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DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE PREVENTION
BUSINESS COMPLIANCE DIVISION
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108

PROPOSED
AMENDMENTS TO
REGULATIONS 310 CMR 7.00
FOR THE CONTROL OF AIR POLLUTION
IN THE

BERKSHIRE AIR POLLUTION CONTROL DISTRICT
PIONEER VALLEY AIR POLLUTION CONTROL DISTRICT
MERRIMACK VALLEY AIR POLLUTION CONTROL DISTRICT
METROPOLITAN BOSTON AIR POLLUTION CONTROL DISTRICT
CENTRAL MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT
SOUTHEASTERN MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT

STATUTORY AUTHORITY
M.G.L. c. 111, Sections 1142A through 142M

Date: DECEMBER 1999

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Amend Appendix A of the regulations:

Additions are shown in *italic*

Deletions are shown in ~~strikeout~~

Amend Appendix A(1) Introduction

(1) Introduction. 310 CMR 7.00: *Appendix A* sets forth the Massachusetts preconstruction review program for stationary sources of air pollution (not including indirect sources) pursuant to sections 172(c)(5) and 173 of the Clean Air Act. A new major source or major modification *either that is* located in an area designated as nonattainment pursuant to section 107(d) of the Act, published at 40 CFR 81, for any National Ambient Air Quality Standards (NAAQS) for which the source or modification would be major *or that is major for volatile organic compounds or oxides of nitrogen* must meet the stringent conditions set forth in this appendix prior to receiving approval to construct. These conditions are designed to insure that the increased emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions (emission offsets) will be obtained from existing sources; and that there will be reasonable further progress toward achievement of the National Ambient Air Quality Standards (NAAQS).

Appendix A(2) Definitions

Add definition of Nonattainment Pollutant

Nonattainment Pollutant means an air pollutant (or precursor of the pollutant, as applicable) for which an area is designated nonattainment (as of the date on which a complete application is filed) pursuant to sec. 107(d) [Nonattainment Designations] of the Act or oxides of nitrogen (NO_x) or volatile organic compounds (VOC).

Amend (b) under the definition of Major Modification

(b) For the purpose of applying the requirements of 310 CMR 7.00 *Appendix A* to major stationary sources of NO_x ~~located in ozone nonattainment areas~~, any significant net emissions increase of NO_x is considered significant for ozone, in addition to any separate requirements for NO_x under part C or D of Title I of the Act; and

Amend (b) definition of Major Stationary Source

(b) For the purpose of applying the requirements of 310 CMR 7.00: *Appendix A* to major stationary sources of NO_x ~~located in ozone nonattainment areas~~, a stationary source that is major for NO_x is considered major for ozone, in addition to any separate requirements for NO_x under part C or D of Title I of the Act; and

Amend (f)5. of the definition of Net Emissions Increase

5. The unit was actually operated 1 or more years and emitted the **nonattainment pollutant** for which the decrease is being sought. Reductions of permitted emissions for units that were never operated cannot be considered creditable emissions decreases.

Delete the existing Appendix A(3)(b) and replace with:

- (b) The requirements of 310 CMR 7.00 *Appendix A* shall apply only to any new major stationary source or major modification that is major for either:
1. the pollutant (or precursor of the pollutant, as applicable) for which an area is designated nonattainment (as of the date on which a complete application is filed) pursuant to sec. 107(d) [Nonattainment Designations] of the Act if the stationary source or modification would be constructed in the designated nonattainment area, or
 2. oxides of nitrogen (NO_x) or volatile organic compounds (VOC).

Amend Appendix A(6)(b), (b)1., and (b)2.

(b) *For a new major stationary source or major modification located in a area that is not a nonattainment area, prior to commencing operation of any emission unit(s), for which offsets are required under 310 CMR 7.00: Appendix A (e.g. oxides of nitrogen or volatile organic compounds), emission offsets must actually occur and be obtained from the same source or other sources within the Ozone Transport Region. For a new major stationary source or major modification located in a nonattainment area, prior to commencing operation of any emission unit(s) for which offsets are required under 310 CMR 7.00: Appendix A, emission offsets must actually occur and be obtained from the same source or other sources in the same nonattainment area, except that such emissions reductions may be obtained from a source in another nonattainment area if:*

1. The other area has an equal or higher nonattainment classification than the area in which the source is located; and

2. Where the proposed new source or modified source is located in a nonattainment area, emissions from such other area contribute to a violation of a national ambient air quality standard in the nonattainment area in which the proposed new or modified source would construct.

Amend Appendix A(8)(c)

- (c) The Administrator has not determined that the Massachusetts SIP is not being adequately implemented for the nonattainment area (as applicable) in which the proposed stationary source or modification is to be constructed in accordance with the requirements of Part D of the Act.