emission limitation applicable to such source is proposed, and before such standard is promulgated, shall not be required to comply with the standard until three (3) years after the promulgation date if:

(i) The promulgated HAP emission limitation is more stringent than the proposed standard; and

(ii) The source complies with the HAP emission limitation, as proposed, during the three (3) years immediately after promulgation.

F. Criteria for license approval

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

G. Draft Notification

(1) The applicant shall provide a copy of the Part 70 draft license to the affected states for a comment period of 30 days. The comment period shall begin on or before the date that the affected states receive a copy of the Part 70 draft license.

(2) In addition, for sources subject to a MACT emission limitation determined on a case-by-case basis by the Department, a comment period of 30 days shall be held for the public on the Part 70 draft license, as described in subsection 2(K) of this Chapter.

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

7. Part 70 Administrative Revision

A. Applicability

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

An "administrative license revision" is a license revision that:

(1) Corrects typographical errors;

(2) Identifies a change in the name, address or phone number of any person identified in the license , or provides a similar minor administrative change at the source;

(3) Requires more frequent monitoring or reporting by the licensee;

(4) Allows for a change in ownership or operational control of a source where the licensing authority determines that no other change in the license is necessary, provided that a written agreement containing a specific date for transfer of license responsibility, coverage, and liability between the current and new licensee has been submitted to the licensing authority; or

(5) Incorporates any other type of change which the Administrator has determined as part of the approved Part 70 program to be similar to those in paragraphs 40 CFR 60 § 70.7(d)(1)(i) through (iv).

B. Schedule

(1) The applicant may request a Part 70 Administrative Revision at any time during the term of a Part 70 license.

(2) The Department shall take no more than 60 days from receipt of a request for a Part 70 Administrative Revision to take final action on such request.

C. Application Notification

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

D. Required Application Information

(1) The application submission shall consist of a written request documenting the Part 70 Administrative Revision with the reason for the request, along with any relevant information for the revision. The signatory sheet signed by a responsible official shall be included in the submittal.

(2) The application submission shall include verification that the proposed modification meets the criteria for use of the Part 70 Administrative procedures and a request that such procedure be used.

E. License Content

A Part 70 Administrative Revision shall contain the following:

(1) A description of the revision and the reason for the request.

(2) Terms and conditions that will assure compliance with all Applicable requirements and state requirements pertaining to the revisions, including the relevant requirements of sub~~S~~section 3(E).

(3) Specific designation as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.

(4) The permit shield, as specified in sub~~S~~section 2(I) shall not apply to the terms and conditions of the Part 70 Administrative Revision license.

F. Criteria for license approval

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

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

G. Draft Notification

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

8. Part 70 Section 502(b)(10) Change

A. Applicability

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

B. Schedule

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

C. Notification

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

D. Required Notification Information

(1) The application submission shall consist of a letter requesting the Section 502(b)(10) Change with the reason for the request, along with any relevant information for the change. The signatory sheet signed by a responsible official shall be included in the submittal.

(2) The application submission shall include verification that the proposed modification meets the criteria for use of a Section 502(b)(10) Change procedure and a request that such procedure be used.

E. Criteria for license approval

Changes must not be physical changes in, or changes in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted and the changes do not exceed the emissions allowable under the license (whether expressed therein as a rate of emissions or in terms of total emissions).

F. Draft Notification

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

9. Part 70 Minor License Modification

A. Applicability

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

(1) Do not violate any Applicable requirement or state requirement;

(2) Do not involve significant changes to existing monitoring, reporting, or record keeping requirements in the license;

(3) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts or a visibility or increment analyses;

(4) Do not seek to establish or change a Part 70 license term or condition for which there is no corresponding underlying Applicable requirement, and that the source has assumed to avoid an Applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(a) A federally enforceable emissions cap assumed to avoid classification as a modification or reconstruction under Section 112 of the CAA, or as a Title I Modification under the CAA; and

(b) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA;

(5) Are not a modification or reconstruction under Section 111 or 112 of the CAA, or a Title I Modification under the CAA; and

(6) Are not required by the Department to be processed as a significant modification.

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

B. Schedule

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

(2) The Department may approve, but may not issue, a final Part 70 Minor License Modification until after EPA's 45-day review period or until EPA has notified the Department that EPA will not object to issuance, whichever is first. Within 90 days of the Department's receipt of an application under Part 70 minor license modification procedures or 15 days after the end of the EPA's 45-day review period, whichever is later, the Department shall:

(a) Issue the Part 70 Minor License Modification as proposed;

(b) Deny the Part 70 Minor License Modification application;

(c) Determine that the requested Part 70 Minor License Modification does not meet the Part 70 Minor License Modification criteria; or

(d) Revise the draft license and transmit to the EPA the new proposed Part 70 Minor License Modification.

(3) The source may make the changes proposed in its Part 70 Minor License Modification application immediately after it files an application, only if such application includes the suggested draft of sub~~S~~section 9(D)(3) of this Chapter. After the source makes the change allowed by the preceding sentence, and until the Department takes any of the actions specified in this section, the source must comply with both the Applicable requirements governing the change and the suggested draft license terms and conditions. During this time period, the source need not comply with the existing license terms and conditions it seeks to modify.

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

C. Application Notification

(1) No application notification is required for the processing of a Part 70 Minor License Modification.

(2) A copy of the application shall be submitted by the source to EPA Region I and affected states.

D. Required Application Information

(1) The application form as specified in subsection 2(B) of this Chapter that contains the applicable required information.

(2) In addition, the applicant shall provide the following information:

(a) A description of the change, the emissions resulting from the change, and any new Applicable requirements and state requirements that will apply if the change occurs; and

(b) Certification by a responsible official that the proposed modification meets the criteria for use of Part 70 Minor License Modification procedures and a request that such procedures be used.

(3) The applicant shall also submit a suggested draft license, if the source wishes to make the changes proposed in its Part 70 Minor License Modification application immediately after it files the application.

E. License Content

A Part 70 Minor License Modification shall contain the following:

(1) A description of the change and the reason for the request, and

(2) Terms and conditions that will assure compliance with all Applicable requirements and state requirements pertaining to the change.

(3) Specific designation as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.

(4) The permit shield, as specified in ~~S~~subsection 2(I) shall not apply to the terms and conditions of the Part 70 Minor License Modification.

F. Criteria for license approval

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

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

G. Draft Notification

(1) The applicant shall provide a copy of the suggested draft license to the affected states and to the EPA within 5 days of submitting the application to the Department, if the source wishes to make the changes proposed in its Part 70 Minor License Modification application immediately after it files the application.

(2) For Part 70 Minor License Modifications, the applicant shall provide a copy of the Part 70 draft proposed license to the affected states for a 30 day comment period as specified for in sub~~S~~section 2(K) of this Chapter, as applicable only for affected states review.

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

10. Part 70 Significant License Modification

A. Applicability

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

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

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

B. Schedule

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

C. Application Notification

(1) No application notification is required for the processing of a Part 70 Significant License Modification.

(2) A copy of the application shall be submitted by the source to EPA Region I.

D. Required Application Information

(1) The application form as specified in subsection 2(B) of this Chapter that contains the applicable required information.

(2) In addition, the applicant shall provide the following information:

(a) A description of the change, the emissions resulting from the change, and any Applicable requirements and state requirements that pertain to the change; and

(b) Certification by a responsible official that the proposed modification meets the criteria for use of Part 70 Significant License Modification procedures and a request that such procedures be used.

E. License Content

A Part 70 Significant License Modification shall contain the following:

(1) A description of the change and the reason for the request, and

(2) Terms and conditions that will assure compliance with all Applicable requirements and state requirements pertaining to the change.

(3) Specific designation as state enforceable, any terms and conditions included in the Part 70 license that are not required or federally enforceable under the CAA or under any of its Applicable requirements.

(4) Permit shield. The permit shield as specified in subsection 2(I) of this Chapter shall apply to the terms and conditions of the Part 70 Significant License Modification license, except where the Part 70 Significant License Modification license expressly identifies those terms and conditions pertaining to Applicable and state requirements which do not have a permit shield. In addition, the Part 70 Significant License Modification license shall include the Department's determination or a concise summary thereof for other Applicable and state requirements specifically identified by the applicant as being not applicable to the Part 70 source.

F. Criteria for license approval

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

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

G. Draft Notification

(1) For Part 70 Significant License Modification, a comment period of 30 days shall be held for the public and affected states on the Part 70 draft license, as described in subsection 2(K) of this Chapter.

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

11. Intrafacility Emission Trading

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

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

A. Trading Under the Permitted Emissions Caps

The Department shall include in the Part 70 license an emissions cap, pursuant to a request submitted by the applicant, consistent with any specific emission limits or restrictions otherwise

required in the license by any Applicable requirements, and license terms and condition for intrafacility emission trading solely for the purposes of complying with that emissions cap.

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

(1) A description of the intrafacility emission trade to be made within the licensed facility;

(2) The date on which the proposed intrafacility emission trade will occur; and

(3) A statement on how emission increases and decreases will comply with the conditions of the Part 70 license.

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

B. Trading Under the Implementation Plan

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

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

(1) A description of the intrafacility emission trades to be made within the licensed facility;

(2) The date on which the proposed intrafacility emission trade will occur;

(3) Identification of the license terms which may be replaced with the intrafacility emission trading provisions in the state implementation plan;

(4) Identification of the Part 70 license requirements with which the Part 70 source will comply using the intrafacility emission trading provisions of the state implementation plan;

(5) Identification of the pollutants emitted subject to the intrafacility emission trades; and

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

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

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

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

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

(2) The State Implementation Plan does provide for such intrafacility emission trading, the licensee shall be required to submit an application to amend the Part 70 license through the Part 70 Minor License Modification license procedures to include conditions of the Part 70 license that allow for intrafacility emission trading increases and decreases substantially identical to those provided for in the SIP.

D. Part 70 License Intrafacility Emission Trading Provision Requirements

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

(1) An emissions cap that is consistent with any specific emission limits or restrictions otherwise required in the Part 70 license by any Applicable requirements and state requirements. The emissions cap shall be only for the emission units which are quantifiable and have replicable procedures and license terms that ensure the emissions cap in enforceable and transfers pursuant to it are quantifiable and enforceable;

(2) Conditions for intrafacility emission trading solely for the purposes of complying with the emissions cap required by this section; and

(3) Conditions to assure compliance with all Applicable requirements and state requirements.

(4) The permit shield described in subsection 2(I) of this Chapter may extend to those intrafacility emission trades made pursuant to ~~S~~subsection 11(A) of this Chapter, but the permit shield shall not extend to any change made pursuant to ~~S~~subsection 11(B) of this Chapter.

12. Part 70 License Transfer

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

A. Applicability

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

B. Schedule

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

C. Application Notification

The applicant shall publish notice of Intent to File as specified in ~~S~~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 ~~and financial~~ capacity of the new owner and intent to:

(i) Comply with all conditions of the Part 70 license, and

(ii) To satisfy all statutory criteria.

(3) The signatory sheet from a responsible official.

E. License Content

The Part 70 License Transfer shall contain the following:

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

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

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

F. Criteria for license approval

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

G. Draft Notification

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

13. Part 70 General Licenses

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

A. Issuance of a Part 70 General license

(1) The Part 70 General license shall be issued by the same process as any Part 70 license, including public participation and review.

(2) The terms and conditions of any Part 70 General license shall be consistent with subsection 3(E) of this Chapter and shall provide for compliance with all Applicable requirements and state requirements of other Part 70 licenses.

(3) The Part 70 General license shall identify criteria by which Part 70 sources may qualify for the Part 70 General license.

(4) The Part 70 General license shall specify the deadline for existing sources for the submission of requests for authorization and the date(s) when a person is authorized to operate under the Part 70 General license.

B. Requirements to apply under a Part 70 General license

(1) Owners or operators of Part 70 sources that qualify for a Part 70 General license must apply in writing to the Department to be licensed under the terms and conditions of the Part 70 General license in accordance with the requirements of this subsection.

(2) Owners or operators of Part 70 sources that qualify for a Part 70 General license shall give public notice of Intent to File as stated in subsection 2(D) of this Chapter.

(3) An application for a Part 70 General license must include the following information necessary to determine qualification for, and to assure compliance with, the Part 70 General license:

(a) The application form as specified in subsection 2(B) of this Chapter that contains the required information, including any information necessary to determine whether the applicant qualifies to operate under the General license.

(b) The certification of the responsible official and a copy of the published public notice of Intent to File as specified in subsections 3(D) and 3(C) of this Chapter.

(c) A copy of the application shall be submitted by the source to EPA Region I.

C. Granting Approval Under a Part 70 General license

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

(1) The source is similar to other sources for that category of Part 70 General licenses in regard to the following attributes:

(a) Air quality classification of the source's location;

(b) Proximity to Class I areas;

(c) Total emission quantity and nature of regulated pollutants;

(d) Classification of areas downwind;

(e) Geographic area involved for the same or substantially similar types of operation;

(f) Emissions of the same type of air pollutants;

(g) Requires the same control systems or operating conditions;

(h) Requires the same or similar monitoring; and

(i) In the opinion of the Department, the source is more appropriately controlled under a Part 70 General license than under an individual Part 70 license.

(2) The Department shall grant a request for authorization to operate under an existing Part 70 General license to owners or operators of Part 70 sources that qualify, and may grant the Part 70 General license without repeating the public participation and affected state review procedures on the Part 70 draft license. Such a grant shall not be a final action by the Department for purposes of judicial review.

14. Ambient Air Quality Analysis

A. General requirement. It shall be the burden of any applicant to provide an affirmative demonstration that its emissions, in conjunction with all other sources, will not violate ambient air quality standards, ~~established pursuant to Chapter 110 of Department Regulations,~~ except that Part 70 sources in nonattainment areas or which significantly impact a nonattainment area shall be required to demonstrate that the Part 70 source's emissions are consistent with Reasonable Further Progress provisions of the State Implementation Plan. An applicant may use ambient air monitoring, modeling, or other assessment techniques as approved by the Department and shall be consistent with EPA regulations and guidelines or other requirements under the CAA. The analyses shall include relevant emissions units at the Part 70 source, meteorological and

topographical data necessary to estimate such impacts, and shall consider the impact of fugitive emissions, to the extent quantifiable, secondary emissions, and emissions from other existing sources including increases in mobile and area source emissions impacting the same area.

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

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

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

(2) Air Quality Impact Modeling Requirements

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

(b) All input, ~~and~~ output and diagnostic files used in the final Class I and Class II standards ~~MAAQS~~ and increment compliance modeling analyses and Class I AQRV and visibility modeling analyses shall be submitted to the Department on ~~3½" diskettes, compact discs or other~~ media formatted for use by computer software which the Department uses unless otherwise approved by the Department.~~Commissioner.~~

(c) Where an air quality impact model specified in the Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models, is inappropriate, the model may be changed or another model substituted; such change or substitution shall be subject to public comment and the written approval of the Department and the Regional Administrator of the U. S. Environmental Protection Agency or his designee. Methods like those outlined in the Protocol for Determining the Best Performing Model (EPA-454/R-92-025) and the Interim Procedures for Evaluating Air Quality Models: Experience with Implementation (EPA-450/4-85-006) should be used to determine the comparability of air quality models.

B. Renewal of a Part 70 license

(1) A previously submitted impact analysis shall be acceptable unless:

(a) It has been found to be deficient with respect to requirements set forth in subsection 14(A) of this Chapter;

(b) The impact analysis fails to reflect available information with respect to ambient air quality levels in the area, which, based upon the Department's expertise, may reasonably be expected to be significantly impacted by the Part 70 source;

(c) The Part 70 source emits a regulated pollutant for which an ambient air quality standard has been adopted and whose impact was not addressed in the original impact analysis;

(d) There are changes in stack or building configurations or other factors which are determined to significantly alter the dispersion characteristics of the Part 70 source.

(2) Continuation of an ambient air monitoring or meteorological monitoring program shall be made on a case-by-case basis at the time of the renewal. It shall be the burden of the applicant to demonstrate the adequacy of existing data, its relationship to past, present, and future facility operating conditions, and the adequacy of other means to document continuing compliance.

(3) An existing Part 70 source shall be exempt from an impact analysis with respect to a regulated pollutant whose allowable emissions, after the application of control technology requirements specified in Section 4 of this Chapter, do not exceed the following, unless the Part 70 source is located in or near a Class I area or an area where the available air quality is limited, or other extenuating circumstances exist:

(a) 50 tons per year (tpy) for SO_2;

(b) 250 tpy for CO;

(c) 25 tpy for PM_{10} or PM2.5~~TSP~~;

(d) 50~~100~~ tpy for NO_x (measured as NO_2);

(e) 0.6 tpy for Lead (Pb); or

(f) 0.2 tpy of total Chromium.

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

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

NOTE: For major sources and major modifications, ~~T~~the applicant should consult with the Department and Federal Land Managers (potentially affected federal lands are listed in Classification of Air Quality Control Regions, 06-096 CMR 114~~Chapter 114 of the Department's Regulations~~) 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 ~~Subs~~Section 14 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models, when the Department finds that the alternative proposed by the applicant will not significantly affect the accuracy of the modeling, and/or when data collection results or compliance with the requirements specified in ~~Subs~~Section 14 of this Chapter and Appendix W to 40 CFR Part 51 – Guideline on Air Quality Models is technically infeasible or economically unreasonable for the applicant. For any Part 70 source subject to PSD review, the variance shall be subject to EPA review, written approval, and shall be subject to notice and opportunity for public comment pursuant to 40 CFR Parts 51.160 (f) (2) and 51.166 (1) (2).

(3) Significant impact modeling protocol for 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, ~~and~~ 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) Period of meteorological record;~~

(~~f~~e) Receptor grid (listing of coordinates and elevations, topographic maps covering the receptor grid area~~,~~ map of receptors). ~~and, if applicable, a~~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;

(~~g~~f) Any special (e.g., fenceline, air intake or flagpole) receptors;

(~~h~~g) Identity of emission units and emissions which are included in baseline;

(~~i~~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 ~~(preferably a U.S Geological Survey topographical map)~~ 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.

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

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

(4) Submittal of significant impact modeling

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

(i) Significant impact modeling results (If all modeled impacts of any regulated pollutant are below the significant impact levels for all averaging periods, then no further analysis is necessary for that pollutant);

(ii) Emissions data for regulated pollutants not in the significant impact modeling protocol;

(iii) A preliminary analysis of nearby sources that will not be included in the background concentration analysis;

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

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

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

(b) Within thirty (30) calendar days of receipt of this information, the Department shall notify the applicant of the following in writing:

(i) The submitted information is complete and acceptable for modeling or the reason(s) why the information is not complete. If the information is not complete, the Department shall clearly identify the changes or additional information that must be submitted to complete the protocol requirements; and

(ii) For each regulated pollutant for which there are significant impacts, the Department shall specify which operating scenarios and other nearby sources, if any, 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, ~~and~~ 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) Period of meteorological record;~~

(~~f~~e) Receptor grid (listing of coordinates and elevations, topographic maps covering the receptor grid area, map of receptors and, if applicable, a listing of all Digital Elevation Model (DEM) quadrangles used and method(s) used to convert DEM data to the proposed receptor grid). If DEM data is being used to create a rectangular receptor grid, then the elevation of each receptor point shall be the highest elevation within the grid cell. The grid cell is defined as an area enclosed by boundaries located half way to the nearest receptor in each direction;

(~~g~~f) Any special (e.g., fenceline, air intake or flagpole) receptors;

(~~h~~g) Identity of emissions which are included in baseline emissions;

(~~i~~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 ~~(preferably a U.S Geological Survey topographical 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.

(~~j~~i) Building dimension and Good Engineering Practice (GEP) analysis techniques. For each stack; all buildings that are large enough and close enough to influence the stack should be considered in the GEP analysis. Submit all BPIP input and output files on ~~compact disc, 3½" diskette or other~~ media approved by the Department. All tiers of a building will be input as tiers and not as separate buildings and

(~~k~~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 ~~3½" diskettes, compact discs or other~~ media approved by the Department. ~~A paper label accompanying the 3½" diskettes, compact discs or other media approved by the Department specifying the size and capacity needed which includes a directory of the files contained on the 3½" diskettes, compact discs or other media approved by the Department. (A de-archiving program should be submitted if the files are archived):~~

(a) Introduction (briefly give an overview of the project, the analyses conducted, and the results);

(b) Site and surroundings (describe the topography, demography, air quality control region and compliance status (attainment/nonattainment); include a topographic map section showing the site and a properly scaled plot plan of the proposed facility; include rural/urban classification and simple/complex terrain determination), topography and land-use need to be described in sufficient detail to specify roughness length if roughness length is a required input for the modeling system used in the analysis;

(c) Source description (provide an overview of the source, describe the process(es) involved);

(d) Description of each emission unit at the source (describe the equipment/operations, emissions' controls, emissions' limits; list emissions and stack parameters for each emission unit in English and metric units);

(e) Screening modeling (describe the screening analyses performed):

(i) Modeling approach/model(s) used;

(ii) Model version used;

(iii) Model switch selections;

(iv) Source data (affected source and other nearby sources);

(v) Meteorological data; and

(vi) Receptor data; and

(vii) Screening results.

(f) Final compliance modeling analysis, (describe in detail modeling performed and results):

(i) Modeling approach/model(s) used;

(ii) Model version used;

(iii) Model switch selections;

(iv) Source data (affected source and other nearby sources);

(v) Meteorological data base. The meteorological data base shall be submitted on ~~separate 3½" diskettes, compact discs or other~~ 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 ~~3½" diskettes, compact discs or other~~ 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 ~~3½" diskettes, compact discs or other~~ media approved by the Department.)~~ The Department may request specific modeling runs be provided on hard copy.~~

(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 ~~3½" diskettes, compact discs or other~~ media approved by the Department. ~~The Department may request specific modeling runs be provided on hard copy.~~

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

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

EFFECTIVE DATE: October 28, 1995
EFFECTIVE DATE (ELECTRONIC CONVERSION): May 8, 1996
AMENDED: February 15, 1997 - Appendix C
NON-SUBSTANTIVE CORRECTIONS:
May 16, 1997 insertion of missing Appendices A and B, which were formally adopted effective October 28, 1995.
August 19, 1997 - minor formatting
June 17, 1998 - Sections 2(H), 4 first paragraph
AMENDED: April 12, 2000
AMENDED: September 22, 2001
AMENDED: July 15, 2002
AMENDED: December 24, 2005

BASIS STATEMENT FOR AMENDMENTS OF OCTOBER 11, 1995

This Chapter establishes an operating permit program for major sources of stationary air pollution pursuant to Title V of the 1990 Clean Air Act Amendments and 40 CFR Part 70. This regulation addresses control technology requirements, air quality impact analysis requirements, license conditions and public participation and other procedural requirements for license renewals as well as new sources and modifications of existing sources. In addition to this Basis Statement, the Department has filed a supplemental basis statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF JANUARY 22, 1997

These amendments eliminate an inconsistency between the application submittal deadlines as established by Appendix C to Chapter 140, and include the establishment of a new application submission schedule for municipal waste combustion facilities in accordance with the requirements of 40 CFR Part 60, Subpart Cb. In addition to this Basis Statement, the Department has filed a supplemental Basis Statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF MARCH 16, 2000

These amendments incorporate by reference the control requirements from Title IV of the 1990 Clean Air Act Amendments. In addition to incorporating the most recent changes to the Title IV Acid Rain Program, the proposal also amends several licensing procedures, recordkeeping and reporting requirements, and clarifies exempt activities in response to federal prerequisites for program approval.

No comments were received on the proposed amendments.

BASIS STATEMENT FOR AMENDMENTS OF SEPTEMBER 10, 2001

These amendments incorporate federal program requirements necessary for full approval of the Title V air emission licensing program. The amendments enhance EPA and public participation review process for minor license revisions, remove certain activities from the list of insignificant (exempt) activities

contained in Appendix B to Chapter 140, and incorporate federal air quality modeling guidance. The amendments also require an applicant notify all federal land managers, and the Indian governing body of any reservation within 50 km of any major modification or new major source license applications and provide at least 30 days for comment. In addition to this Basis Statement, the Department has filed a supplemental Basis Statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF JUNE 20, 2002

These amendments incorporate changes to the federal 112(j) (MACT) program and allow major HAP sources to submit required MACT determination information in two parts. The Part 1 MACT application requires general information about the source and its emission points and is due on May 15, 2002. The Part 2 MACT application, due 24 months later, requires detailed information on the source, its emission sources and on the control technologies available for these emission points. In addition to this Basis Statement, the Department has filed a supplemental Basis Statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 1, 2005

This amendment removes the New Source Review (NSR) requirements from Chapter 140 and incorporates them into Chapter 115, Major and Minor Source Air Emission License Regulations. For major sources that are subject to 40 CFR Part 70, Chapter 140 will implement the operating licensing requirements of 40 CFR Part 70 while Chapter 115 will serve as a pre-construction New Source Review program. In addition to this Basis Statement, the Department has filed with the Secretary of State responses to representative comments received during the comment period.

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

APPENDIX B

CHAPTER 140

INSIGNIFICANT ACTIVITIES

Insignificant Activities

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

A. Categorically Exempt

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

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

24. Fuel and exhaust emissions, from vehicles in parking lots.
25. Storage tanks, mixing, packaging, storage and handling activities, reservoirs and pumping and handling equipment of any size, limited to soaps, lubricants, hydraulic fluid, thermal oil, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes, using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter.
26. Pressurized storage of oxygen, nitrogen, carbon dioxide, or inert gases.
27. Sodium hydroxide storage tanks.
28. Vents from continuous emissions monitors and other analyzers.
29. Vents from rooms, buildings and enclosures (including elevator vents), that contain permitted emissions units or activities from which local ventilation, controls and separated exhaust are provided.
30. Manual wall or roof vents and powered wall or roof vents, used for temperature control of a building or structure.
31. Material, gas and chemical storage area vents, where closed containers are present.
32. 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.
76. Humidity and environmental chambers not using VOC or HAP gasses.
78. Steam vents and leaks.
79. Air compressors, pneumatically operated equipment, systems and hand tools and centrifuges used for compressing air and the related compressed air system.
80. Recovery boiler blow-down tank.
81. Demineralizer tanks.
82. Clean condensate tanks.
83. Alum tanks.

84. Broke beaters, repulpers, pulp and repulping tanks, stock chests and bulk pulp handling, process water and white water storage tanks not associated with requirements in 40 CFR Part 63.
85. Lime mud filtrate tanks, lime mud water, lime mud filter, lime grits washers, filters and handling.
86. Hydrogen peroxide tanks.
87. Smelt viewing ports.
88. Causticizers and white liquor clarifiers and storage tanks and associated pumping, piping, and handling.
89. Vacuum cleaning equipment and operations where the fugitive emissions are indoors.
90. Winders, slitters, calenders, supercalenders, and paper roll wrapping operations.
91. Debarking.
92. Wastewater treatment lagoon pond dredging, screw press vents and sludge dewatering and handling.
93. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation.
94. Oil filled circuit breakers, oil filled transformers and other equipment that is analogous to, but not considered to be, a tank.
95. Electric or steam-heated drying ovens and autoclaves that emit only water vapor.
96. Oven exhaust where the oven is used to dry water from parts.
97. Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems not associated with requirements in 40 CFR Part 63.98.Sanitary sewer and storm sewer manholes, vents and drains.
99. Water cooling towers processing exclusively noncontact cooling water to which a source does not add VOCs or HAPs in excess of the levels in Section C of Appendix B.
100. Emissions from water storage tanks in air emission control systems utilizing a wetting process.
101. Ventilating and exhaust systems for laboratory hoods used.
    a. By colleges, primary, or secondary schools used only for academic purposes.
    b. By hospitals and medical care facilities used for medical care purposes only.
    c. By pulp and paper mills; including pulp testing labs, paper testing labs, analytical labs, water treatment labs, and coating labs.
102. Chemical, metallurgical, or physical analytical laboratory operations or equipment including fume hoods and vacuum pumps.
103. Emissions from laboratory electric hot air drying ovens for oriented strand board quality testing.
104. Kilns or ventilating hoods for art or ceramic curricula at colleges, primary or secondary schools.
105. Abandoned stack that has not been capped off.
106. Machining coolants used in super abrasive machining operations.
107. Chip/bark piles and log storage yards where natural drying of wood occurs.
108. Ash and lime storage piles.
109. Emissions from town permitted open burning of wood or grass.
110. Emissions from log hot ponds.
111. Oriented strand board storage and handling.
112. Conveying of wood chips.
113. Log sawing.
114. Temporary air emission related activities ~~to be located at a licensed facility~~ which are granted approval from the Department.
115. Maintenance brazing, soldering and welding equipment and oxygen-hydrogen cutting torches, for use in cutting metal where in components of the metal do not generate significant HAPs or HAP precursors in excess of the threshold in Appendix B Section C of this Chapter.

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

The following units and activities are insignificant based on size or production and shall be listed on the Chapter 140 license application, but may not be included in the Chapter 140 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 3.0 MMBtu/hr firing fuel with a sulfur content less than 0.35%. 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 3.0 MMBtu/hr firing fuel with a sulfur content less than 0.05%. 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 with a sulfur content less than 0.05%, and if rented or leased less than 4 weeks per unit per calendar year. Note: Units may still be subject to the requirements of Chapters 101 and 103.
5. Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than two hundred sixty gallon capacity (35 cubic feet), heated only to the minimum extent to avoid solidification if necessary with a vp up to 550 mm Hg at 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 140, Appendix B, Section A 34 and 99 and Chapter 140, Appendix B Section B(1)(d) would be considered insignificant under the following thresholds.

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

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

11	542756	1,3-DICHLOROPROPENE	DEF=1	200.00
12	1120714	1,3-PROPANE SULTONE	UR	6.00
13	106467	1,4-DICHLOROBENZENE(P)	UR	600.00
14	123911	1,4-DIOXANE (1,4-DIETHYLENEOXIDE)	UR	1200.00
15	540841	2,2,4 - TRIMETHYLPENTANE	DEF=5	2000.00
16	1746016	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN	UR	0.00
17	584849	2,4 - TOLUENE DIISOCYANATE	ACUTE	200.00
18	88062	2,4,6-TRICHLOROPHENOL	UR	1200.00
19	94757	2,4-D, SALTS, ESTERS(2,4-DICHLOROPHENOXY ACETIC AC	CS	2000.00
20	51285	2,4-DINITROPHENOL	CS	2000.00
21	121142	2,4-DINITROTOLUENE	UR	4.00
22	95807	2,4-TOLUENE DIAMINE	UR	4.00
23	53963	2-ACETYLAMINOFLUORINE	UR	1.00
24	532274	2-CHLOROACETOPHENONE	RfC	1200.00
25	110805	2-ETHOXY ETHANOL	CAP-RfC	2000.00
26	108864	2-METHOXY ETHANOL	CAP-RfC	2000.00
27	79469	2-NITROPROPANE	DEF=1	200.00
28	119904	3,3'-DIMETHOXYBENZIDINE	UR	20.00
29	119937	3,3'-DIMETHYL BENZIDINE	UR	1.60
30	91941	3,3-DICHLOROBENZIDENE	UR	40.00
31	92933	4 - NITROBIPHENYL	DEF=1	2000.00
32	100027	4 - NITROPHENOL	DEF=5	2000.00
33	101144	4,4-METHYLENE BIS(2-CHLOROANILINE)	UR	40.00
34	534521	4,6-DINITRO-O-CRESOL, AND SALTS	ACUTE	200.00
35	57976	7,12-DIMETHYLBENZ(A)ANTHRACENE	GWP	2.00
36	75070	ACETALDEHYDE	UR	1800.00
37	75058	ACETONITRILE	RfC	2000.00
38	98862	ACETOPHENONE	CS	2000.00
39	107028	ACROLEIN	RfC	80.00
40	79061	ACRYLAMIDE	UR	4.00
41	79107	ACRYLIC ACID	RfC	1200.00
42	107131	ACRYLONITRILE	UR	60.00
43	107051	ALLYL CHLORIDE	DEF=1	200.00
44	62533	ANILINE	UR	200.00
45	88888810	ANTIMONY COMPOUNDS (EXCEPT THOSE SPECIFICALLY LIST	DEF=5	2000.00
46	7783702	ANTIMONY PENTAFLUORIDE	ACUTE	200.00
47	28300745	ANTIMONY POTASSIUM TARTRATE	CS	2000.00
48	1309644	ANTIMONY TRIOXIDE	DEF=1	200.00
49	1345046	ANTIMONY TRISULFIDE	CS	200.00
50	99999904	ARSENIC AND INORGANIC ARSENIC COMPOUNDS	UR	0.92
51	7784421	ARSINE	UR	1.00
52	1332214	ASBESTOS		0.00
53	56553	BENZ(A)ANTHRACENE	GWP	2.00

54	225514	BENZ(C)ACRIDINE	GWP	2.00
55	71432	BENZENE	UR	400.00
56	92875	BENZIDINE	UR	0.06
57	50328	BENZO(A)PYRENE	UR	2.00
58	205992	BENZO(B)FLUORANTHENE	GWP	2.00
59	98077	BENZOTRICHLORIDE	UR	12.00
60	100447	BENZYL CHLORIDE	ACUTE	200.00
61	7440417	BERYLLIUM COMPOUNDS (EXCEPT BERYLLIUM SALTS)	UR	1.60
62	88888804	BERYLLIUM SALTS		0.00
63	92524	BIPHENYL	CS	2000.00
64	117817	BIS(2-ETHYLHEXYL)PHTHALATE (DEHP)	UR	1000.00
65	542881	BIS(CHLOROMETHYL)ETHER	UR	0.06
66	75252	BROMOFORM	CAP-UR	2000.00
67	88888806	CADMIUM COMPOUNDS	UR	2.00
68	156627	CALCIUM CYANAMIDE	CS	2000.00
69	105602	CAPROLACTAM	CS	2000.00
70	133062	CAPTAN	CAP-UR	2000.00
71	63252	CARBARYL	CS	2000.00
72	75150	CARBON DISULFIDE	CS	2000.00
73	56235	CARBON TETRACHLORIDE	UR	280.00
74	463581	CARBONYL SULFIDE	DEF=5	2000.00
75	120809	CATECHOL	DEF=5	2000.00
76	57749	CHLORDANE	GWP	2.00
77	7782505	CHLORINE	ACUTE	200.00
78	79118	CHLOROACETIC ACID	ACUTE	200.00
79	108907	CHLOROBENZENE	CS	2000.00
80	510156	CHLOROBENZILATE	UR	80.00
81	67663	CHLOROFORM	UR	172.00
82	107302	CHLOROMETHYL METHYL ETHER	ACUTE	200.00
83	126998	CHLOROPRENE	DEF=1	2000.00
84	218019	CHRYSENE	GWP	2.00
85	7440484	COBALT AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY LI	CS	200.00
86	10210681	COBALT CARBONYL	ACUTE	200.00
87	99999908	COKE OVEN EMISSIONS	UR	6.00
88	1319773	CRESOLS/CRESYLIC ACID (ISOMERS AND MIXTURE)	DEF=1	200.00
89	98828	CUMENE	CS	2000.00
90	88888812	CYANIDE COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTE	DEF=5	2000.00
91	72559	DDE (P,P'-DICHLORODIPHENYLDICHLOROETHYLENE)	GWP	2.00

92	53703	DIBENZ(AH)ANTHRACENE	GWP	2.00
93	132649	DIBENZOFURAN	DEF=5	2000.00
94	84742	DIBUTYLPHTHALATE	CS	2000.00
95	111444	DICHLOROETHYL ETHER (BIS(2-CHLOROETHYL)ETHER)	UR	12.00
96	62737	DICHLORVOS	UR	40.00
97	11422	DIETHANOLAMINE	DEF=5	2000.00
98	60117	DIMETHYL AMINOAZOBENZENE	DEF=1	200.00
99	79447	DIMETHYL CARBAMOYL CHLORIDE	CAP-UR	4.00
100	68122	DIMETHYL FORMAMIDE	DEF=1	2000.00
101	131113	DIMETHYL PHTHALATE	CS	2000.00
102	77781	DIMETHYL SULFATE	ACUTE	200.00
103	106898	EPICHLOROHYDRIN	RfC	2000.00
104	140885	ETHYL ACRYLATE	UR	200.00
105	100414	ETHYL BENZENE	CAP-RfC	2000.00
106	51796	ETHYL CARBAMATE (URETHANE)	UR	160.00
107	75003	ETHYL CHLORIDE	CAP-RfC	2000.00
108	106934	ETHYLENE DIBROMIDE (DIBROMOETHANE)	UR	20.00
109	107062	ETHYLENE DICHLORIDE (1,2-DICHLOROETHANE)	UR	152.00
110	107211	ETHYLENE GLYCOL	CS	2000.00
111	111762	ETHYLENE GLYCOL MONOBUTYL ETHER	CS	2000.00
112	151564	ETHYLENE IMINE (AZIRIDINE)	UR	6.00
113	75218	ETHYLENE OXIDE	ACUTE	20.00
114	96457	ETHYLENE THIOUREA	UR	120.00
115	75343	ETHYLIDENE DICHLORIDE (1,1-DICHLOROETHANE)	DEF=1	200.00
116	62207765	FLUOMINE	ACUTE	200.00
117	50000	FORMALDEHYDE	UR	1600.00
118	88888813	GLYCOL ETHERS (EXCEPT THOSE SPECIFICALLY LISTED)*	DEF=5	2000.00

119	76448	HEPTACHLOR	UR	4.00
120	118741	HEXACHLOROBENZENE	GWP	2.00
121	87683	HEXACHLOROBUTADIENE	UR	180.00
122	77474	HEXACHLOROCYCLOPENTADIENE	ACUTE	200.00
123	67721	HEXACHLOROETHANE	UR	1000.00
124	822060	HEXAMETHYLENE,-1, 6 -DIISOCYANATE	RfC	40.00
125	110543	HEXANE	CAP-RfC	2000.00
126	88888805	HEXAVALENT CHROMIUM COMPOUNDS	UR	0.36
127	302012	HYDRAZINE	UR	0.80
128	7647010	HYDROCHLORIC ACID	CAP-RfC	2000.00
129	7664393	HYDROGEN FLUORIDE	ACUTE	200.00
130	123319	HYDROQUINONE	DEF=1	2000.00
131	193395	INDENO(1,2,3-CD)PYRENE	GWP	2.00
132	78591	ISOPHORONE	CAP-UR	2000.00
133	88888808	LEAD AND COMPOUNDS (EXCEPT FOR THOSE SPECIFICALLY	GWP	20.00
134	58899	LINDANE (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

CHAPTER 140

APPENDIX C

APPLICATION SUBMITTAL SCHEDULE FOR INITIAL PART 70 LICENSES

1. Transition Plan

The Department has established a two phased schedule, based on counties and types of facilities, for calling in and acting on complete Part 70 license applications.

The facility owners shall be required to submit a complete Part 70 license application within the time frame specified in this Appendix. This schedule ensures that final action will be taken on applications for Part 70 licenses within five years after approval of Maine's operating permits program by the EPA.

This schedule also ensures that at least sixty percent of the Part 70 licenses are acted upon by the Department over the first three years and that this represents at least eighty percent of the total emissions from facilities subject to this Chapter and categorized by the submittal schedule in this Appendix.

The Department shall act on all Part 70 license applications over a five year period commencing on the date of EPA's approval of Maine's operating permit program.

A. New sources issued a license or Minor sources issued a license modification pursuant to Chapter 115 after the effective date of Chapter 140, which cause the source to become subject to Chapter 140 shall submit a complete application for an initial Part 70 license pursuant to Section 4 of this Chapter within twelve (12) months after the source begins initial startup of the new source or modification.

B. Applications for license modifications or new sources submitted and determined complete by the Department prior to the EPA's approval of the Department's operating program will be accepted and processed by the Department under Chapter 115 of the Department Regulations.

C. Applications for license modifications submitted and determined complete by the Department prior to the facility having been issued a Part 70 License and after the EPA's approval of the Department's permitting program will be accepted and processed by the Department under either Chapter 115 or Chapter 140 of the Department Regulations.

D. Applications for new Part 70 sources submitted after the EPA's approval of the Department's permitting program will be accepted and processed at the time of application submittal by the Department under Chapter 140 of the Department Regulations.

E. Applications for initial Part 70 licenses will be accepted and processed at the time of application submittal by the Department under Chapter 140 of the Department Regulations.

F. Expiration terms of facilities existing air emission licenses issued under Chapter 115 shall remain in effect until the date upon which a facility is issued a Part 70 license pursuant to this Chapter.

G. If EPA promulgates a HAP emission limitation applicable to an existing Part 70 HAP source more than 12 months prior to the scheduled submittal of a Phase II application as established in this section, the applicant must submit a complete application for processing under Chapter 115 of the Department Regulations within the six (6) months following EPA's promulgation of the HAP emission limitation.

If EPA fails to promulgate a MACT emission limitation applicable to a source category or subcategory by the date scheduled for promulgation pursuant to Section 112(e) of the CAA, the applicant must submit the complete Phase II application for their initial Part 70 license in accordance with the schedule set forth in Section 6 (HAP Emission Limitations) of Chapter 140 or as required pursuant to this section, whichever is earlier.

If EPA promulgates a HAP emission limitation applicable to an existing Part 70 HAP source after that source has submitted a Phase II application, but before a license has been issued, the part 70 HAP source must submit the information required under this Chapter relating to the HAP standard within six months following EPA's promulgation of the HAP emission limitation.

If EPA promulgates a HAP emission limitation applicable to an existing Part 70 HAP source less than twelve months prior to the scheduled submittal date for a Phase II application, as established in this section, the applicant must submit the information required under this Chapter relating to the HAP standard within six months following EPA's promulgation of the HAP emission limitation, or by the application date established in this section, whichever is later. An application shall be considered complete as of the phase II application date provided all other information required by this Chapter is submitted by the scheduled Phase II application date.

2. Phase I Submittal

Within twelve months after EPA's approval of Maine's operating permit program all facilities subject to Chapter 140 shall provide Phase I submittal information sufficient to allow the Department to commence review of the facility.

Those facilities that are required to submit a Phase II application for an initial Part 70 license within twelve months of the effective date of Chapter 140 shall also be required to submit the Phase I application pursuant to the Phase II submittal schedule.

The information contained in the Phase I submittal shall include, at a minimum, the following:

Phase I Submittal Information

A. Name and phone number of the responsible official;
B. Facility identification and location (including topographical maps with the site marked);
C. Description of facility activities (including SIC codes);
D. Identification of regulated pollutants (Chemical Abstract Service (CAS) number and quantity in tons per year);
E. Identification of Applicable requirements;
F. Definition of compliance status (to include compliance schedule as necessary); and

G. Certification of compliance status with respect to Applicable requirements.

3. Phase II Submittal

Phase II of the application submittal shall contain all of the remaining elements identified in Section 3 of Chapter 140.

The Phase II submittal schedule is as follows:

A. Within ten (10) months or less of the effective date of Chapter 140, owners and/or operators of facilities located in the following counties shall submit a complete Phase II application for their Part 70 license: York, Cumberland, Oxford, and Sagadahoc.

B. Within twelve (12) months or less of the effective date of Chapter 140, owners and/or operators of facilities located in the following counties shall submit a complete Phase II application for their initial Part 70 license: Androscoggin, Somerset, and Franklin.

C. Within twenty four (24) months or less of the effective date of Chapter 140, owners and/or operators of facilities located in the following counties shall submit a complete Phase II application for their Initial Part 70 license: Kennebec, Knox, Lincoln, and Penobscot.

D. Within thirty six (36) months or less of the effective date of Chapter 140, owners and/or operators of facilities located in the following counties shall submit a complete Phase II application for their Initial Part 70 license: Piscataquis, Waldo and Hancock.

E. Within forty eight (48) months or less of the effective date of Chapter 140, owners and/or operators of facilities located in the following counties shall submit a complete Phase II application for their Initial Part 70 license: Washington and Aroostook.

F. Existing municipal waste combustor facilities subject to 40 CFR Part 60, Subpart Cb shall submit a complete Phase II application for their initial Part 70 license no later than June 1, 1997.

G. The Department shall determine, based on inspection of the facility and examination of similarity of the facility to other facilities, which county or MACT category a facility belongs to, in the event of uncertainty as to which county or MACT category applies.