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## Chapter 149

### General Permit for Non-Metallic Mineral Processing Plants

### Frequently Asked Questions

#### What is Chapter 149?

MEDEP Chapter 149 (06-096 C.M.R. ch. 149) is a rule outlining the requirements for obtaining and maintaining a general permit to operate a non-metallic mineral processing plant (NMMPP). Owners/Operators of rock crushers that meet the applicability criteria under Chapter 149 may obtain a general permit for each rock crusher in lieu of applying for a traditional air emission license per Maine Department of Environmental Protection (MEDEP) Chapter 115.

#### Where can I get a copy of Chapter 149?

A copy of the rule, as well as all registration forms and instructions, can be found online here: <http://www.maine.gov/dep/air/permits/rkcrusher.html>

#### Who can apply for a general permit under Chapter 149?

Owners/Operators can apply for a general permit if they meet all of the following criteria:

1. Any engine or generator set that powers any part of the NMMPP (including rock crushers, grinding mills, screening operations, or conveyors) meets the definition of nonroad engine; and
2. Emissions from the rock crusher are controlled by water sprays or carryover from up-stream water sprays; and
3. The Owner and/or Operator of the rock crusher does not owe any past-due fees to the Department from previous air-related licenses, permits, or consent agreements.

#### What are the criteria for an engine or generator set to be considered a nonroad engine?

The engine that powers the rock crusher or any associated equipment must meet the definition of nonroad engine.

“Nonroad engine” means an internal combustion engine that meets any of the following criteria:

- (1) It is (or will be) used in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function.



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(2) It is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. Engines that are portable or transportable do not include engines that remain or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. For any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, include the time period of both engines in calculating the consecutive time period.

An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year.

If you have any questions as to whether an engine meets this criteria, please contact the Department for assistance before applying for a general permit.

### **What if I am unable to meet the criteria to be eligible for a general permit?**

The owner/operator of any rock crusher or crushers that do not meet the criteria listed above is required to obtain an air emission license per Chapter 115 of the Department's rules. Please contact the Air Licensing Section at (207) 287-7688 or [DEP-Air-Licensing-Help@maine.gov](mailto:DEP-Air-Licensing-Help@maine.gov) for information on how to apply for a Chapter 115 license.

### **I currently have a Chapter 115 air emission license. Do I have to obtain a Chapter 149 general permit also?**

No. If you currently have a Chapter 115 air emission license, you are not required to also obtain a Chapter 149 general permit. You can continue to maintain your license as usual. However, if you would like to operate under a general permit rather than a Chapter 115 air emission license, you may apply for a general permit at any time and subsequently surrender your Chapter 115 air emission license if there are no other emission units subject to Chapter 115 licensing. Please contact a member of the Air Licensing Section for information on surrendering your Chapter 115 license.



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## What are some of the advantages of having a Chapter 149 general permit compared to the traditional Chapter 115 air emission license?

There are several advantages to the Chapter 149 general permit compared to a traditional air emission license including:

1. A general permit is quicker to obtain. Due to public participation opportunity requirements, a traditional air emission license takes a minimum of 20 days to process. A general permit can typically be processed in less than half that time.
2. Because the registration forms are specific only to rock crushers, they are much shorter and more straightforward.
3. A general permit defines and separates the responsibilities of the crusher Owner and the crusher Operator. This is especially beneficial in the case of rented equipment.
4. A general permit does not need to be renewed every ten years. The general permit stays in effect until surrendered.
5. The annual license fee may be significantly less for a general permit under Chapter 149 than for an air emission license under Chapter 115.

## How do I apply for a general permit under Chapter 149?

The rock crusher Owner must first apply for a General Permit Number. The Owner fills out registration form provided by the Department which identifies the Owner name (as registered with the Secretary of State), contact and billing information, and information about the crusher such as the size, age, and type.

Chapter 149 requires that all crushers have an identifier permanently affixed to them. This number can be the General Permit Number supplied by the Department or another unique identifier such as a serial number. If the Owner would like to use a number other than the General Permit Number as the equipment's identification number, it must be entered in the provided field on the registration form.

The Owner then submits to the Department the General Permit Number registration form and a check to cover the first year's annual fee. Please make checks payable to "Treasurer, State of Maine." Fees can also be paid online through the Department's [Payment Portal](#).

If the equipment Operator will be different than the equipment Owner, the Operator must submit a separate Notice of Intent to Comply (NOITC) form. This form identifies the Operator's legal name (as registered with the Secretary of State), contact information, and the physical location where the crusher will be operated. The original NOITC form



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must be submitted to the Department and a copy must be provided to the municipality in which the equipment is to be operated.

If the same entity is both the Owner and the Operator of the rock crusher, a separate NOITC submittal is not required. The box on the bottom of page 3 of the General Permit Number registration form, stating the equipment addressed in the registration will be operated by the Owner, must be checked, and the additional signatory requirement on page 4 completed. A copy of the form must then be mailed to the municipality in which the equipment is to be operated.

### **When can I start operating the rock crusher?**

The NOITC (either in the form of the General Permit Number registration if the Owner and Operator are the same entity, or the separate NOITC form if they are not) must be submitted to the Department at least two business days prior to commencing operation.

### **Where can I get registration forms?**

Registration forms are available online at:

<http://www.maine.gov/dep/air/permits/rkcrusher.html>

### **Can more than one rock crusher be on the same General Permit Number registration form?**

No. A separate General Permit Number registration form must be submitted for each rock crusher.

### **Can I put more than one rock crusher on the NOITC form?**

No. A separate NOITC form must be submitted for each rock crusher.

### **What if my company is not registered with the Secretary of State?**

Owners and Operators are required to use their company names as registered with the Maine Secretary of State or as registered to do business in another state. If an Owner or Operator is not registered to do business in Maine or another state, the business name cannot be used. In that case, an Owner or Operator may apply under an individual's name as a Sole Proprietorship. The individual must supply their full legal name and be the one to sign the registration. This individual takes full legal responsibility for complying with the conditions of the general permit.



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## What are the requirements for Owners?

Owners are subject to the conditions listed in Section 4 of Chapter 149 (beginning on page 6 of the rule).

## What are the requirements for Operators?

Operators are subject to the conditions listed in Section 5 of Chapter 149 (beginning on page 8 of the rule).

## Is there a recurring annual fee?

Yes, the registered Owner must pay an annual fee to the Department, which is typically due by the end of January each year. If the Owner fails to pay the annual fee in full by July 31<sup>st</sup>, the general permit may be considered voluntarily surrendered and continued operation would be considered to be operating without a license subject to enforcement action including possible fines.

## What if I sell my equipment to a new Owner?

The transfer of a general permit to a new Owner may be accomplished in two ways.

1. The previous Owner can surrender the existing general permit and the new Owner can apply for a new one; or
2. The new Owner can submit a request to transfer the existing general permit to their name.

## Additional Resources

A copy of this document is available electronically at the following Maine DEP website:  
<https://www.maine.gov/dep/air/permits/rkcrusher.html>

Additional guidance specific to engines can be found on the Air Bureau's Resources and Publications webpage: <https://www.maine.gov/dep/air/publications/index.html>



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For more information or assistance, please contact a Maine DEP Air Licensing staff member at (207) 287-7688 or [DEP-Air-Licensing-Help@maine.gov](mailto:DEP-Air-Licensing-Help@maine.gov) or the regional Air Compliance Inspector at the offices listed below:

**Central Maine Regional Office**  
Air Licensing & Compliance  
17 State House Station  
Augusta, ME 04333  
(207) 287-7688

**Southern Maine Regional Office**  
Air Compliance  
312 Canco Rd  
Portland, ME 04103  
(207) 822-6300

**Eastern Maine Regional Office**  
Air Compliance  
106 Hogan Rd, Suite 6  
Bangor, ME 04401  
(207) 941-4570

**Northern Maine Regional Office**  
Air Compliance  
1235 Central Dr, Skyway Park  
Presque Isle, ME 04769  
(207) 764-0477