Chapter 140: PART 70 AIR EMISSION LICENSE REGULATION

SUMMARY: This regulation of the Department of Environmental Protection (Department) identifies the sources of air emissions that require a Part 70 air emission license and incorporates the requirements of Title IV – Acid Deposition Control, and Title V – Permits, both of the Clean Air Act (CAA), as amended, 42 U.S.C. 7401, *et seq*.; and 38 M.R.S., §§ 344 and 590. The pre-filing requirements and public notice requirements of this Chapter supersedes *Rule Concerning the Processing of Applications and other Administrative Matters*, 06‑096 C.M.R. ch. 2, where applicable. It contains extensive information on a wide variety of variables in the licensing process as specified in the following sections:

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*NOTE: Please see Definitions Regulation, 06-096 C.M.R. ch. 100 for definitions.*

# 1. Scope and Applicability

**A. Geographic Scope.** This regulation is applicable to all ambient air quality control regions in the State.

**B. General Requirement.** A Part 70 license is required for all Part 70 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 C.M.R. ch. 115, § (4)(A) applies to the source or modification as though construction had not yet commenced on the source or modification.

**C. A Part 70 License or License Amendment** is required for the following:

(1) Any Part 70 major source;

(2) Any source in a source category designated by the U.S. Environmental Protection Agency (EPA) pursuant to 40 C.F.R. Part 70.3(a);

(3) 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;

(4) Any CAA Title IV source (Acid Rain);

(5) Any changes or revision to the requirements in the Part 70 license. The processes to amend the Part 70 license include Part 70 Administrative Revisions, Part 70 Minor Licenses Modifications, and Part 70 Significant License Modifications; and

(6) Major sources undergoing 06-096 C.M.R. ch. 115 New Source Review. Following a new major source license issued under the NSR provisions of 06-096 C.M.R. ch. 115, the source must then apply for an initial Part 70 license within one year of commencing operations as provided in 40 C.F.R. Part 70.5.

**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 40 C.F.R. 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 40 C.F.R. Part 61, Subpart M, *National Emission Standard for Hazardous Air Pollutants for Asbestos*, Section 61.145, Standard for Demolition and Renovation; and

1. Any source that is licensed under *Major and Minor Source Air Emission License Regulation*, 06-096 C.M.R. ch. 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 C.F.R. 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 may be subject to the requirements of obtaining an air emission license under 06-096 C.M.R. ch. 115.

# 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 amendments or multiple 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 physical address, responsible official's name and contact information, and names and contact information of the on-site manager/contact;

(2) Identification and description of the source's processes and products by 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 specified as insignificant 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, including fugitive emissions to the extent quantifiable;

(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 state regulations;

(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; and

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

(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 emissions unit(s) requiring HAP emission limitations, and whether the HAP emissions unit(s) require a Maximum Achievable Control Technology emission limitation (MACT) for an existing or new Part 70 HAP source;

(10) If required by the Department, proposed monitoring, modeling, testing, recordkeeping and reporting protocols, the results of previously performed in-stack monitoring, and results of previously performed stack testing.

(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 includes 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 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 subsection 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, recordkeeping, 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 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) If required by the Department, results of meteorology or air quality monitoring including an analysis of meteorological and topographical data necessary to evaluate the air quality impact pursuant to Section 14 of this Chapter.; and

(14) If the Department determines that 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.

**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 Regulation*, 06-096 C.M.R. ch. 100). The signature must either be an original wet-ink signature or an electronic signature that complies with 40 C.F.R. Part 3. The signatory statement 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 incorrect information was submitted or relevant facts should have been but were not submitted, the responsible official must provide the Department with the corrected information or supplementary facts.

**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 a public notice of Intent to File at the applicant's expense within the 30 days prior to filing an application. 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 public requests for either of the following must be submitted to the Department in writing no later than 20 days after the application is accepted as complete for processing:

(i) for the Board of Environmental Protection to assume jurisdiction over the application; or

(ii) for a public hearing on the application;

(g) A statement of the name, address, and phone number of the Department contact person;

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

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

NOTE: A Public Notice of Intent to File template is available from the Department.

(2) An applicant must publish a Public Notice of Intent to File for a resubmitted application that was originally 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 and may extend the time to submit requests for a public hearing or for the Board to assume jurisdiction.

(4) At the Department’s discretion, a Public Notice of Intent to File may be published on the Department’s website in lieu of the notice required by Section 2(D)(1). Such electronic notification must contain the same information as is required by Section 2(D)(1).

**E. Application Acceptability and Completeness**

**(1) General.** Within 15 working days of receipt of any application, the Department will determine the completeness of an application and will notify the applicant in writing of the official date on which the application was accepted as complete for processing; or notify the applicant in writing of 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 15 working days, the application will be deemed accepted as complete for processing on the 16th working day.

**(2) Criteria for Completeness.** An application will 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 proof of publication 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 or other address as directed by the Department.

**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 38 M.R.S. § 344 governs the processing of applications under this Chapter. In no case will 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 will provide the applicant a written statement of the grounds of the denial.

**I. Permit Shield**

(1) Except as provided in this Chapter, the Department will include in the Part 70 license a provision stating that compliance with the conditions of the Part 70 license will 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 alters or affects 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 license 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 modifications or reconstructions under any provision of Section 111 or 112 of the CAA, and 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.

(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 confirmation 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; or

1. The modification of an insignificant activity that can still be qualified as such after the modification.

**K. Public and Affected States Draft Notification**

Except for Part 70 Administrative Revisions, Part 70 Minor License Modifications, Part 70 License Transfers, and Section 502(b)(10) Changes, a public comment period will 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 will also be available for public review by contacting the Department's Augusta office. This material must be on file for public comment for 30 calendar days.

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

(3) Draft Availability Notice. A Draft Availability Notice 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;

(g) 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 calendar days after the date the notice is published; and

(h) name, address, and phone number of a Department contact from whom interested parties may obtain additional information, including copies of the draft license application and all relevant supporting materials.

NOTE: A Draft Availability Notice template is available from the Department.

(4) At the Department’s discretion, a Draft Availability Notice may be published on the Department’s website in lieu of the notice required by Section 2(K)(3). Such electronic notification must contain the same information as is required by Section 2(K)(3).

(5) The Department will provide 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.

(6) For any Department action subject to this subsection, any person may request in writing that the Department 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 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 identified 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, at the Department’s discretion.

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

(8) The Department will 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.

(9) The Department will 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.

(10) The Department will provide a statement that sets forth the legal and factual basis for the Part 70 draft license conditions including references to the applicable statutory or regulatory provisions. The Department will 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 will provide a copy of the Part 70 draft proposed license and any additional supporting documentation to EPA for a 45-day review period. The Department will also provide to EPA a statement that sets forth the legal and factual basis for the Part 70 draft proposed license conditions including references 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 C.F.R. Part 70, including 40 C.F.R. § 70.8(c)(3), the EPA has 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 will 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 C.F.R. Part 70.8(c)(2). The Department will have 90 days to revise the Part 70 draft proposed license.

(3) If the Department fails to revise and submit a Part 70 draft proposed license within 90 days after the date of an objection under this subsection 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 and supplementary information, any person, including the applicant may petition the EPA in writing within 60calendar 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 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 will 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 does 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 Procedure Act, 5 M.R.S. §§ 11001–11008.

**N. Reopening of a Part 70 License for Cause by the Department**

(1) The Department will 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)(a)(vii) of this Chapter.

(2) A reopening will 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 30 calendar days in advance of the date that the Part 70 license is to be reopened, or within 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 will comply with the same requirements as they apply to the renewal of a Part 70 license, pertain only to those parts of the Part 70 license for which cause to reopen exists, and will proceed as expeditiously as practicable.

**O. Reopening of a Part 70 License for Cause by EPA**

(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)(a)(vii) of this Chapter, EPA will notify the Department and the licensee of such findings in writing.

(2) Within 90 days of EPA's written notification, the Department will 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 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 will have 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 will submit to the EPA a copy of all Part 70 licenses, license transfers, 502(b)(10) changes, administrative revisions, 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 the Commissioner’s designee signs the Part 70 license. A Part 70 license granted by the Board of Environmental Protection 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 license issued by the Department has a term of five years from 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 six months but no more than 18 months prior to expiration, then pursuant to 5 M.R.S. § 10002, the license does not expire and all terms and conditions of the Part 70 license remain in effect until the Department takes final action on the renewal of the Part 70 license. Licenses in effect under this provision may also be modified prior to a renewal issuance. The provisions of this subsection do not bar enforcement action pursuant to 5 M.R.S. § 10004, 38 M.R.S. § 349 or any other applicable statutes.

An existing source submitting a timely and complete renewal application under this Chapter will not be in violation of operating without a Part 70 license.

Failure to submit a timely and complete renewal application 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 does 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 is available upon request for public inspection and copying. Any exception to this general rule will be governed by the provisions of the Freedom of Access Law, 1 M.R.S. § 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 1 M.R.S. § 402(3) with respect to the exemptions from the term "public records" was met. Such information will 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 will provide for the inspection of public records. Charges for copying will 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 burner systems, the licensee must obtain a license amendment pursuant to 06-096 C.M.R. ch. 115.

**X. Licensing of HAP Sources**

Pursuant to 38 M.R.S. § 585-B, the Department may control HAP emissions 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, and which sources are not Part 70 major sources, will be reviewed only under the New Source Review section of 06‑096 C.M.R. ch. 115.

**Z.** **Computation of Time Period**

"Days" are calendar days unless otherwise designated. "Working days" excludes Saturdays, Sundays, holidays observed by the State of Maine, and any other day State of Maine offices are closed for business. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event that starts the period is not included. The last day of the period so computed is included unless it is not a working day or the office at which the filing must be made is closed for business for that day, in which event the period runs until the close of business (5:00 p.m.) the next full working day. Whenever a person has the right or is required to take some action within a prescribed period of time after filing of notice or other paper and the notice or paper is provided by U.S. mail, three (3) days will be added to the prescribed period. This “3‑day rule” does not affect any date-certain deadline established by the Department.

# 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 months, but no earlier than 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 C.F.R. 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 an initial Part 70 license and a renewal of a Part 70 license, 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 application forms and information as specified in subsection 2(B) of this Chapter containing all required information and, if applicable, the current compliance assurance monitoring (CAM) plan;

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

(a) Best Practical Treatment (BPT). Emissions from sources undergoing renewal of a Part 70 license or the issuance of the initial Part 70 license are 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 BPT 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 recordkeeping to demonstrate performance of air pollution control systems or other mitigating measures.

(4) **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.

(5) **Best Available Retrofit Technology (BART)**. An existing source with emissions that the Department has determined to cause 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 years after the Department identifies BART.

(6) **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 subsection 6(B) and shall contain the HAP information as required by Section 6 of this Chapter.

(7) **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.

(8) The certification of the responsible official pursuant to subsection 2(C) of this Chapter and proof of publication of the Public Notice of Intent to File pursuant to subsection 2(D) of this Chapter.

(9) A list all section 502(b)(10) changes that occurred during the term of the previous license.

**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 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 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) 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 shall be specifically designated as state enforceable.

(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, which is to be made in the Part 70 license issuance, renewal, or amendment process, and the Department elects to use such process, any Part 70 license containing such equivalency determination will contain provisions to ensure that any resulting emission 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) Will 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) Will 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 CAA Section 114(a)(3) pertaining to the enhanced monitoring and compliance certification requirements or CAA Section 504(b) pertaining to the monitoring and analysis provisions;

(ii) Where the Applicable requirement or state requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping 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. Recordkeeping 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 recordkeeping 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 applicable reporting requirements, including the submittal at least once every six months of summary reports of any required periodic monitoring 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 recordkeeping 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 § 2(B)(11) of this Chapter to be submitted at least every six 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 CAA Sections 114(a)(3) and 504(b).

(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 10 days in advance of each change in location.

(4) **Permit Shield**. The permit shield as specified in subsection 2(I) of this Chapter applies 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 will 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 will 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 subsection 3(E).

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

(7) **Standard Statements and Conditions**. All Part 70 licenses will include the following standard statements and conditions:

(a) **Standard Statements**

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

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

(iii) 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.

(iv) 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, rule, regulation, or Part 70 license requirement.

(v) Compliance with the conditions of this Part 70 license will 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 alters or affects 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.

(vi)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 three 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 06-096 C.M.R. ch. 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 will 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.

(vii)No license revision or amendment is 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 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 and this license;

(ii) The licensee shall acquire a new or amended air emission license pursuant to 06‑096 C.M.R. ch. 115 prior to commencing construction of a modification, unless specifically provided for in this Chapter or 06-096 C.M.R. ch. 115.

(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 38 M.R.S. § 353.

(v) The licensee shall maintain and operate all emissions units, air pollution controls, 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 years. In addition, the licensee shall retain records of all required monitoring data and support information for a period of at least six 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, 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 does not stay any condition of the Part 70 license.

(viii)In accordance with the Department's Performance Testing Guidance and 40 C.F.R. Part 60 or other method approved or required by the Department, the licensee shall:

1. Submit to the Department for approval a test protocol at least 30 calendar days prior to the scheduled date of the emissions test, unless the Department agrees to a shorter submission timeframe;

(b) Perform emissions testing under circumstances representative of the facility's normal process and operating conditions:

(i) within 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 emissions testing.

(c)Install or make provisions to install test ports that meet the criteria of 40 C.F.R. Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emissions testing; and

(d) Submit a written report to the Department within 30 days from date of test completion, unless an extension is granted by the Department.

(ix) If the results of an emissions 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 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 C.F.R. Part 60 or other method approved or required by the Department;

(b) The days of violation will be presumed to include the date of the emissions 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 until a demonstration of compliance under normal and representative process and operating conditions is completed.

(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 emissions unit itself that is not consistent with the terms and conditions of the air emission license.

(a) The licensee shall notify the Department within 48 hours of a violation of any emission standard 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;

1. The licensee shall submit a report to the Department on a quarterly basis describing all violations of any emission standard.

Pursuant to 38 M.R.S. § 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.

Note: Exemptions from civil penalty granted under this statutory authority do not prevent other parties, including EPA and citizens, from pursuing actions allowed under the Clean Air Act, including pursuing civil actions for the same violations.

(c) All other deviations from permit requirements 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 and information not specifically required by the 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 will 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 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 38 M.R.S. § 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 38 M.R.S. § 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 pertinent 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 will 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) Public participation and 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 have been complied with.

(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 met.

(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.

(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 24 months after the Department issues the license renewal, except as provided in this subsection. After a showing by the licensee that it cannot install and bring to full operation the required emission controls or mitigating measures within the 24 month period, the Department may establish a later date for the installation and operation. No such compliance schedule will 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 will be provided for the public and affected states on the Part 70 draft license, as described in subsection 2(K) of this Chapter.

(2) EPA will have a review period of 45 days on the Part 70 draft/proposed license as described in subsection 2(L) of this Chapter. This period may run concurrently with the comment period in subsection 3(G)(1) above unless the Department receives comments from the public or affected states that lead the Department to make substantive changes to the draft/proposed license. In such case, the 45-day review period for EPA resets and begins anew upon resubmittal of the proposed license.

# 4. Part 70 Acid Rain Sources

This Chapter adopts and incorporates by reference the provisions of 40 C.F.R. 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 C.F.R. Part 72 conflict with or are not included in this Chapter, the Part 72 provisions and requirements apply and take precedence. For the purposes of this section, the term "permitting authority" means the Department, and the term "Administrator" means the Administrator of the EPA.

Note: Copies of Federal regulations incorporated by reference are available on the eCFR website at: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C>.

**A. Schedule**

Submittal of permit applications and the permitting of affected sources shall occur in accordance with the deadlines in Title IV of the CAA 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 made using 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 apply and must be included in the acid rain portion of a compliance plan for a Title IV source, except as specifically superseded by regulations promulgated under Title IV of the CAA 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 CAA or the regulations promulgated thereunder.

(a) A license revision 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 a license revision under any other Applicable requirement.

(b) A limit will not 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 will be accounted for according to the procedures established in regulations promulgated under Title IV of the CAA.

(4) The Part 70 license will 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 will be incorporated into the license and are enforceable by the Department and EPA.

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

**E. Part 70 General Licenses**

Part 70 General licenses will 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 are be governed by 40 C.F.R. Part 72.

**G.** A Part 70 source is prohibited from making, without a permit revision, such changes subject to any requirements under Title IV of the CAA or 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 are be governed by regulations promulgated under Title IV of the CAA.

# 5. New Source Review License for a New Source, Major Modification, or Minor Modification

The applicant shall obtain a license pursuant to the provisions of 06-096 C.M.R. ch. 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; or

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

(2) **Case-by-Case MACT Determinations**

(a) The Department will 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 will 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 will 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 C.F.R. Part 63.41.

**B. Schedule**

(1) If EPA promulgates a HAP emission limitation applicable to an existing Part 70 HAP source and three years or more remain before a Part 70 license expires, an application must be submitted within the six months following EPA's promulgation of the HAP emission limitation. If less than three 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 subsections 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 and 06-096 C.M.R. ch. 115.

**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 rule, 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 emissions 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 emissions unit, stated in terms that would be federally enforceable;

(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 emissions 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 CAA Section 112(d) or Section 112(h) 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 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 will 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, recordkeeping, reporting requirements, and compliance dates, as provided in subsection 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, Generally Available Control Technology emission limitation (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 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 years following the issuance of the Part 70 license 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, an 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 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, are not required to comply with the standard until three 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 years immediately after promulgation.

**F. Criteria for License Approval**

The Department will 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 Department will provide a copy of the Part 70 draft license to the affected states for a comment period of 30 days. The comment period begins on 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 will be provided for the public on the Part 70 draft license, as described in subsection 2(K) of this Chapter.

(3) EPA will have a review period of 45 days on the Part 70 draft/proposed license 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. This period may run concurrently with the comment period in subsection 6(G)(1) above unless the Department receives comments from the public or affected states that lead the Department to make substantive changes to the draft/proposed license. In which case, the 45-day review period for EPA resets and begins anew upon resubmittal of the proposed license.

# 7. Part 70 Administrative Revision

1. **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 (unrelated to a change in ownership), 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; or
4. 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 C.F.R. § 70.7(d)(1)(i) through (vi).

**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 will 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 statement signed by a responsible official pursuant to subsection 2(C) of this Chapter 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 will 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 subsection 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 subsection 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 will 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 will 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**

Section 502(b)(10) Changes are changes that contravene an express license term but do not include changes that would violate Applicable requirements or contravene federally enforceable license terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

Section 502(b)(10) Changes within a Part 70 source (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 license (whether expressed therein as a rate of emissions or in terms of total emissions) and qualify as a 502 change of the CAA.

**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 Department and EPA with written notification of a Section 502(b)(10) Change a minimum of seven 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 statement signed by a responsible official pursuant to subsection 2(C) of this Chapter 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**

Section 502(b)(10) 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 recordkeeping 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 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 CAA Section 112, or as a CAA Title I Modification; and

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

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

(6) Are not required by the Department to be processed as a Part 70 Significant License Modification.

Notwithstanding (1) through (6) above, 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 for a Part 70 Minor License Modification or 15 days after the end of the EPA's 45-day review period, whichever is later, the Department will:

(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 subsection 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**

For sources applying for a Part 70 Minor License Modification, the applicant shall submit the following information:

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

(2) 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;

(3) Certification by a responsible official pursuant to subsection 2(C) of this Chapter that the proposed modification meets the criteria for use of Part 70 Minor License Modification procedures and a request that such procedures be used; and

(4) 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 will contain the following:

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

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

(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.

The permit shield, as specified in subsection 2(I) does 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 will 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 will 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 five 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 Department will provide a copy of the Part 70 draft proposed license to the affected states for a 30-day comment period as specified for in subsection 2(K) of this Chapter, as applicable, for affected states’ review.

(3) EPA will have a review period of 45 days on the Part 70 draft/proposed license 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. This period may run concurrently with the comment period in subsection 9(G)(2) above unless the Department receives comments from the public or affected states that lead the Department to make substantive changes to the draft/proposed license. In which case, the 45-day review period for EPA resets and begins anew upon resubmittal of the proposed license.

# 10. Part 70 Significant License Modification

**A. Applicability**

Part 70 Significant License Modification procedures will 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 will 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 recordkeeping license terms or conditions.

Any variance or compliance extension issued pursuant to 38 M.R.S. §§ 587 and 590 for a Part 70 source will 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 pursuant to subsection 2(C) of this Chapter 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 will contain the following:

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

(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; and

(4) Permit shield. The permit shield as specified in subsection 2(I) of this Chapter applies to the terms and conditions of the Part 70 Significant License Modification except where the Part 70 Significant License Modification 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 will 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 will 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 will 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 will be provided for the public and affected states on the Part 70 draft license, as described in subsection 2(K) of this Chapter.

(2) EPA will have a review period of 45 days on the Part 70 draft/proposed license 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. This period may run concurrently with the comment period in subsection 10(G)(1) above unless the Department receives comments from the public or affected states that lead the Department to make substantive changes to the draft/proposed license. In which case, the 45-day review period for EPA resets and begins anew upon resubmittal of the proposed license.

# 11. Intrafacility Emission Trading

The Department will allow intrafacility emission trading within a facility without requiring an amendment to the Part 70 license if the intrafacility emission trade fulfills the following:

* Will not violate any BPT findings;
* 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;
* 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 criteria of subsections 11(A), (B), (C), and (D) of this Chapter.

**A. Trading Under the Permitted Emissions Caps**

The Department will 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 conditions 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 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.

The Part 70 source, the Department and the EPA will 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 will 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 the Department and EPA with written notification at least seven 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 must 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, the licensee may establish such provisions under one of the following two scenarios:

(1) If 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 procedures, 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) If 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 State Implementation Plan.

**D. Part 70 License Intrafacility Emission Trading Provision Requirements**

To incorporate provisions for intrafacility emission trading, the Part 70 license must contain the following conditions :

(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 emissions units which are quantifiable and have replicable procedures and license terms that ensure the emissions cap is 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 subsection 11(A) of this Chapter, but the permit shield shall not extend to any change made pursuant to 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**

This section addresses a change in ownership of a Part 70 source.

The transferee (new owner) shall abide by all of the conditions of the Part 70 license and is jointly and 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**

1. 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.
2. The Department will take no more than 60 days from receipt of a request for a Part 70 License Transfer to take final action on such request.

**C.** **Application Notification**

The applicant shall publish notice of Intent to File as specified in subsection 2(D) of this Chapter.

**D. Required Application Information**

(1) Identifying new information, including company name and physical address; responsible official's name and contact information; and names and contact information 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 or transfer of ownership;

(c) A copy of the purchase agreement or deed showing transfer of ownership, or demonstration of title, right, or interest;

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

(e) A demonstration of technical capacity of the new owner and intent to:

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

(ii) Satisfy all statutory criteria.

(3) The signatory statement signed by a responsible official pursuant to subsection 2(C) of this Chapter .

**E. License Content**

The Part 70 License Transfer will contain the following:

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

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

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

**F. Criteria for License Approval**

Approval for a Part 70 License Transfer will 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 License

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 will be issued by the same process as a Part 70 license, including public participation and review.

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

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

(4) The Part 70 General license will 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 pursuant to subsection 2(C) of this Chapter 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 statement that a copy of the application has been submitted by the source to EPA Region I.

**C.** **Granting Approval Under a Part 70 General License**

The Department will 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 will 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 a source’s request for authorization to operate pursuant to a Part 70 General license without repeating the public participation and affected state review procedures on the Part 70 draft license. Such a grant is not a final agency 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, 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 includes 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 included in the definition of "significant emissions increase" in 06-096 C.M.R. ch. 100. The analysis shall be conducted pursuant to subsection 14(C) of this Chapter, *Prohibited Dispersion Techniques,* 06‑096 C.M.R. ch.  116, and Appendix W to 40 C.F.R. 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 C.F.R. 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 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 six months after approval of the protocol, and modeling results must be submitted within six 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 C.F.R. 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 C.F.R. Part 51 - Guideline on Air Quality Models, and in accordance with subsection 14(C) of this Chapter, and 06‑096 C.M.R. ch. 116. Fugitive emissions, to the extent quantifiable, shall be considered.

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

(c) Where an air quality impact model specified in the Appendix W to 40 C.F.R. 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 acceptance of the Department and the EPA Regional Administrator or their designee. Methods such as 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;

1. 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; or

(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 will be made on a case-by-case basis at the time of the renewal. It is 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 is 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 SO2;

(b) 250 tpy for CO;

(c) 25 tpy for PM10;

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

(e) 50 tpy for NOx (measured as NO2);

(f) 0.6 tpy for Lead (Pb); and

(g) 0.2 tpy of total Chromium.

1. **Modeling/Data Collection Protocol.** Any air quality dispersion modeling or data collection program shall be developed consistent with the following requirements:

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

NOTE: For major sources and major modifications, the applicant should consult with the Department and Federal Land Managers (potentially affected federal lands are listed in Classification of Air Quality Control Regions, 06-096 C.M.R. ch. 114) if Class I analyses are required, prior to submitting a modeling/data collection protocol. The applicant is responsible for obtaining the training necessary to perform the required air dispersion modeling and meteorological data collection.

(2) **Variance from Guidance**. Upon an applicant's written request, the Department may grant a variance from any of the requirements set forth in Section 14 of this Chapter and Appendix W to 40 C.F.R. Part 51 – Guideline on Air Quality Models, when the Department finds that the alternative proposedby the applicant will not significantly affect the accuracy of the modeling, or when datacollection results or compliance with the requirements specified in 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 Prevention of Significant Deterioration (PSD) review, the variance shall be subject to EPA review and written approval and shall be subject to notice and opportunity for public comment pursuant to 40 C.F.R. Parts 51.160(f)(2) and 51.166 (l)(2).

(3) **Significant Impact Modeling Protocol for SO2, NO2, CO, PM2.5, and PM10**. Prior to undertaking significant impact modeling for SO2, NO2, CO, PM2.5, and PM10, 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 C.F.R. Part 51 – Guideline on Air Quality Models for more specific guidance):

(a) Operating scenarios, emissions 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 quality assurance and quality control (QA/QC) procedures;

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

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

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

(h) A properly scaled plot plan of the proposed facility with clearly marked true north indicator, building heights, and an accurate scale ruler. Also, show the location of the source on a map or aerial photograph of the area; and

NOTE: An original plot plan is preferred, but if a photocopy is submitted, care should be taken to make sure that the scale is not changed on any area of the plot.

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

As expeditiously as possible and within 30 calendar days of receipt of this information, the Department will 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 will clearly identify the changes or additional information that must be submitted to complete the protocol requirements.

(4) **Submittal of Significant Impact Modeling**

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

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

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

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

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

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

(v) **Processed Meteorological Data Base** (if required by the Department). The use of five 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 one year of site-specific data is the minimum requirement for modeling applications. If more than one year (and up to five 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, three, four, or five year on-site meteorological database acceptable for modeling purposes need not be compiled from two, three, four, or five consecutive years or 24, 36, 48, or 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, three, four, or five 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 repeat any previously submitted analyses that used the original database.

(b) Within 30 calendar days of receipt of this information, the Department will 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 or acceptable. If the information is not complete or acceptable, the Department will 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 will 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 will provide any available information it has responsive to the request to the applicant within 30 calendar days.

1. **Air Quality Dispersion Modeling Protocol**. If impacts from SO2, NO2, CO, PM2.5, and PM10 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 C.F.R. Part 51 – Guideline on Air Quality Models for more specific guidance):

(a) Operating scenarios, emissions units, and emissions in English and metric units (including other nearby sources, if necessary);

(b) Regulated air pollutants;

(c) Model(s) and methodologies;

(d) Origin and period of meteorological data, including location of collection site relative to facility, meteorological parameters, instrument height, recovery rates, substitution techniques, and QA/QC procedures;

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

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

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

(h) A properly scaled plot plan of the proposed facility with clearly marked true north indicator, building heights and an accurate scale ruler. Also, show the location of the source on a map of the area;

NOTE: An original plot plan is preferred, but if a photocopy is submitted, care should be taken to make sure that the scale is not changed on any area of the plot.

(i) **Building Dimension and Good Engineering Practice 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 building profile input program (BPIP) input and output files on media approved by the Department. All tiers of a building will be input as tiers and not as separate buildings; and

(j) **Background Concentration Data**

Within 30 calendar days of receipt of this information, the Department will 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 or acceptable. If the information is not complete or acceptable, the Department will 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 information is required in the written report and information required to be submitted on media approved by the Department.

(a) Introduction (briefly provide 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 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 emissions unit at the source (describe the equipment/operations, emissions controls, emissions limits; list emissions and stack parameters for each emissions 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;

(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 media approved by the Department if the applicant processed the meteorological data base;

(vi) Receptor data. A map of the receptor grid shall be submitted. (If applicable, all DEM data used to create the receptor grid shall be submitted on media approved by the Department); and

(vii)Modeling results (all input files needed to duplicate the final compliance model runs and all final compliance model output and diagnostic files shall be submitted on media approved by the Department).

(g) Compliance demonstration (describe how the predicted concentrations comply with all applicable ambient air quality standards and ambient increments):

(i) Background determination (include table of values);

(ii) Compliance with ambient air quality standards; and

(iii) Compliance with Class II Prevention of Significant Deterioration (PSD) increments (if applicable).

(h) Class I area impact assessment, if required, (describe any analyses made for federal Class I areas):

(i) Basis for assessment;

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

(iii) Model version used;

(iv) Model switch selections;

(v) Class I areas affected;

(vi) Emissions and conditions of operating scenarios;

(vii)Meteorological data;

(viii)Receptor grid;

(ix) Computational grid;

(x) Air quality impacts (ambient air quality standards and ambient increments);

(xi) Visibility (plume blight assessment for regions within a Class I area that are affected by plumes or layers that are viewed against a background generally within 50 kilometers of the source) and regional haze assessment (for regions of a Class I area where visibility impairment from the source would cause a general alteration of the appearance of the scene generally 50 kilometers or more away from the source or from the interaction of the emissions from multiple sources) and other assessments that the Federal Land Manager and the Department agree should be assessed; and

(xii)All input files needed to duplicate the final Class I analysis model runs and all final Class I analysis model output and diagnostic files shall be submitted on media acceptable to the Department.

NOTE: The Department recommends that any applicant likely to be required to conduct and submit an air quality dispersion modeling analysis meet at least once with Department staff prior to submitting the information specified in subsection 14(C)(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 or modeling.

STATUTORY AUTHORITY: 38 M.R.S. §§ 590, 585‑A

EFFECTIVE DATE:

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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

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*(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 an application for a license or amendment issued under the authority of this Chapter:

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 40 C.F.R. 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 striping 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 separate 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. CO2 lasers, used only on metals and other materials that 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 that do not emit VOC or HAPs.

37. Metal casting molds and molten metal crucibles that do not contain potential VOC or HAPs.

38. Metal or glass heat-treating, in absence of molten materials, VOC, or HAPs.

39. Drop hammers or hydraulic presses for forging or metalworking.

40. Electrolytic deposition that 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 that 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 VOC 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 VOC or HAPs.

52. Hot melt adhesive application with no VOC or HAPs in the adhesive formulation.

53. Laundering, dryers, extractors, tumblers for fabrics, using water solutions of bleach 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 of 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, VOC, 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 VOC 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 that 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 that result in air emissions.

74. Shock chambers.

75. Wire strippers that do not emit PM, VOC, 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 tanks.

81. Demineralizer tanks.

82. Clean condensate tanks.

83. Alum tanks.

84. Broke beaters, repulpers, pulp and repulping tanks, stock chests, and bulk pulp handling, and process water and white water storage tanks not associated with requirements in 40 C.F.R. 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 C.F.R. 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 VOC 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 either exempted or permitted open burning activities pursuant to 06-096 C.M.R. ch. 102, *Open Burning*.

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 that 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. The activities will be included in the Chapter 140 license if the activity is subject to an applicable requirement.

1. Processes, individual emissions units, facilities or activities with the potential to emit less than each of the following thresholds:

a. one ton per year of any single regulated criteria pollutant for any process;

b. four tons per year total regulated criteria pollutants for any process;

c. one ton per year total HAPs for any individual emissions unit or activity; and

d. the applicable quantity of HAPs for any facility and emissions unit as specified in Section C of this Appendix.

2. Fuel burning equipment, including sludge dryers but excluding incinerators and stationary internal combustion engines, with a maximum design heat input of less than 1.7 MMBtu/hr. Note: Units may still be subject to the requirements of 06-096 C.M.R. chs. 101 and 103.

3. Portable internal combustion engines that are not used to power process equipment, e.g., they are used for maintenance or emergency purposes.

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 06-096 C.M.R. chs. 101 and 103.

5. Operation, loading, and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cubic feet), heated only to the minimum extent to avoid solidification if necessary storing material with a vapor pressure not to exceed 10.6 psi.

6. Operation, loading, and unloading of storage tanks that are not subject to requirements in 40 C.F.R. Part 63, have a capacity equal to or less than 1,100 gallons, are equipped with lids, vapor return, or other appropriate closure, and store material with a maximum vapor pressure not to exceed 10.6 psi.

7. Operation, loading, and unloading of VOC storage tanks (including petroleum storage tanks) that are not subject to requirements in 40 C.F.R. Part 63, have a capacity equal to or less than 10,000 gallons, are equipped with lids, vapor return or other appropriate closure, and store material with a maximum vapor pressure not to exceed 1.5 psi.

8. Operation, loading, and unloading storage of butane, propane, or liquefied petroleum gas (LPG) tanks having a capacity not to exceed 40,000 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 500 gallons of coating per year.

11. Coating, printing and silk-screening using less than 50 gallons per year (combined) of VOC- or HAP-containing coating on a 12-month rolling total basis.

12. Water cooling towers and ponds, not using chromium-based corrosion inhibitors, not used with barometric jets or condensers, not greater than 10,000 gpm, not in direct contact with gaseous or liquid process streams containing regulated air pollutants.

13. Batch solvent distillation with a batch capacity not greater than 55 gallons.

14. Municipal and industrial water chlorination facilities of capacity not greater than 20 million gallons per day. 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 that 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 H2SO4 or H3PO4

b. 70% or greater HNO3

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, i.e., material with initial boiling point (IBP) not less than 150 ºC or vapor pressure not more than 0.1 psi 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 VOC.

22. Cleaning and stripping activities and equipment using solutions having less than one percent VOC 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 0.75lb/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 | 2,000.00 |
| 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 | 2,000.00 |
| 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 | 1,200.00 |
| 15 | 540841 | 2,2,4 - TRIMETHYLPENTANE | DEF=5 | 2,000.00 |
| 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 | 1,200.00 |
| 19 | 94757 | 2,4-D, SALTS, ESTERS(2,4-DICHLOROPHENOXY ACETIC ACID | CS | 2,000.00 |
| 20 | 51285 | 2,4-DINITROPHENOL | CS | 2,000.00 |
| 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 | 1,200.00 |
| 25 | 110805 | 2-ETHOXY ETHANOL | CAP-RfC | 2,000.00 |
| 26 | 108864 | 2-METHOXY ETHANOL | CAP-RfC | 2,000.00 |
| 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 | 2,000.00 |
| 32 | 100027 | 4 - NITROPHENOL | DEF=5 | 2,000.00 |
| 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 | 1,800.00 |
| 37 | 75058 | ACETONITRILE | RfC | 2,000.00 |
| 38 | 98862 | ACETOPHENONE | CS | 2,000.00 |
| 39 | 107028 | ACROLEIN | RfC | 80.00 |
| 40 | 79061 | ACRYLAMIDE | UR | 4.00 |
| 41 | 79107 | ACRYLIC ACID | RfC | 1,200.00 |
| 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 LISTED) | DEF=5 | 2,000.00 |
| 46 | 7783702 | ANTIMONY PENTAFLUORIDE | ACUTE | 200.00 |
| 47 | 28300745 | ANTIMONY POTASSIUM TARTRATE | CS | 2,000.00 |
| 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 | 2,000.00 |
| 64 | 117817 | BIS(2-ETHYLHEXYL)PHTHALATE (DEHP) | UR | 1,000.00 |
| 65 | 542881 | BIS(CHLOROMETHYL)ETHER | UR | 0.06 |
| 66 | 75252 | BROMOFORM | CAP-UR | 2,000.00 |
| 67 | 88888806 | CADMIUM COMPOUNDS | UR | 2.00 |
| 68 | 156627 | CALCIUM CYANAMIDE | CS | 2,000.00 |
| 69 | 105602 | CAPROLACTAM | CS | 2,000.00 |
| 70 | 133062 | CAPTAN | CAP-UR | 2,000.00 |
| 71 | 63252 | CARBARYL | CS | 2,000.00 |
| 72 | 75150 | CARBON DISULFIDE | CS | 2,000.00 |
| 73 | 56235 | CARBON TETRACHLORIDE | UR | 280.00 |
| 74 | 463581 | CARBONYL SULFIDE | DEF=5 | 2,000.00 |
| 75 | 120809 | CATECHOL | DEF=5 | 2,000.00 |
| 76 | 57749 | CHLORDANE | GWP | 2.00 |
| 77 | 7782505 | CHLORINE | ACUTE | 200.00 |
| 78 | 79118 | CHLOROACETIC ACID | ACUTE | 200.00 |
| 79 | 108907 | CHLOROBENZENE | CS | 2,000.00 |
| 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 | 2,000.00 |
| 84 | 218019 | CHRYSENE | GWP | 2.00 |
| 85 | 7440484 | COBALT AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED) | 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 | 2,000.00 |
| 90 | 88888812 | CYANIDE COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED) | DEF=5 | 2,000.00 |
| 91 | 72559 | DDE (P,P'-DICHLORODIPHENYLDICHLOROETHYLENE) | GWP | 2.00 |
| 92 | 53703 | DIBENZ(AH)ANTHRACENE | GWP | 2.00 |
| 93 | 132649 | DIBENZOFURAN | DEF=5 | 2,000.00 |
| 94 | 84742 | DIBUTYLPHTHALATE | CS | 2,000.00 |
| 95 | 111444 | DICHLOROETHYL ETHER (BIS(2-CHLOROETHYL)ETHER) | UR | 12.00 |
| 96 | 62737 | DICHLORVOS | UR | 40.00 |
| 97 | 11422 | DIETHANOLAMINE | DEF=5 | 2,000.00 |
| 98 | 60117 | DIMETHYL AMINOAZOBENZENE | DEF=1 | 200.00 |
| 99 | 79447 | DIMETHYL CARBAMOYL CHLORIDE | CAP-UR | 4.00 |
| 100 | 68122 | DIMETHYL FORMAMIDE | DEF=1 | 2,000.00 |
| 101 | 131113 | DIMETHYL PHTHALATE | CS | 2,000.00 |
| 102 | 77781 | DIMETHYL SULFATE | ACUTE | 200.00 |
| 103 | 106898 | EPICHLOROHYDRIN | RfC | 2,000.00 |
| 104 | 140885 | ETHYL ACRYLATE | UR | 200.00 |
| 105 | 100414 | ETHYL BENZENE | CAP-RfC | 2,000.00 |
| 106 | 51796 | ETHYL CARBAMATE (URETHANE) | UR | 160.00 |
| 107 | 75003 | ETHYL CHLORIDE | CAP-RfC | 2,000.00 |
| 108 | 106934 | ETHYLENE DIBROMIDE (DIBROMOETHANE) | UR | 20.00 |
| 109 | 107062 | ETHYLENE DICHLORIDE (1,2-DICHLOROETHANE) | UR | 152.00 |
| 110 | 107211 | ETHYLENE GLYCOL | CS | 2,000.00 |
| 111 | 111762 | ETHYLENE GLYCOL MONOBUTYL ETHER | CS | 2,000.00 |
| 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 | 1,600.00 |
| 118 | 88888813 | GLYCOL ETHERS (EXCEPT THOSE SPECIFICALLY LISTED)\* | DEF=5 | 2,000.00 |
| 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 | 1,000.00 |
| 124 | 822060 | HEXAMETHYLENE,-1, 6 -DIISOCYANATE | RfC | 40.00 |
| 125 | 110543 | HEXANE | CAP-RfC | 2,000.00 |
| 126 | 88888805 | HEXAVALENT CHROMIUM COMPOUNDS | UR | 0.36 |
| 127 | 302012 | HYDRAZINE | UR | 0.80 |
| 128 | 7647010 | HYDROCHLORIC ACID | CAP-RfC | 2,000.00 |
| 129 | 7664393 | HYDROGEN FLUORIDE | ACUTE | 200.00 |
| 130 | 123319 | HYDROQUINONE | DEF=1 | 2,000.00 |
| 131 | 193395 | INDENO(1,2,3-CD)PYRENE | GWP | 2.00 |
| 132 | 78591 | ISOPHORONE | CAP-UR | 2,000.00 |
| 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 | 2,000.00 |
| 136 | 7439965 | MANGANESE AND COMPOUNDS | RfC | 1,600.00 |
| 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 | 2,000.00 |
| 141 | 72435 | METHOXYCHLOR | CS | 2,000.00 |
| 142 | 74839 | METHYL BROMIDE (BROMOMETHANE) | RfC | 2,000.00 |
| 143 | 74873 | METHYL CHLORIDE (CHLOROMETHANE) | CAP-UR | 2,000.00 |
| 144 | 71556 | METHYL CHLOROFORM (1,1,1-TRICHLOROETHANE) | CS | 2,000.00 |
| 145 | 78933 | METHYL ETHYL KETONE (2-BUTANONE) | CAP-RfC | 2,000.00 |
| 146 | 60344 | METHYL HYDRAZINE | UR | 12.00 |
| 147 | 74884 | METHYL IODIDE (IODOMETHANE) | DEF=1 | 200.00 |
| 148 | 108101 | METHYL ISOBUTYL KETONE | CS | 2,000.00 |
| 149 | 624839 | METHYL ISOCYANATE | ACUTE | 200.00 |
| 150 | 80626 | METHYL METHACRYLATE | CS | 2,000.00 |
| 151 | 1634044 | METHYL TERT-BUTYL ETHER | CAP-RfC | 2,000.00 |
| 152 | 12108133 | METHYLCYCLOPENTADIENYL MANGANESE | ACUTE | 200.00 |
| 153 | 75092 | METHYLENE CHLORIDE (DICHLOROMETHANE) | CAP-UR | 2,000.00 |
| 154 | 101688 | METHYLENE DIPHENYL DIISOCYANATE | CS | 200.00 |
| 155 | 88888809 | MINERAL FIBER COMPOUNDS |  | 0.00 |
| 156 | 121697 | N,N-DIMETHYLANILINE | CS | 2,000.00 |
| 157 | 684935 | N-NITROSO-N-METHYLUREA | UR | 0.04 |
| 158 | 62759 | N-NITROSODIMETHYLAMINE | UR | 0.20 |
| 159 | 91203 | NAPHTHALENE | CS | 2,000.00 |
| 160 | 13463393 | NICKEL CARBONYL | ACUTE | 20.00 |
| 161 | 88888807 | NICKEL COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED | DEF=1 | 2,000.00 |
| 162 | 12035722 | NICKEL REFINERY DUST | UR | 16.00 |
| 163 | 88888817 | NICKEL SUBSULFIDE | UR | 8.00 |
| 164 | 98953 | NITROBENZENE | CS | 2,000.00 |
| 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 | 2,000.00 |
| 172 | 7723140 | PHOSPHOROUS | ACUTE | 200.00 |
| 173 | 85449 | PHTHALIC ANHYDRIDE | DEF=5 | 2,000.00 |
| 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 | 2,000.00 |
| 178 | 78875 | PROPYLENE DICHLORIDE (1,2-DICHLOROPROPANE) | UR | 200.00 |
| 179 | 75569 | PROPYLENE OXIDE | UR | 1,000.00 |
| 180 | 91225 | QUINOLINE | UR | 1.20 |
| 181 | 106514 | QUINONE | DEF=5 | 2,000.00 |
| 182 | 99999918 | RADIONUCLIDES (INCLUDING RADON) |  | 0.00 |
| 183 | 7782492 | SELENIUM AND COMPOUNDS (EXCEPT THOSE SPECIFICALLY LISTED) | 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 | 2,000.00 |
| 192 | 8001352 | TOXAPHENE (CHLORINATED CAMPHENE) | GWP | 2.00 |
| 193 | 79016 | TRICHLOROETHYLENE | CAP-UR | 800.00 |
| 194 | 121448 | TRIETHYLAMINE | CAP-RfC | 2,000.00 |
| 195 | 1582098 | TRIFLURALIN | UR | 1,800.00 |
| 196 | 88888816 | TRIVALENT CHROMIUM COMPOUNDS | DEF=5 | 8.00 |
| 197 | 108054 | VINYL ACETATE | DEF=1 | 2,000.00 |
| 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 | 2,000.00 |
| 202 | 57578 | BETA-PROPIOLACTONE | ACUTE | 200.00 |
| 203 | 108394 | M-CRESOL | DEF=1 | 200.00 |
| 204 | 108383 | M-XYLENES | CS | 2,000.00 |
| 205 | 95487 | O-CRESOL | DEF=1 | 200.00 |
| 206 | 95534 | O-TOLUIDINE | DEF=1 | 800.00 |
| 207 | 95476 | O-XYLENES | CS | 2,000.00 |
| 208 | 106445 | P-CRESOL | DEF=1 | 200.00 |
| 209 | 106503 | P-PHENYLENEDIAMINE | CS | 2,000.00 |
| 210 | 106423 | P-XYLENES | CS | 2,000.00 |
| 211 | 101779 | 4,4'-METHYLENEDIANILINE | DEF=1 | 2,000.00 |
| 212 | 92671 | 4-AMINOBIPHENYL | DEF=1 | 2,000.00 |
| 213 | 96093 | STYRENE OXIDE | DEF=1 | 2,000.00 |
| 214 | 64675 | DIETHYL SULFATE | DEF=1 | 2,000.00 |
| 215 | 59892 | N-NITROSOMORPHOLINE | DEF=1 | 2,000.00 |
| 216 | 680319 | HEXAMETHYLPHOSPHORAMIDE | RfC | 20.00 |
| 217 | 60355 | ACETAMIDE | DEF=1 | 2,000.00 |
| 218 | 90040 | O-ANISIDINE | DEF=1 | 2,000.00 |
| 219 | 334883 | DIAZOMETHANE | DEF=1 | 2,000.00 |
| 220 | 95954 | 2,4,5-TRICHLOROPHENOL | DEF=1 | 2,000.00 |
| 221 | 133904 | CHLORAMBEN | DEF=1 | 2,000.00 |
| 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 |