Chapter 100: DEFINITIONS REGULATION

SUMMARY: This regulation provides definitions for those terms used in the air pollution control regulations and emission standards.

1. **Actual emissions.** "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit. In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. The Department may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit. For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

   A. For the purposes of determining baseline emissions from a source, the Department shall presume the calendar year 1977 is representative of normal operation, for SO_2 and TSP and calendar year 1987 is representative of normal operation for NO_2, or for nonattainment areas the year the Department submits the regulation determination to EPA, except the Department may allow the use of a different time period upon a determination that it is more representative of normal operation.

   B. For the purpose of determining whether a net emissions increase has occurred, the Department shall use the two (2) year period which precedes the application and which is representative of normal operation. The Department may allow the use of a different period upon a determination that it is more representative of normal operation.

2. **Abutter.** "Abutter" means any person who owns property that is both (1) contiguous to and (2) within 1 mile of the location on which the project will take place, including owners of property directly across a public or private right of way.

3. **Adverse impact.** "Adverse impact" means any impact that diminishes a Class I area's national significance; impairs the structure or functioning of ecosystems; or impairs the quality of the visitor's experience.

4. **Adverse impact on visibility.** "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Class I area. This determination shall be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how those factors correlate with (a) times of visitor use of the Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term shall include effects on integral vistas designated in Chapter 114.

5. **Affected states.** "Affected states" means:

   A. All states whose air quality may be affected by a proposed Part 70 license, amendment or renewal and that are contiguous to the State of Maine, or

   B. All states that are within fifty (50) miles of the Part 70 source.

An affected state for the purposes of this definition may include New Hampshire, Massachusetts and Vermont.

NOTE: The appropriate affected state contacts are the following:

State of New Hampshire
Department of Environmental Services
Air Resources Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

State of Vermont
Department of Environmental Conservation
Air Pollution Control Division
Building 3 South
103 South Main Street
Waterbury, VT 05671-0402

State of Massachusetts
Department of Environmental Protection
Division of Air Quality Control
One Winter Street
7th Floor
Boston, MA 02108

6. **Air contaminants.** "Air contaminants" include, but are not limited to, dust, fumes, gas, mist, particulate matter, smoke, vapor or any combination thereof.

7. **Air Quality Related Values (AQRV).** "Air Quality Related Values" means all those values possessed by a Class I area except those that are not affected by changes in air quality and include all those assets of an area whose vitality, significance, or integrity is dependent in some way upon the air environment. Those values include visibility and those scenic, cultural, biological, and recreational resources of an area that are affected by air quality.

8. **Air pollution control apparatus or air pollution control system.** "Air pollution control apparatus or air pollution control system" means and includes any appliance, equipment, or machinery which remove, control, reduce, eliminate, dispose of or render less noxious the emission of regulated pollutants into the ambient air.

9. **Allowable emissions.** "Allowable emissions" means the emission rate of an emissions unit or source calculated using the maximum rated capacity of the emissions unit, unless the emissions unit is subject to license conditions which restrict the operating rate, or hours of operation, or both, and the most stringent emission rate applicable to the emissions unit as reflected in the emission license (including those with a future compliance date) or applicable state or federal standards or regulations. In no case shall allowable emissions exceed any requirements of 40 CFR Part 60, New Source Performance Standards (NSPS), 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) or 40 C.F.R. Part 63.

NOTE: Certain emission limitations and control technologies are federally enforceable. These requirements include 40 CFR Part 60, NSPS, Part 63, and Part 61, NESHAP, conditions issued under the State's approved State Implementation Plan (SIP) for New Source Review (40 CFR 51.160), other federal requirements, and any other license condition imposed to avoid a state requirement in the SIP or a federal requirement. Those terms or conditions in licenses issued

pursuant to Chapter 115 which are accepted to avoid a designated federal requirement are federally enforceable. Those conditions in licenses issued pursuant to Chapter 140 which are identified as state conditions are not generally enforceable by the EPA and citizens pursuant to the CAA.

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10. Ambient air. "Ambient air" means all air outside of buildings, stacks or exterior ducts. See Chapter 116 Section I.

11. Ambient increment. "Ambient increment" means, for new sources and modifications, the increase in ambient SO_2, TSP and NO_2 concentration of the future allowable emissions (the maximum emissions being modeled and licensed) over the baseline concentration of these ambient air pollutants. For existing sources, "ambient increment" means the increase in ambient SO_2, TSP and NO_2 concentration of the actual current emissions over the baseline concentration of these ambient air pollutants.

12. Applicable requirement. "Applicable requirement" means all of the following as they apply to emissions units at a source (including requirements that were promulgated or approved by EPA through rulemaking at the time of issuance of the license that have future-effective compliance dates):

A. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the CAA that implements the relevant requirements of the CAA, including any revisions to that plan promulgated in 40 CFR Part 52 (approval and promulgation of implementation plans);

B. Any requirement enforceable by EPA and the citizens under the CAA that limits emissions for purposes of creating offset credits or for complying with or avoiding Applicable requirements;

C. Any term or condition of a license issued for the purpose of preconstruction licensing and requirements contained in regulations approved or promulgated through rulemaking under Title I, including parts C or D of the CAA;

D. Any standard or other requirement under Section 111 of the CAA, including Section 111(d);

E. Any standard or other requirement under Section 112 of the CAA, including any requirement concerning accident prevention under Section 112 (r)(7) of the CAA;

F. Any standard or other requirement of the acid rain program under Title IV of the CAA or the regulations promulgated thereunder;

G. Any requirement established pursuant to Section 504(b) or Section 114(a)(3) of the CAA (Monitoring, Enhanced Monitoring and Compliance Certification);

H. Any standard or other requirement governing solid waste incineration under Section 129 of the CAA;

I. Any standard or other requirement for consumer and commercial products under Section 183 (e) (Federal Ozone Measures) of the CAA;

J. Any standard or other requirement for tank vessels under Section 183(f) of the CAA;

K. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328 of the CAA;

L. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Sections 608 or 609 of title VI of the CAA, unless EPA has determined that such requirements need not be contained in a title V license, and any standard or other requirement under any other section(s) of title VI of the CAA that the EPA determines should be contained in a license; and

M. Any national ambient air quality standard or ambient increment, or visibility requirement under Part C of Title I of the CAA, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the CAA.

13. As applied. "As applied" means including any dilution solvents added before application of the coating.

14. Base case. See Chapter 113.

15. Baseline concentration. "Baseline concentration" means the actual ambient air quality which existed in an area as of: August 7, 1977, for SO_2 and Total Suspended Particulate (TSP) and February 8, 1988, for nitrogen dioxide (NO_2).

For areas designated nonattainment at the baseline date(s), baseline concentration means the actual ambient air quality that exists in the affected areas at the date the DEP receives the first major new source or major modification application after the date EPA approves the designation of the area to attainment.

For sulfur dioxide (SO_2) and TSP, this term shall include the actual emissions representative of SO_2 and TSP sources in existence on August 7, 1977, and the allowable emissions of sources which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.

The following SO_2 and TSP emissions shall not be included in the baseline concentration but shall be included in the determination of the applicable maximum allowable increases adopted pursuant to Chapter 110 of the Department's regulations:

A. Actual emissions from any source on which construction commenced between January 6, 1975 and August 7, 1977; and

B. Actual emission increases and decreases at any source occurring after August 7, 1977.

For nitrogen oxides (NO_x) (measured as NO_2), this term shall include the actual emissions representative of sources in existence on February 8, 1988. For sources starting operation after February 8, 1985, but prior to February 8, 1988, representative emissions shall be determined after three years of operation and be based on two years of actual emissions more representative of normal operation. NO_x sources commencing construction by February 8, 1988, but not in operation by that date shall use allowable emissions for baseline concentration until three years

after start of operations at which time actual emissions more representative of normal operation for that source shall be determined and used for baseline concentration.

The actual NO_X (measured as NO_2) emissions increases or decreases at any source occurring after February 8, 1988, shall not be included in the baseline concentration but shall be included in the determination of the maximum allowable increases pursuant to Chapter 110 of the Department's regulations, except as specified in the previous paragraph.

NOTE: This term identifies which emissions are included in baseline; all other emission increases consume increment. (Increment is defined as a maximum allowable increase in concentration of SO_2, TSP, and NO_2 over the baseline concentration of such pollutant.) It may not be necessary to determine baseline concentration. It is only necessary to determine that sufficient increment is available and that ambient air quality standards will be met. All increases in actual emissions over base year emissions, including increases in operating rates or hours, consume increment. The term does not define baseline area as in federal regulations since the SO_2 and TSP; August 7, 1977, and the NO_X; February 8, 1988, dates are uniform on a statewide basis.

16. **Begin actual construction.** "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

17. **Best Available Control Technology (BACT).** "Best Available Control Technology" means an emission limitation (including a visible emissions standard) based on the maximum degree of reduction for each pollutant emitted from or which results from the new or modified emissions unit which the Department on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such emissions unit through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of each pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and 61 or any applicable emission standard established by the Department. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emission standard infeasible, a design, equipment, work practice, operational standard or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

18. **Best Available Retrofit Technology (BART).** "Best Available Retrofit Technology" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each regulated pollutant which is emitted by an existing facility which emits or has the potential to emit any regulated pollutant at a rate equal to or greater than the emission rates for significant emissions as defined in this Chapter and which causes visibility impairment. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality

environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If the state determines that technological or economic limitations on the applicability of measurement methodology to a particular existing facility would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.

19. **Best Practical Treatment (BPT).** "Best Practical Treatment" means that method which controls or reduces emissions of regulated pollutants to the lowest possible level considering:

    A. The then existing state of technology,

    B. The effectiveness of available alternatives for reducing emissions from the source being considered, and

    C. The economic feasibility for the type of establishment involved.

20. **Board.** "Board" means the Board of Environmental Protection.

21. **Bulk gasoline plant.** "Bulk gasoline plant" means a gasoline storage and distribution facility with a daily throughput of 20,000 gallons of gasoline or less and whose purpose is to load gasoline into tank trucks.

22. **Bulk gasoline terminal.** "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck, and has a daily throughput of more than 76,000 liters (20,000 gallons) of gasoline.

23. **CAA.** "CAA" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

24. **Capture efficiency.** "Capture efficiency" means the weight per unit time of pollutant entering a capture system and delivered to a control device divided by the total weight per unit time of pollutant generated by a source of pollutant, expressed as a percentage.

25. **Capture system.** "Capture system" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) used to contain, capture, or transport an air pollutant to a control device.

26. **Carbon adsorber.** "Carbon adsorber" means a device containing adsorbent material (e.g., activated carbon), an inlet and outlet for exhaust gases, and a system to regenerate or replace the saturated adsorbent.

27. **CO2 equivalent emissions (CO2e).** " "CO2 equivalent emissions" means the amount of GHGs emitted, and computed by multiplying the mass amount of each emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warning potential published

at Table A-1 to 40 CFR subpart A of part 98 (Mandatory Greenhouse Gas Reporting) of this Chapter –Global Warming Potentials, and summing the resultant value for each to compute a tpy CO2e.

28. **Commence.** "Commence," as applied to the construction of a major source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits required by state or federal air quality control laws and regulations and has either:

    A. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

    B. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

29. **Commissioner.** "Commissioner" means the Commissioner of the Department of Environmental Protection.

30. **Condensate.** "Condensate" means Volatile Organic Compounds (VOC) liquid, separated from natural gas, that condenses due to changes in temperature or pressure and remains liquid at standard conditions.

31. **Condenser.** "Condenser" means a device that removes condensable vapors by a reduction in the temperature of the captured gases. A surface condenser affects condensation by indirect contact between the coolant and process gas stream.

32. **Construction.** "Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition or modification of an emissions unit.

33. **Continuous emission monitor.** "Continuous emission monitor" means the total equipment required for the determination of a gas concentration, pollutant emission rate or opacity reading and the associated data recording equipment (e.g., strip chart, computer dish, magnetic tape, etc.).

34. **Control system.** "Control system" means a combination of one or more capture system(s) and control device(s) working in concert to reduce discharges of pollutants to the ambient air.

35. **Curtailment.** "Curtailment" means the partial or temporary removal of equipment or partial or temporary cessation of use of a particular piece of equipment resulting in a partial reduction of emissions.

36. **Department.** "Department" means the Department of Environmental Protection which includes both the Board and the Commissioner.

37. **Dispersion technique.** See Chapter 116 Section II(A) and II(B).

38. **Double block-and-bleed system.** "Double block-and-bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

39. **Emergency.** "Emergency" means for the purpose of Chapter 115 and Chapter 140 only, any situation arising from sudden and reasonably unforeseeable events beyond the control of the source,

including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology based emission limitation under the license, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

40. **Emission.** "Emission" means the release of regulated pollutants into the ambient air, or the regulated pollutants so released.

41. **Emissions allowable under the Part 70 license.** Emissions allowable under the Part 70 license" means a federally enforceable Part 70 license term or condition determined at issuance to be required by an Applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the Part 70 source has assumed to avoid an Applicable requirement to which the Part 70 source would otherwise be subject.

42. **Emission limitation or emission standard.** The terms, "emission limitation" and "emission standard," mean a requirement which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including the use of specific technology or fuels with specified pollution characteristics or any requirement relating to the operation or maintenance of a source or emissions unit to assure continuous emission reduction.

43. **Emissions unit.** "Emissions unit" means any equipment or pollutant-emitting activity of a source which emits or would have the potential to emit a regulated pollutant or hazardous air pollutant. This term is not meant to alter or affect the term 'unit' for purposes of Title IV of the CAA.

44. **EPA.** "EPA" means Environmental Protection Agency.

NOTE: The address for EPA Region I is:

US Environmental Protection Agency
1 Congress Street
Suite 1100 CAP
Boston, MA 02114-2023

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45. **Excessive concentration.** See Chapter 116 Section II(E).

46. **Exempt VOC compounds.** "Exempt VOC compounds" means those compounds which are excluded from the definition of VOC due to their negligible photochemical reactivity.

47. **Existing Part 70 hazardous air pollutant (HAP) source.** "Existing Part 70 hazardous air pollutant (HAP) source" means a Part 70 HAP source, for which construction or reconstruction is commenced before the proposal of a HAP emission limitation by EPA, or if no proposal was published by EPA for a Part 70 HAP source, then on or before the date 18 months after the scheduled date for promulgation by EPA.

48. **External floating roof.** "External floating roof" means a storage vessel cover in an open-top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the

petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and the tank shell.

49. Facility, building, structure, or installation. "Facility, building, structure, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two (2)-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (United States Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively) or if they have the same six (6)-digit North American industry classification system (NAICS) code available from the U.S. Census Bureau. The requirement for all pollutant emitting activities to belong to the same industrial grouping does not apply to sources subject to Section 112 of the CAA.

50. Federal land manager. "Federal land manager" means the Secretary of the Federal Department with authority over the Federal Class I area or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.

NOTE: The appropriate contacts of the federal lands managers are the following:

Roosevelt Campobello International Park

Chairman, Roosevelt Campobello
International Park Commission
P.O. Box 129
Lubec, Maine 04652

Moosehorn National Wildlife Refuge

Local:

Refuge Manager
Moosehorn National Wildlife Refuge
P.O. Box 1077
Calais, Maine 04619

National:

Chief, Air Quality Branch
U.S. Fish and Wildlife Service
P.O. Box 25287
Denver, Colorado 80225-0287

Acadia National Park

Local:

Field Director NE Field Area
Superintendent
Acadia National Park
North Atlantic Region
National Park Service
15 State Street
Boston, MA 02109-3572

National:

Chief, Air Quality Division
National Park Service
P.O. Box 25287
Denver, Colorado 80225-0287

Great Gulf and Presidential Range, New Hampshire

Local:	National:
Director, White Mountain National Forest 719 N. Main St. Laconia, NH 03246	Director, U.S. Forest Service Department of Agriculture 310 West Wisconsin Avenue Room 580 Milwaukee, WI 53203

51. **Federally enforceable.** "Federally enforceable" means all limitations and conditions which are enforceable by the EPA and the citizens pursuant to the CAA, and the State of Maine, including those license requirements or other requirements developed pursuant to or within the following:

    A. 40 CFR Part 51, Subpart I, or Part 55 (relating to review of new sources and modifications)

    B. 40 CFR §§ 52.10 and 52.21 (relating to prevention of significant deterioration of air quality);

    C. 40 CFR Part 60 (relating to standards of performance for new stationary sources);

    D. 40 CFR Parts 61 and 63 (relating to national emission standards for hazardous air pollutants);

    E. 40 CFR Parts 68, 70, 71 or 72 (relating to operating permit program);

    F. Any applicable State Implementation Plan.

52. **Fuel-burning equipment.** "Fuel-burning equipment" means any furnace, boiler, apparatus, and all appurtenances thereto used in the process of burning fuel, for the primary purpose of producing heat and power, including stationary internal combustion engines. Due to the process nature of asphalt plants, these are not regulated as "fuel burning equipment"; see General process or general process equipment.

53. **Fugitive emissions.** "Fugitive emissions" means the release of pollutants to the air which could not reasonably be made to pass through stacks, vents, ducts, pipes, or any emission capture system. Fugitive emissions include, but are not limited to, equipment leaks, evaporative losses from surface impoundments, releases from building ventilation systems or buildings, housing material, handling or processing equipment, and emissions during material transfer.

54. **Gaseous excess emissions.** "Gaseous excess emissions" means any period which the average gaseous emissions, as measured by the continuous emission monitor, exceeds the applicable emission standard.

55. **Gasoline.** "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a true vapor pressure of 1.5 pounds per square inch (10.5 kilopascals) or greater at 60 degrees Fahrenheit or a Reid Vapor Pressure of 4 pounds per square inch (27 kilopascals) and which is used as a fuel for internal combustion engines.

56 **General process source or general process equipment.** "General process source" or "general process equipment" means any emissions unit, except fuel-burning equipment, incinerators, and mobile sources. Included in this category are rock crushers and asphalt plants.

57. **Generally Available Control Technology (GACT) emission limitation.** "Generally Available Control Technology (GACT) emission limitation" means a HAP emission limitation for a source category of HAP area sources that EPA promulgates pursuant to Section 112 of the CAA.

58. **Good engineering practice stack height.** See Chapter 116 Section II(C).

59. **Greenhouse gases (GHGs).** "Greenhouse gases" means the following gases, both individually and collectively: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

60. **HAP or Hazardous air pollutant.** "HAP or Hazardous air pollutant" means an air pollutant to which no ambient air standard is applicable and which in the judgment of the Board causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness. This term shall include, but is not limited to, those pollutants for which EPA has adopted NESHAPS at 40 CFR Part 61 and Part 63. For the purpose of Chapters 115 and 140, HAP means an air pollutant identified by the EPA in regulations pursuant to Section 112(b) of the CAA.

61. **HAP area source.** "HAP area source" means any stationary source of HAP that is not a HAP major source.

62. **HAP emission limitation.** "HAP emission limitation" is a requirement for a MACT or GACT emission limitation under Section 112(d) of the CAA, a work practice standard under Section 112(h) of the CAA, a case-by-case MACT under 112(g) or 112(j), a residual risk standard under Section 112(f) of the CAA, early reduction plans under Section 112(i)(j), or any other such requirement for HAP control required by EPA or the Department.

63. **HAP emission unit.** "HAP emission unit" means any building, structure, or installation that emits HAPs greater than that defined as an insignificant activity, unless the HAP emission unit is otherwise subject to an Applicable requirement. A HAP emission unit can include a single emission point or collection of points.

64. **HAP major source.** "HAP major source" means any source which emits HAPs in quantities that can be defined as a "Part 70 major source" by this Chapter.

65. **Incinerator.** "Incinerator" means any device, apparatus or equipment used for destroying, reducing or salvaging by fire or heat any material or substance and shall be classified as follows:

    A. Class IA - direct fed incinerators with a burning rate of up to 75 pounds per hour of type 1, 2 or 3 waste, or any combination of the three waste types;

    B. Class IB - direct fed incinerators with a burning rate of 75 pounds per hour or over, suitable for type 1, 2 or 3 waste, or any combination of the three waste types;

C. Class IIA - Flue-fed, single chamber incinerators with more than two (2) square feet burning area, for type 1 or 2 waste, or a combination of the two waste types. This type of incinerator is served by one vertical flue functioning both as a chute for charging waste and to carry the products of combustion to atmosphere. This type of incinerator has been installed in apartment houses or multiple dwellings;

D. Class IIB - Chute-fed multiple chamber incinerators, for apartment buildings with more than two (2) square feet burning area, suitable for type 1 or 2 waste, or a combination of the two waste types. (Not recommended for industrial installation). This type of incinerator is served by a vertical chute for charging wastes and has a separate flue for carrying the products of combustion to the atmosphere;

E. Class III - Municipal incinerators suitable for type 0, type 1, type 2 or type 3 wastes, or any combination of the four wastes, and are rated in tons per 24-hours;

F. Class IVA - Crematory and pathological incinerators, suitable for type 4 waste, and

G. Class IVB - Pathological - infections waste incinerators, suitable for type 7 waste; and

H. Class V. - Incinerators designed for specific by-products wastes, type 5 or type 6, or a combination of the two waste types.

Incinerators include smelters, bake-off ovens and other similar units, but do not include boilers or stationary internal combustion units.

66. Indian governing body. "Indian governing body" means the governing body of any tribe, land, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

NOTE: The appropriate contacts of the Indian governing bodies are the following:

Indian Township
Tribal Office
P.O. Box 301
Princeton, ME 04668

Penobscot Indian Nation
Community Building
Indian Island
Old Town, ME 04468

Aroostook Band Of Micmac Indians
Chief Willian Phillips
521D Main Street
Presque Isle, ME 04769

Pleasant Point Reservation
P.O. Box 343
Perry, ME 04667-0434

Houlton Band of Maliseets Indians
568 Foxcroft Road
P.O. Box 748
Houlton, ME 04730

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67. Indian reservation. "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress, or lands held in trust by the Bureau of Indian Affairs for federally recognized tribes.

68. Innovative control technology. "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

69. Insignificant Activities. "Insignificant Activities" means activities at a facility that the Department specified in Appendix B of Chapter 140 for the purpose of Chapter 140 and the activities at a facility that the Department specified in Appendix B of Chapter 115 for the purpose of Chapter 115. A source must include emissions from insignificant activities in determining if the source is a Part 70 major source.

NOTE: As specified in Appendix B of Chapter 140, certain insignificant activities are categorically exempt from the Part 70 license application and certain insignificant activities shall be included on the Part 70 application but may not be listed in the Part 70 license.

70. Integral vista. "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area which has been designated by the appropriate federal authority (40 CFR 81.437) or by the Board pursuant to Chapter 114.

71. Intermittent Control System (ICS). "Intermittent Control System" means a dispersion technique which varies the rate at which pollutants are emitted into the atmosphere according to meteorological conditions and/or ambient concentrations of the pollutant, in order to prevent ground-level concentrations in excess of applicable ambient air quality standards. Such a dispersion technique is an ICS whether used alone, used with other dispersion techniques, or used as a supplement to continuous emission control (i.e., used as a supplemental control system).

72. Internal floating roof. "Internal floating roof" means a cover or roof in a fixed-roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

73. Intrafacility Emission trading. "Intrafacility Emission trading" means the transfer of regulated pollutant emissions within a facility that are provided for in the Part 70 license and do not require a license revision.

74. Leak. "Leak" means any discharge of liquid or solid, or emission of regulated pollutants, from any confining structure including, but not limited to, stacks, pipes, vents, or ducts, except where allowable emissions pass through the intended outlet for the emissions.

75. Lowest Achievable Emission Rate (LAER). "Lowest Achievable Emission Rate" means the more stringent rate of emissions based on the following:

A. The most stringent emission limitation which is contained in the implementation plan of any State for that class or category of source, unless the owner or operator of the proposed source demonstrates that those limitations are not achievable; or

B. The most stringent emission limitation which is achieved in practice by that class or category of source, whichever is more stringent. In no event may LAER result in emission of any pollutant in excess of those standards and limitations promulgated pursuant to Section 111 or 112 of the United States Clean Air Act as amended, or any emission standard established by the Department.

76. MACT emission limitation for existing Part 70 HAP sources. "MACT emission limitation for existing Part 70 HAP sources" means the emission limitation pursuant to Section 112 of the CAA reflecting the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the EPA or the Department, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which the standard applies. This limitation shall not be less stringent than the MACT floor.

77. MACT emission limitation for new Part 70 HAP sources. "MACT emission limitation for new HAP sources" means the emission limitation pursuant to Section 112 of the CAA which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the EPA, or the Department, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which the standard applies. If the EPA has either proposed a relevant emission standard pursuant to section 112(d) or section 112 (h) of the CAA or adopted a presumptive MACT determination for the source category which includes the constructed or reconstructed major source, then the MACT requirements applied to the constructed or reconstructed major source shall consider those MACT emission limitations and requirements of the proposed standard or presumptive MACT determination.

78. MACT floor. "MACT floor" means the same as that defined in 40 CFR Part 63.

79. Major modification. "Major modification" means:

A. Any modification that would result in a significant emissions increase of any regulated pollutant at an existing stationary source that emits or has potential to emit significant emissions prior to the modification; or

B. Any modification that would result in;

(1) an increase in the source's potential to emit by significant emissions of any regulated pollutant; or

(2) an increase in actual emissions by significant emissions of any regulated pollutant from the particular physical change or change in the method of operation at an existing stationary source that emits or has potential to emit less than significant emissions prior to the modification.

88 Major source. "Major source" means any source which is defined as a Part 70 source that has not been issued a Part 70 license pursuant to Chapter 140 and which emits or has the potential to emit

any regulated pollutant at a rate equal to or greater than the emission rates for significant emissions as defined in this Chapter. Fugitive emissions from a source that are quantifiable shall be included in determining whether a source is major.

81. Marginal ozone nonattainment area. "Marginal ozone nonattainment area" means the area so classified by the EPA, as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.

82. Maximum Achievable Control Technology (MACT) emission limitation. "Maximum Achievable Control Technology (MACT) emission limitation" means the MACT emission limitation required for new and existing Part 70 HAP sources. This emission limitation is either promulgated by EPA pursuant to Section 112 of the CAA, or is determined by the Department on a case-by-case basis pursuant to Section 112(g) or (j) of the CAA.

83. Maximum true vapor pressure. "Maximum true vapor pressure" means the equilibrium partial pressure exerted by a stored liquid at the temperature equal to: (1) for liquids stored above or below the ambient temperature, the highest calendar-month average of the liquid storage temperature, or (2) for liquids stored at the ambient temperature, the local maximum monthly average temperature as reported by the National Weather Service. This pressure shall be determined:

A. In accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks;

B. By using standard reference texts;

C. By American Standard Testing Method (ASTM) D2879-83; or

D. By any other method approved by the Department or the EPA.

84. Minor Modification. "Minor Modification" means a Chapter 115 modification that involves a licensed emission increase of 4 tpy or more for any one regulated pollutant or 8 tpy or more for total regulated pollutants except for GHGs which will only have applicability requirements under major modification. A modification that is determined not to be a minor revision and:

A. would result in less than a significant emissions increase of all regulated pollutants at an existing stationary source that emits or has potential to emit significant emissions prior to the modification or;

B. would increase the source's potential to emit by less than significant emissions of all regulated pollutants at an existing stationary source that emits or has potential to emit less than significant emissions prior to the modification.

85. Minor Revision. "Minor Revision" means a Chapter 115 license revision for:

A. the correction of typographical errors;

B. the identification of an administrative change;

C. a change in monitoring and reporting requirements;

D. a licensed emissions increase under four (4) tpy for any one regulated pollutant and under eight (8) tpy of total regulated pollutants, except for GHGs which will only have applicability requirements under major modification. and is determined not to be a Major or Minor Modification and is subject to licensing as defined in Chapter 115; or

E. any other changes approved by the Department that meet the criteria of a minor revision.

86. Minor source. "Minor source" means any source which emits or has the potential to emit regulated pollutants at rates less than significant emissions and is not defined as a Part 70 source.

87. Moderate ozone nonattainment area. "Moderate ozone nonattainment area" means the area so classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.

88. Modification or modified source. "Modification or modified source" means any physical change in or change in the method of operation of a source that would result in the emission of any regulated pollutant not previously emitted, except that:

A. Routine maintenance, repair, and replacement shall not be considered a physical change;

B. The following shall not be considered a change in the method of operation:

(1) An increase in the production rate at an existing source, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166, and if such increase does not exceed the operating design capacity of the source;

(2) An increase in the hours of operation, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I or 40 CFR 51.166; or

(3) Use of an alternative fuel or raw material if prior to January 6, 1975, the source is designed to accommodate and is licensed to use such alternative fuel; and

C. Replacement of pollution control apparatus at steam electrical utility generating units or other source determined by the Department to be equally or more effective than the apparatus being replaced shall not be considered a physical change or change in the method of operation for the purposes of this definition, but shall be governed consistent with the CAA and federal regulations.

89. Nearby. See Chapter 116 Section II(D).

90. Negligibly photochemically reactive VOC. See Section 97, Volatile Organic Compound.

91. Net emissions increase.

A. "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source;

(2) Any other increase and decrease in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable;

B. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between

(1) The date five (5) years before construction on the particular change commences; and

(2) The date that the increase from the particular change occurs.

C. Any increases or decreases in actual emissions are creditable only:

(1) If the Department has not relied on the increase or decrease in issuing a major New Source Review License under Chapter 115. Section 4 or Chapter 140. Section 5 and that permit is still in effect at the time the particular change occurred; and

(2) To the extent that the new level of actual emissions exceeds the old level;

D. A decrease in actual emissions is creditable only to the extent that:

(1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual or allowable emission, whichever is greater;

(2) It is enforceable by both the Department and the Administrator of the EPA at and after the time that actual construction on the change begins;

(3) It has not been relied upon in issuing any license under regulations approved pursuant to 40 CFR 51 Subpart I, or it has not been relied upon in demonstrating attainment or reasonable further progress; and

(4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

E. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days;

92. New Part 70 HAP source. "New Part 70 HAP source" means a Part 70 source of HAP that is not an existing Part 70 HAP source.

93. Nitrogen oxide (NO_X). "NO_X" means all oxides of nitrogen, measured as NO_2 on a molar basis.

94. **Nonattainment area.** "Nonattainment area" means an area designated by the Department pursuant to Chapter 114 of the Department's regulations (relating to classification of air quality control regions), or those areas designated by the EPA pursuant to Section 107 of the CAA, in which one or more ambient air quality standards are not being met.

95. **Nonattainment pollutant.** "Nonattainment pollutant" means a regulated pollutant which is the basis for a nonattainment area. For ozone nonattainment areas and the Ozone Transport Region, emissions of VOC and NO_X shall be considered to be the nonattainment pollutant, except where those areas have received a waiver from the Environmental Protection Agency (EPA) under Section 182(f) of the Clean Air Act (CAA).

96. **Nonclassified ozone nonattainment area.** "Nonclassified ozone nonattainment area" means the area so classified by the EPA that has incomplete or no data published at 40 CFR Part 81.

97. **Normal operation.** "Normal operation" means the level of operation that actually occurred or can be reasonably anticipated to occur in meeting the source's needs or demand over a reasonable period of time. Emissions units that are under construction or are going through initial start up procedures (refractory curing, tube boilout, etc.) have not begun normal operations. Factors that change the source's operation (i.e. market changes) will change the normal operation.

98. **North American Industry Class (NAICS).** "North American Industry Class (NAICS)", which replaces the Standard Industrial Classification (SIC) and is available from the U.S. Census Bureau, means a system for classifying businesses by type of economic activity. Establishments that use the same or similar processes to produce goods or services are grouped together.

99. **NO_X.** See definition for nitrogen oxide.

100. **Opacity.** "Opacity" means the degree of light obscuring capability of emissions of visible air contaminants expressed as a percentage. For example, complete obscuration shall be expressed as 100% opacity.

101. **Open burning.** "Open burning" means the burning of any type of combustible material in the open ambient air without being completely enclosed and where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or duct or other device or structure or as permitted by a permit from a town forest fire warden or forest ranger issued under 12 MRSA §9324(5).

102. **Open-ended valve or line.** "Open-ended valve or line" means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

103. **Organic compound.** "Organic compound" means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, methallic carbides or carbonates, and ammonium carbonate.

104. **Overall VOC emission reduction efficiency.** "Overall VOC emission reduction efficiency" means the weight per unit time of VOC removed or destroyed by a control device divided by the weight per unit time of VOC generated by a source, expressed as a percentage. The overall emission reduction

efficiency can also be calculated as the product of the capture efficiency and the control device destruction or removal efficiency.

105. Owner or operator. "Owner or operator" means any person who owns, leases, operates, controls or supervises a regulated pollutant source.

106. Ozone Transport Region. "Ozone Transport Region" (OTR) means that part of the State of Maine included in a region of states comprised of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia, established by Section 184 of the CAA for the control of interstate ozone air pollution. For the State of Maine, the Ozone Transport Region includes all of the counties in the State.

107. Part 70. "Part 70" refers to 40 CFR Part 70.

108. Part 70 Administrative Revision. "Part 70 Administrative Revision" means a revision to a Part 70 license for the following:

A. Typographical error corrections;

B. Change in the name, address, or phone number of any person or facility identified in the Part 70 license, or a similar administrative change at the Part 70 source; and

C. Change to more frequent monitoring, reporting, recordkeeping or testing requirements.

109. Part 70 draft license. "Part 70 draft license" means the version of a Part 70 license for which the Department offers public participation and affected state review pursuant to Chapter 140.

110. Part 70 draft proposed license. "Part 70 draft proposed license" means the version of the Part 70 draft license that the Department proposes to issue and forward to EPA for review pursuant to Chapter 140.

111. Part 70 General license. "Part 70 General license" means a Part 70 license that meets the requirements of Chapter 140.

112. Part 70 HAP source. "Part 70 HAP source" means a HAP source that is defined as a HAP major source or HAP area source subject to Chapter 140.

113. Part 70 license. "Part 70 license" means any air emission license or group of licenses covering a Part 70 source that is issued, transferred, renewed, reopened, or amended pursuant to Chapter 140.

114. Part 70 major source. Part 70 major source" means any stationary source or group of stationary sources as described in paragraphs (A), (B) or (C) of this definition. For purposes of paragraphs (B) and (C), major stationary source includes any group of stationary sources belonging to a single major industrial grouping that is located on one or more contiguous or adjacent properties, and that are under common control of the same person (or persons under common control). For the purposes of defining "major source" in paragraphs (B) or (C) of this definition, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the air pollutant-emitting activities at such source or group of sources on contiguous or adjacent properties are under

common control and belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987. In addition, for purposes of paragraphs (B) and (C) of this definition, any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the 2-digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source.

A. Any major source under Section 112 of the CAA (relating to hazardous air pollutants), which is defined as follows:

(1) For air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls in the aggregate, ten (10) tons per year (tpy) or more of any single hazardous air pollutant (HAP), (including any fugitive emissions of such pollutant) which was listed pursuant to Section 112(b) of the CAA, 25 tpy or more of any combination of such HAP (including any fugitive emissions of such pollutants), or such lesser quantity as the EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such emissions units or sources are major sources; or

(2) For radionuclides, Part 70 major source shall have the meaning specified in rules promulgated by the EPA.

B. Any major stationary source of air pollutants ~~or any group of stationary sources~~ as defined in Section 302 of the CAA that directly emits, or has the potential to emit 100 tpy or more of any single regulated pollutant (including any fugitive emissions of any such air pollutant, as determined by rule by the EPA). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the CAA or for the purposes of paragraph (C) of this definition, unless the stationary source belongs to one of the following categories of stationary sources:

(1) Coal cleaning plants (with thermal dryers);

(2) Kraft pulp mills;

(3) Portland cement plants;

(4) Primary zinc smelters;

(5) Iron and steel mills;

(6) Primary aluminum ore reduction plants;

(7) Primary copper smelters;

(8) Municipal incinerators capable of charging more than 50 tons of refuse/day;

(9) Hydrofluoric, sulfuric, or nitric acid plants;

(10)Petroleum refineries;

(11)Lime plants;

(12)Phosphate rock processing plants;

(13)Coke oven batteries;

(14)Sulfur recovery plants;

(15)Carbon black plants (furnace process);

(16)Primary lead smelters;

(17)Fuel conversion plants;

(18)Sintering plants;

(19)Secondary metal production plants;

(20)Chemical process plants;

(21)Fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;

(22)Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(23)Taconite ore processing plants;

(24)Glass fiber processing plants;

(25)Charcoal production plants;

(26)Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(27)Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

C. Any major stationary source as defined in Part D of Title I of the CAA, including, but not limited to:

(1) For federal ozone nonattainment areas, except sources for which the EPA has made a finding under Section 182(f)(1) or (2) of the CAA that requirements under Section 182(f) of the CAA do not apply, the following sources with the potential to emit:

(a) one hundred (100) tpy or more of nitrogen oxides (NOx) in areas classified as "marginal" or "moderate" or in the ozone transport region.

(b) fifty (50) tpy or more of NOx in areas classified as "serious,"

(c) twenty five (25) tpy or more of NOx in areas classified as "severe," and

(d) ten (10) tpy or more of NOx in areas classified as "extreme";

(2) For federal ozone nonattainment areas, the following sources with the potential to emit:

(a) one hundred (100) tpy or more of volatile organic compounds (VOC) in areas classified as "marginal" or "moderate,"

(b) fifty (50) tpy or more of VOC in areas classified as "serious" or in the ozone transport region.

(c) twenty five (25) tpy or more of VOC in areas classified as "severe," and

(d) ten (10) tpy or more of VOC in areas classified as "extreme";

(3) For particulate matter of less than ten (10) microns (PM_{10}) nonattainment areas, sources with the potential to emit seventy (70) tpy or more of PM_{10} in areas that are classified as "serious".

115. Part 70 Minor License Modification. (Reference 40 CFR 70.7(e)(2) "minor permit modification procedures"). "Part 70 Minor License Modification" means a modification to a Part 70 license which may be used only for those license changes that:

A. Do not violate any Applicable requirement;

B. Do not involve a Part 70 Significant License Modification to existing monitoring, testing, reporting, or recordkeeping requirements in the license;

C. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts or a visibility or increment analysis;

D. 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:

(1) A federally enforceable emissions cap assumed to avoid classification as a Title I modification or a modification or reconstruction under any provision of Section 111, or 112 of the CAA; and

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

E. Are not Title I modification or a modification or reconstruction under any provision of Section 111, or 112 of the CAA; and

F. Are not required by the Department to be processed under Part 70 Significant License Modification procedures.

Notwithstanding A through F, Part 70 Minor License Modification procedures may be used for license modifications involving the use of economic incentives, marketable licenses, emission transfers, 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.

116. Part 70 Section 502(b)(10) Change. "Part 70 Section 502(b)(10) Changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

117. Part 70 Significant License Modification. (Reference 40 CFR 70.7(e)(4) "significant modification procedures") "Part 70 Significant License Modification" means a license change that does not qualify as a Minor or Major Modification of a Part 70 source, HAP emission limitations, a Part 70 Minor License Modification, or a Part 70 Administrative Revision. A Part 70 Significant License Modification shall be used for license changes that are determined by the Department to be substantial changes in existing testing or monitoring license terms or conditions and the relaxation of reporting or recordkeeping license terms or conditions.

118. Part 70 source. "Part 70 source" means any source subject to the permitting requirements of 40 CFR Part 70 as provided in Section 70.3~~(a) and (b).~~

119. Particulate matter. "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers as measured by applicable reference methods or an equivalent or alternative method specified in 40 CFR Part 51.

120. Particulate matter emissions. "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods specified in 40 CFR Part 60, Appendix A. The applicable reference methods are Methods 5 and 17.

121. Peaking Unit. "Peaking Unit" means a unit that has an average capacity factor of no more than 10.0 percent during the previous three calendar years and a capacity factor of no more than 20.0 percent in each of those calendar years.

122. Person. "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental agency or other legal entity.

123. Petroleum liquids. "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

124. PM_{10}. "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J. and designated in accordance with 40 CFR Part 53.

125. PM_{10} emissions. "PM_{10} emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by a relevant reference method based on 40 CFR Part 51 Subpart K and 40 CFR Part 51, Appendix M. The relevant reference methods are Method 201 and 201A for measurement of in-stack PM_{10} emissions.

126. Pollutant or air pollutant. "Pollutant or air pollutant" means the same as "air contaminant or regulated pollutant."

127. Potential to emit. "Potential to emit" means the maximum capacity of a stationary source to emit any regulated pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated pollutant, including air pollution control equipment, and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in the determining the potential to emit of a source.

128. Predictive Emission Monitoring Systems (PEMS). "Predictive Emission Monitoring Systems (PEMS)"means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

129. Pressure release. "Pressure release" means the emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

130. Process weight rate. "Process weight rate" means the average total weight of all materials, not including any gaseous, liquid or solid fuels, moisture or combustion air, introduced into any manufacturing, industrial or combustion process that may result in the emission of any regulated pollutant to the ambient air, computed on an hourly basis, and shall be expressed in terms of weight per unit of time.

131. Production area. See Chapter 116 Section I(A).

132. Reasonable further progress. "Reasonable further progress" means such annual incremental reductions in emissions of the relevant regulated pollutant as are required by Part D of the CAA or may reasonably be required by the EPA for the purpose of ensuring attainment of the relevant national ambient air quality standards in the area by the relevant statutory deadlines.

133. Reasonably attributable. "Reasonably attributable" means attributable by visual observation or any other technique the State deems appropriate.

134. Reasonably Available Control Technology (RACT). "Reasonably Available Control Technology" means that method of treatment that is reasonably available as a retrofit to existing processes or equipment involved and shall be determined by the Department for the class or category of such source considering the existing state of technology, current federal guidelines for determining of the degree of emission reduction achievable and the type and unique character of affected sources.

135. Reconstruction or reconstructed. The provisions of 40 CFR Part 60.15(f)(1) through (3) shall determine if reconstruction has taken place. "Reconstruction" shall be presumed to have taken place where the fixed capital cost of the new component exceeds 50% of the fixed capital cost of a comparable entirely new emissions unit.

136. Recovery boiler. "Recovery boiler" means an enclosed combustion device where concentrated black liquor is burned to recover sodium and sulfur and to produce steam for energy recovery.

137. Reconstruction of a HAP major source means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:

(1) the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and

(2) It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63.

138. Region. "Region" means an air quality control region or regions established by the Board pursuant to Chapter 114.

139. Regulated pollutant. "Regulated pollutant" means the following:

A. ~~Nitrogen oxides or any volatile organic compounds;~~

B. Any pollutant for which a national or Maine ambient air quality standard has been promulgated;

C. Any pollutant that is subject to any standard promulgated under section 111 of the CAA;

D. Any Class I or II substance subject to a standard promulgated under or established by title VI of the CAA;

E. Except as provided in paragraph H of this definition, any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the CAA, including sections 112(g) and (j), of the CAA, including the following:

(1) Any pollutant subject to requirements under section 112(j) of the CAA. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated

on the date 18 months after the applicable date established pursuant to section 112(e) of the CAA; and

(2) Any pollutant for which the requirements of section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.

F. Any pollutant for which a Maine ambient air quality standard has been adopted through the Maine Legislature;

G. Any pollutant for which a regulation or standard has been adopted by the Maine Board of Environmental Protection; or

H. Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the CAA, including sections 112(g), (j), and (r) of the CAA, including the following:

(1) Any pollutant subject to requirements under section 112(j) of the CAA. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the CAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the CAA; and

(2) Any pollutant for which the requirements of section 112(g)(2) of the CAA have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.

I. ~~Any pollutant for which a Maine ambient air quality standard has been adopted through the Maine Legislature; or~~

J. ~~Any pollutant for which a regulation or standard has been adopted by the Maine Board of Environmental Protection~~.

140. Responsible official. "Responsible official" means one of the following:

A. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(2) The delegation of authority to such representatives is approved in advance by the permitting authority;

B. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

C. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal

agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

D. For Title IV sources:

(1) The designated representative, having the meaning given to it in section 402(26) of the CAA, in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and

(2) The designated representative, having the meaning given to it in section 402(26) of the CAA, for any other purposes under part 70.

141. Secondary emissions. "Secondary emissions" means emissions which occur as a result of the construction or operation of a source or modification, but do not come from the source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the source or modification which causes the secondary emissions. Secondary emissions include, but are not limited to: (1) emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the source or modification; (2) emissions from ships, trains, trucks or other mobile sources associated with the new source or modification.

142. Serious ozone nonattainment area. "Serious ozone nonattainment area" means the area so classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for ozone published at 40 CFR Part 81.

143. Shake down period. "Shake down period" means the time from the initial operation of an emissions unit until the time the emission unit achieves operation at the maximum production rate at which it will be operated, but not to exceed 180 days after initial startup.

144. SIC code. "SIC code" means Standard Industrial Classification code devised by the Office of Management and Budget (OMB) to classify establishments according to the type of economic activity in which they are engaged.

NOTE: SIC codes may be found in the latest "Standard Industrial Classification Manual," published by the U.S. Government Printing Office and available at larger libraries throughout the State.

145. Significant emissions. "Significant emissions" means any rate of emissions that would equal or exceed one hundred (100) tons per year of any regulated pollutant, ~~or~~ fifty (50) tons per year of VOC in the ozone transport region or 100,000 tons CO_2e of GHGs.

146. Significant emissions increase. "Significant emissions increase" means a Major Modification which results in:

A. Any net emissions increase of a regulated pollutant that would equal or exceed any of the rates listed:

Regulated Pollutant	Rates (TPY)
Total suspended particulate	25

PM_{10}	15
Sulfur dioxide	40
Nitrogen oxides	40
Nitrogen oxides (as precursor to ozone)	40
Carbon monoxide	100
Ozone (measured as VOC)	40
Ozone (measured as VOC) in the OTR	40
Lead	0.6
GHGs	75,000 (CO_2e)
Asbestos	0.007
Beryllium	0.0004
Mercury	0.1
Vinyl chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H_2S)	10
Total reduced sulfur (including H_2S)	10
Reduced sulfur compounds (including H_2S)	10
Chromium	0.2
MWC organics (Municipal Waste Combuster measured as total tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans)	3.5×10^{-6}
MWC metals (measured as particulate matter)	15
MWC acid gases (measured as SO_2 and HCl)	40

B. "Notwithstanding Chapter 100.144.A, significant means any emission rate of a new major source which would construct within ten (10) kilometers of a Class I area and have an impact on such area equal to or greater than one (1) microgram per cubic meter ($\mu g/m^3$) (24-hour average).

C. Notwithstanding Chapter 100.144.A, significant means any emission rate or any net emission rate increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 ug/m^3 (24 hour average).

D. In addition to Chapter 100.144.A, significant means, in reference to a net emission increase or the potential of a source to emit a pollutant subject to regulation under the act that is not listed in Chapter 100.140.A or regulated under Title III of the CAA, any emission rate.

147. Significant impact. "Significant impact" means the contribution for all regulated pollutants which is equal to or greater than, or may reasonably be expected to be equal to or greater than, the levels shown below for the respective averaging times:

Averaging Time

Pollutant	Annual	24-Hr	8-Hr	3-Hr	1-Hr
SO_2	1.0 $\mu g/m^3$	5 $\mu g/m^3$		25 $\mu g/m^3$	
PM_{10}	1.0 $\mu g/m^3$	5 $\mu g/m^3$			
TSP	1.0 $\mu g/m^3$	5 $\mu g/m^3$			
NO_2	1.0 $\mu g/m^3$				
CO			500 $\mu g/m^3$		2000 $\mu g/m^3$

These significant impact levels are only applicable to Class II areas. The Department may require modeling of impacts in Class I areas beyond the significant impact area.

148. Significant impact area. "Significant impact area" is a circular area with a radius extending from the source to the most distant point where approved dispersion modeling predicts a significant impact will occur, or a modeling receptor distance of fifty (50) kilometers (km), whichever is less. The significant impact area used for the air quality analysis of a particular regulated pollutant is the largest area of all averaging periods modeled as determined for that regulated pollutant.

149. Six (6) minute block average for Continuous Opacity Monitors (COM). "Six minute (6) block average for Continuous Opacity Monitors (COM)" means a set of 36 or more readings of opacity equally spaced over a six minute period. The six minute periods start at the top of each hour. There are 10 distinct block averages in each hour. Each six minute block average is determined by dividing the sum of the readings by the number of readings taken in that six minute period.

150. Solvent. "Solvent" means a substance that is liquid at standard conditions and is used to dissolve or dilute another substance; this term includes, but is not limited to, organic materials used as dissolvers, viscosity reducer, degreasing agents, or cleaning agents.

151. Source. "Source" means any building, structure, facility, or installation which emits or may emit any regulated pollutant.

152. Stack. "Stack" means any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct, but not including flares.

153. Standard atmospheric conditions. "Standard atmospheric conditions" means a temperature of 20 degrees Celsius (68 degrees Fahrenheit) and pressure of 760 millimeters of Mercury (Hg) (29.92 inches Hg).

154. Tank truck. "Tank truck" means any truck or trailer used for the transport of gasoline from a stationary gasoline storage tank at a bulk gasoline terminal or bulk gasoline plant to another stationary storage tank at another bulk gasoline plant, bulk gasoline terminal, or gasoline dispensing facility.

155. Temporary source. "Temporary source" means a source which changes location to another site at least once during any five (5) year license period. No Title IV source shall be licensed as a temporary source.

156. Title IV source. "Title IV source," shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.

157. Title IV unit. "Title IV unit," shall have the meaning given to it in the regulations promulgated under Title IV of the CAA.

158. Title I Modification. "Title I Modification" has the same definition pursuant to this Chapter as Major Modification.

159. Total Suspended Particulate (TSP). "Total Suspended Particulate" means particulate matter as measured by the method described in 40 CFR Part 50, Appendix B. (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (Hi-Volume Method)).

160. True vapor pressure. "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks, 1962.

161. Vapor control system. "Vapor control system" means any system that contains, collects, absorbs or condenses the gasoline vapors displaced from gasoline tank trucks as the trucks are being loaded with gasoline at the loading rack of a bulk gasoline terminal.

162. Virgin oil. "Virgin oil" means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.

163. Visibility impairment. "Visibility impairment" means any humanly perceptible change in visibility in terms of visual range, contrast, or coloration from that which would have existed under natural conditions. Natural conditions include naturally occurring phenomena that reduce visibility in terms of visual range, contrast or coloration.

164. Volatile Organic Compounds (VOC). "Volatile Organic Compounds" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

A. This definition excludes the following organic compounds which have been determined to have negligible photochemical reactivity:

methane;
ethane;
acetone;
perchloroethylene (PCE);
parachlorobenzotriflouride;
cyclic, branched, or linear completely methylated siloxanes;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (CFC-22);
trifluoromethane (HFC-23);
1,1-difluoro-1-chloro-2,2-difluoro-2-chloroethane (CFC-114);
chloropentafluoroethane (CFC-115);

1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
difluoromethane (HFC-32);
ethylfluoride (HFC-161);
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC-245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
1,1,1,3,3-pentaflurobutane (HFC-365mfc);
chlorofluoromethane (HCFC-31);
1-chloro-1-fluoroethane (HCFC-151a);
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$) (known as HFE-7100);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$) (known as HFE-7200);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);
methyl acetate;
1,1,1,2,2,3,3,heptaflouro-3-methoxy-propane (n-C3F7OCH3) (known as HFE-7000);
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecaflouro-2-(triflouromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381);
1,1,1,2,2,3,4,5,5,5,-decaflouro-3-methoxy-4-trflouromethyl-pentane (known as HFE-7300, or L-14787, or $C_2F_5CF(OCH_3)CF(CF_3)_2$);
1,1,1,2,3,3,3- heptaflouropropane (known as HFC 227ea);
methyl formate (HCOOCH3) and
perfluorocarbon compounds which fall into these classes:
cyclic, branched, or linear, completely fluorinated alkanes;
cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and;
sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
dimethyl carbonate
propylene carbonate

B. T-butyl acetate (known as tertiary butyl acetate) shall not be a volatile organic compound for the purposes of emissions limitations or content requirements, but shall continue to be a volatile organic compound for the purposes of all recordkeeping, emissions reporting, photochemical

dispersion modeling, and inventory requirements and shall be uniquely identified in emission reports.

For purposes of determining compliance with emissions limits, VOC shall be measured by the test methods specified under the Department's regulations or 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds shall not be considered VOC if the amount of such compounds can be and is accurately quantified. As a precondition to excluding these compounds for purposes of determining compliance with an emission standard, the Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Department the amount of negligibly-reactive compounds in the source's emissions.

165. VOC incinerator. "VOC incinerator" means a combustion apparatus in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned and from which the solid and gaseous residues contain little or no combustible material.

166. Waste. "Waste" means refuse, garbage, rubbish, trash or unwanted or discarded materials of any kind and source which shall be classified as follows:

A. Type 0 - Trash, a mixture of highly combustible waste such as paper, cardboard cartons, wood boxes and combustible floor sweepings, from commercial and industrial activities. The mixtures contain up to ten (10)% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains about ten (10)% moisture and five (5)% incombustible solids and has a heating value of approximately 8500 British thermal units (BTU) per pound as fired;

B. Type 1 - Rubbish, mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings, from domestic, commercial and industrial activities. The mixture contains up to twenty (20)% by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes. This type of waste contains about 25% moisture and 10% incombustible solids and has a heating value of approximately 6500 BTU per pound as fired;

C. Type 2 - Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to fifty (50)% moisture, seven (7)% incombustible solids, and a heating value of approximately 4300 BTU per pound as fired;

D. Type 3 - Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and like installations. This type of waste contains up to seventy (70)% moisture, and up to five (5)% incombustible solids and has a heating value of approximately 2500 BTU per pound as fired;

E. Type 4 - Human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources, consisting of up to 85% moisture, five (5)% incombustible solids and having a heating value of approximately 1000 BTU per pound as fired;

F. Type 5 - By-product waste, gaseous, liquid or semi-liquid such as tar, paints, solvents, sludge, fumes, etc. BTU values must be determined by the individual materials to be destroyed;

G. Type 6 - Solid by-product waste, such as rubber, plastics, contaminated wood waste, etc. BTU values must be determined by the individual materials to be destroyed; and

H. Type 7 - Infectious Waste - Commonly referred to as red bag waste, this includes surgical, obstetrical, biological, isolation, blood and blood product, renal dialysis, serums and vaccines, laboratory, and "sharps" (potentially infectious articles that may cause punctures or cuts, including intravenous tubes with needles attached) waste. Also included are animal carcasses and body parts, bedding and other wastes from animals re-exposed to pathogens and human tissues and anatomical parts which emanate from surgery, surgical procedures, autopsy, and laboratory. This term shall not include radiologically contaminated materials.

NOTE: This definition will be modified to conform to that contained within regulations promulgated by the Department's Bureau of Remediation and Waste Management.

AUTHORITY: 38 MRSA § 585-A

EFFECTIVE DATE: January 31, 1972
Amended: May 7, 1979
Amended: December 24, 1979
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Amended: July 11, 1994
Amended: October 28, 1995
Amended: October 6, 1996
Amended: September 14, 1998
Amended: September 21, 2001
Amended: May 18, 2003
Amended: July 6, 2004
Amended: December 24, 2005
Amended: October 4, 2009

BASIS STATEMENT

The basis of this regulation are those concepts and ideas used in air pollution control regulations and that need special definition to aid in the understanding of those regulations.

BASIS STATEMENT FOR AMENDMENT OF JULY 13, 1988

This amendment updates regulatory definitions for terms used throughout other regulations amended as of July 13, 1988. The amendment redefines the terms "source" and "modification" and includes new

definitions related to the protection of visibility. These changes make the applicable definitions more consistent with the corresponding federal definitions.

BASIS STATEMENT FOR AMENDMENT OF SEPTEMBER 27, 1989

This amendment includes minor changes needed for consistency with corresponding federal definitions. No comments on the proposed changes were received by the Department.

BASIS STATEMENT FOR AMENDMENT OF JUNE 13, 1990

This regulation was amended to implement a federally mandated nitrogen oxide (NO_X) increment program in the State of Maine. As part of the Prevention of Significant Deterioration Program, these amendments establish maximum increases in pollution concentrations allowed in an area above a determined baseline concentration. One commenter suggested minor changes to the definition of "baseline concentration" for clarification and the additional amendment of the definition of "net emissions increase" to clarify how nitrogen oxide increments would be handled. Both comments were accepted and appropriate changes made. Another commentator expressed concern that the definition of "baseline concentration" should be consistent with the federal definition. Federal definition allows those sources which have received an air emission license prior to February 8, 1988, but do not have three years of operational data, to use "allowable emissions" in the baseline concentration. This policy could significantly increase the actual baseline concentration in an area and result in an inconsistent treatment of sources. The proposed amendment requires these affected sources to determine "actual" baseline concentration after the source is in operation for three years. In the interim, the source should use allowable emissions in determining baseline concentration. The proposed amendment treats all sources in a more fair and equitable manner.

BASIS STATEMENT FOR AMENDMENT OF NOVEMBER 26, 1991

This amendment adds or clarifies four definitions, PM_{10} emissions, particulate matter emissions, federally enforceable, and VOC. PM_{10} emissions and particulate matter definitions are required in order for EPA approval of the Presque Isle Group I PM_{10} State Implementation Plan. EPA commented that additional compounds should be added to the VOC definition list of exempted compounds. Also, EPA recommended including specific test methods for PM_{10} emissions and particulate matter emissions definitions. EPA also proposed Method 202 for measuring CPM (condensable particulate matter) emissions from stationary sources. Since this new method when finally promulgated will represent an EPA recommendation, not a requirement, the State of Maine has chosen not to include this in the definitions.

BASIS STATEMENT FOR AMENDMENT OF JANUARY 6, 1993

In the State of Maine, nine counties are classified as nonattainment for the federal ozone air quality standard. Ground-level ozone formation is caused by various operations that emit volatile organic compounds (VOC). This amendment adds nineteen new definitions used in four new regulations for surface coating facilities, solvent degreasers, graphic arts and cutback asphalt. Under Section 184 of the Clean Air Act Amendments of 1990, the State of Maine must submit plans to control VOC from all sources covered by a Control Technique Guideline (CTG) issued before November 15, 1990.

BASIS STATEMENT FOR AMENDMENT OF NOVEMBER 10, 1993

This amendment adds the responsible official definition and clarifies the fugitive emissions definition, which are consistent with the Clean Air Act Amendments and reflect the addition of Chapter 137, Emission Statements. One comment was received concerning the fugitive emission definition and has been filed with the Secretary of State responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF JUNE 22, 1994

Amendments were made in response to two separate rulemaking procedures pertaining to the gasoline marketing rules and new source review requirements, which were adopted simultaneously by the Board of Environmental Protection on the same date. For the gasoline marketing rules, a change was made to the definition of leak, and the following definitions were added: bulk gasoline plant, gasoline, tank truck, and vapor control system. For the new source review requirements, the following definitions were added: curtailment, EPA, marginal ozone nonattainment area, nitrogen oxide (NO_X), NO_X, moderate ozone nonattainment area, nonclassified ozone nonattainment area, Ozone Transport Region, Reasonable further progress, serious ozone nonattainment area, shutdown and significant emissions increase. Changes were also made to the following existing definitions: federally enforceable, major modification, major source, nonattainment area, nonattainment pollutant, and significant emissions. And the definition for "stack" was relocated to its proper alphabetical location, and the following three definitions renumbered. In addition to this Basis Statement, the Department has filed with the Secretary of State two separate supplemental basis statements that summarize responses to representative comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF OCTOBER 11, 1995

Title V of the 1990 Clean Air Act Amendments and 40 CFR Part 70 established nationwide requirements for state operating permit programs. As part of the Department's dual-track operating permit program, this amendment revises and adds a number of new definitions used in the Chapter 115 Major and Minor Source Air Emission License Regulations and the Chapter 140 Part 70 Air Emission License Regulations. In addition to this Basis Statement, the Department has filed a supplemental basis statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF SEPTEMBER 11, 1996

These amendments were made in response to a separate rulemaking action on the Chapter 115, Major and Minor Source Air Emission License Regulations and changes in federal definitions. Chapter 100 was amended to clarify the federal enforceability of terms contained in Chapters 115 and 140, and clarify the definitions of: insignificant activities, major modification, modification, and best available retrofit technology (BART). In accordance with federal rulemaking activities, the definition of volatile organic compounds (VOC) was also amended to exempt perchloroethylene because it has been determined to have negligible photochemical activity. One comment was received concerning the definition of modification or modified source, and has been filed with the Secretary of State responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF AUGUST 26, 1998

This amendment will add 20 compounds to the list of compounds excluded from the definition of volatile organic compound (VOC) on the basis of their negligible contribution to ground level ozone formation. No comments were received at the hearing or during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF SEPTEMBER 10, 2001

This amendment revises and adds a number of new definitions used in the Chapter 115 Major and Minor Source Air Emission License Regulations and the Chapter 140 Part 70 Air Emission License Regulations. In addition to this Basis Statement, the Department has filed a supplemental basis statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF APRIL 17, 2003

This amendment revises or adds five definitions used in Chapter 101, Visible Emissions Regulation; fuel-burning equipment, fugitive emissions, general process source or general process equipment, recovery boiler, and six minute block average for Continuous Opacity Monitors (COM). No comments were received at the hearing or during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF JUNE 17, 2004

This amendment revises or adds five definitions to this Chapter: capture efficiency, facility, building, structure, or installation, North American Industry Class, Predictive Emission Monitoring Systems (PEMS), and Standard Industrial Classification (SIC) Code. No comments were received at the hearing or during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 1, 2005

This amendment changes the following definitions: affected states, commence construction, HAP or Hazardous Air Pollutant, opening burning, reconstruction of a major Part 70 Hap source, and significant emissions increase. The definition of shutdown is being deleted because it has different meanings in two of the Department's regulations. The Part 70 source definition clarifies that Presque Isle is no longer nonattainment for particulates. The definition of virgin oil has been added. The definition of volatile organic compound (VOC) excludes five compounds that have been shown to have negligible photochemical reactivity. Four of these compounds are exempt from all VOC control, recordkeeping and reporting requirements, while the fifth (t-butyl acetate) is not considered a VOC except for recordkeeping, emission reporting and inventory requirements. In addition to this Basis Statement, the Department has filed a supplemental basis statement with the Secretary of State that summarizes its responses to comments received during the comment period.

BASIS STATEMENT FOR AMENDMENTS OF AUGUST 20, 2009

This amendment will add 3 compounds to the list of compounds excluded from the definition of volatile organic compound (VOC) on the basis of their negligible contribution to ground level ozone formation. In addition to this Basis Statement, the Department has filed a supplemental basis statement with the Secretary of State that summarizes its responses to comments received during the comment period.