



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

Reminder to Obtain an Air Emission License Prior to Beginning Construction of a New or Modified Source

The Maine Department of Environmental Protection (Department) is providing this memo to facilities holding air emission licenses in Maine to remind them that before starting construction of a new or modified source, they must obtain a new or updated air emission license in accordance with state and federal regulations.

We’ve been receiving an increased number of applications to address licensable changes at facilities after-the-fact. These after-the-fact licensing actions primarily include new emission units already installed and air emissions equipment and processes modified prior to going through the appropriate air licensing process. In addition, we’re also seeing more renewal applications being submitted after the facility’s previous air emission license has already expired. Although the Department works with facilities to submit appropriate licensing applications to correct these types of violations as soon as possible after discovery, it is important for the regulated community to remember that failure to maintain a current air emission license or failure to obtain a new or amended air emission license before beginning construction of a new or modified source could result in additional state or federal actions— including enforcement and associated monetary penalties.

The Department is conducting outreach to all licensed facilities to improve compliance in this area of growing concern and to help provide facilities an opportunity to address any outstanding air emission licensing actions.

When is an Air Emission License Amendment (or a New License) Required?

For Minor Sources: Facilities with a minor source air emission license are required to amend their license prior to the installation of any new emissions unit and prior to the modification of any existing emissions unit.

For Major Sources: Any new major source or existing source applying for a major modification are generally required to obtain a new source review (NSR) license prior to even ordering equipment or materials associated with the project.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

The Department has developed guidance available on our website [Guidance Regarding Construction Activities](#) that describes the limited level of construction activities allowed prior to obtaining an air emission license or license amendment. In addition, the regulated community may find the following information helpful:

- An “emissions unit” is defined in [Definitions Regulation, 06-096 C.M.R., ch. 100](#), as any equipment or pollutant-emitting activity of a source which emits or would have the potential to emit a regulated pollutant or hazardous air pollutant.
- Emission units that are insignificant activities are exempt from licensing. A list of insignificant activities can be found in Appendix B of [Major and Minor Source Air Emission License Regulation, 06-096 C.M.R. ch. 115](#). Note that fuel burning emission units that are not insignificant due to their size must be licensed regardless of their potential to emit.
- A “modification or modified source” is generally defined as any physical change in or change in the method of operation of a source that would result in the emission increase of any regulated pollutant excluding greenhouse gases (GHGs).

When are Air Emission License Renewals Required?

Minor Source Licenses: Minor sources with an air emission license must submit a complete application for renewal prior to the expiration date of the current air emission license. We strongly encourage facilities to submit their applications several weeks in advance of this date to allow time to address any potential missing information that may prohibit us from accepting the application as complete for processing.

Major Source Licenses: An application for renewal of a major source license (aka, Part 70 License or Title V License) is due no later than six months prior to the expiration date of the current Part 70 License.

Application Submittals Requested

The Department requests that any overdue applications for new emission units, modified emission units, or renewals of expired air emission licenses be completed and submitted to the Department as soon as possible. If you are unsure whether or not all of the emission units at your facility are properly addressed in your air emission license, or if you have any questions about this outreach, we encourage you to contact your Air Licensing Engineer (aka, Project Manager); Jane Gilbert, Air Licensing Section Manager at jane.gilbert@maine.gov; or your regional Air Compliance Inspector.

Thank you for your attention to this important matter.