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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

JULY 2009

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

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AMEND 310 CMR 7.00 by adding the following definitions:

APPLICABLE REQUIREMENT for the purposes of 310 CMR 7.02(12) means any emission limitation, standard, term, condition or other requirement provided for in a Department regulation, a plan approval, an emission control plan or other document issued by the Department pursuant to any regulation under 310 CMR 7.00 *et seq.*

12-MONTH PERIOD, 12-MONTH ROLLING PERIOD, ROLLING 12-MONTH PERIOD, CONSECUTIVE 12 MONTH TIME PERIOD or CONSECUTIVE 12 MONTH PERIOD means a consecutive rolling 12-month period over which emissions are calculated for the purpose described by the regulatory section in which this phrase appears. A rolling 12 month period is calculated monthly starting with the month just ended and counting back 12 months (e.g. December through the previous January, January through the previous February, February through the previous March, *etc.*).

Amend 310 CMR 7.02(4)(a)1.

1. Emission Increase of Less Than Ten Tons Per year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than one ton per year and less than ten tons per year, calculated over any consecutive 12 month time period.

Amend 310 CMR 7.02(4)(a)3.a.

a. The planned construction, substantial reconstruction, alteration or subsequent operation would increase potential emissions by equal to or greater than one ton per year but less than ten tons per year, calculated over any consecutive 12 month time period, over the emission limitation established by an existing plan approval, and

Amend 310 CMR 7.02(5)(a)1.

1. Emission Increase Greater than or Equal to Ten Tons Per Year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than ten tons per year, calculated over any consecutive 12 month time period.

Amend 310 CMR 7.02(5)(a)6.

6. Aggregated De Minimis Emission Increases. Any facility where the sum of the incremental changes (less than one ton each) in potential to emit, calculated over any consecutive 12 month time period, equals or exceeds ten tons for any single criteria pollutant or any single non-criteria pollutant. (*see* 310 CMR 7.02(6))

Amend 310 CMR 7.02(5)(a)8.

8. Modification of Plan Approval Conditions. Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00, that requires a modification to a condition of any plan approval issued by the Department due to an increase in potential emissions equal to or greater than ten tons per year (calculated over any consecutive 12 month time period),

over the emission limitation established by plan approval. The increase in potential emissions shall be calculated in accordance with 310 CMR 7.02(5)(b).

Amend 310 CMR 7.02(6)(a)1.

1. Any person who owns or operates a facility shall track emission increases as defined below over any consecutive 12 month time period which includes a particular emission increase in order to determine if plan approval is required pursuant to 310 CMR 7.02(5)(a)6.

Amend 310 CMR 7.02(8)(a). Emission Limitations in Plan Approvals

2. Best Available Control Technology (BACT). BACT is required of all LPA approvals and CPA approvals. In no case will BACT be less stringent than any applicable emissions limitation contained in a Department regulation (*e.g.*, 310 CMR 7.05, 7.18, 7.19, 7.24, 7.26 or 7.29) or federal regulation (*e.g.*, 40 CFR 60, 61 or 63). BACT may include a design feature, equipment specification, work practice, operating standard or combination thereof. (*See* Definition of BACT in 310 CMR 7.00.) Applicants shall identify BACT for their specific application using a top-down BACT analysis. Refer to Department guidance for conducting a top-down BACT analysis. In lieu of an emission-unit-specific top-down BACT analysis, an applicant may propose an emission control limitation by using one or more of the following approaches:

- a. Propose a level of control from the most recent plan approval or other action issued by the Department (Top Case BACT).
- b. Propose a combination of best management practices, pollution prevention, and a limitation on the hours of operation and/or raw material usage. This approach is only available if the proposed allowable emissions, calculated over any consecutive 12 month time period, are:
 - i. Less than 18 tons VOC and HOC combined;
 - ii. Less than 18 tons of total organic material HAP; *and*
 - iii. Less than 10 tons of a single organic material HAP.
- c. Notwithstanding 310 CMR 7.02(8)(a)2.a. and b. above, the Department may consider any other information in determining BACT for any given plan application and approval.

Amend 310 CMR 7.02(8)(a) by adding:

7. Plan Approvals under 310 CMR 7.02(7) or 7.02(5)(a)10. Any emission limitation required in such plan approval shall be sufficient to eliminate the potential to cause a condition of air pollution, even if said emission limitation is more stringent than an emission limitation that would otherwise be determined to be BACT.

Add 310 CMR 7.02(12) U Consolidation of Applicable Requirements

(12) U Consolidation of Applicable Requirements.

- (a) General. Any person who owns, leases, operates or controls a facility may apply to the Department to consolidate the facility's applicable requirements into a single plan approval to streamline the emission limitations, monitoring, emission testing, recordkeeping and reporting and other requirements as contained in the facility's plan

- approval(s), emission control plan(s) or other document(s) issued by the Department pursuant to any regulation under 310 CMR 7.00.
- (b) 310 CMR 7.02(12) is only for use when the facility is not subject to the Department's operating permit and compliance program, 310 CMR 7.00: Appendix C. If the facility subsequently becomes subject to the operating permit and compliance program, the requirements of the consolidated plan approval will be incorporated into the facility's operating permit.
- (c) When a consolidation application is made in conjunction with an application to construct, substantially reconstruct or alter the facility under 310 CMR 7.02(4) or (5), the decision concerning consolidation will be made under 310 CMR 7.02(12) following issuance of the plan approval.
- (d) Application Requirements. An application to consolidate the applicable requirements shall, at a minimum:
1. Be made on form(s) obtained from the Department or by other means prescribed by the Department.
 2. Be submitted in duplicate and signed by a responsible official.
 3. Contain the following information for each emission unit included in the application:
 - a. an emission-unit-by-emission-unit, side-by-side comparison of all requirements to which the emission unit is subject;
 - b. A determination of the most stringent emission limitations and/or performance standards and the documentation relied upon to make this determination;
 - c. A set of proposed terms and conditions which detail the most stringent emissions limitations and/or standards, appropriate monitoring and its associated recordkeeping and reporting, and such other proposed conditions as are necessary to assure compliance with all applicable requirements; and
 - d. A proposed schedule to implement any new monitoring/compliance approach relevant to a consolidated plan approval if the owner/operator of the facility requires additional time to implement the streamlined terms and conditions. The current record keeping, monitoring, and reporting requirements (applicable requirements) shall continue to apply until the new monitoring/compliance approach is operational.
- (e) Form of Approval. Any consolidated plan approval issued by the Department shall be in writing.
- (f) Conditions of Approval. A consolidated plan approval shall include:
1. A combination of production and/or operational limitations to ensure that emissions are limited by quantifiable and enforceable means.
 2. Emissions limitations and control requirements that are at least as stringent as those imposed by the facility's applicable requirements.
 3. A requirement to maintain records and conduct monitoring sufficient to demonstrate that emissions limitations and other applicable requirements are being achieved;
 4. Reporting on a schedule as determined by the Department;

5. A list of previously issued plan approvals, emission control plans and other documents addressing the applicable requirements of the emission units covered by the consolidated plan approval; and
6. Other conditions as deemed necessary by the Department based on the applicable requirements.

Add 310 CMR 7.02(13) - Administrative Amendment to a Plan Approval

(13) U Administrative Amendment to a Plan Approval.

- (a) An administrative amendment to a plan approval is required for the following:
 1. A change in the business name, facility name, mailing address, telephone number or name of the facility contact; or
 2. A change in the ownership of the facility that is subject to the plan approval; or
 3. An increase in the frequency of recordkeeping, monitoring, reporting or testing above that previously specified in the plan approval; or
 4. Where the Department or the owner/operator of the facility determines that a plan approval has typographical errors; or
 5. Other changes the Department determines are necessary for the effective administration of the Commonwealth's air pollution control program.
- (b) The Department or the owner/operator may propose an administrative amendment to a plan approval on Department forms or in a format provided by the Department.
 1. If the Department determines a plan approval should be amended, the Department will provide the owner/operator with a draft amended plan approval for review.
 2. If the owner/operator determines a plan approval should be amended, the owner/operator shall submit an application for an administrative amendment to the Department within 60 days of the change described in 310 CMR 7.02(13)(a).
- (c) The administrative amendment shall take effect 30 days after receipt by the owner/operator or the Department respectively, unless prior to the expiration of the 30 days:
 1. The owner or operator contests the administrative amendment in writing, or
 2. The Department disapproves the proposed amendment in writing.
- (d) In addition to complying with 310 CMR 7.02(13)(a) and (b), the owner/operator of a facility for which a final operating permit has been issued in accordance with the provisions of 310 CMR 7.00 Appendix C, shall comply with the Administrative Amendment procedures contained in 310 CMR 7.00 Appendix C (8).

Add 310 CMR 7.03(26)- Rock Crushing and Processing Operations - Existing Equipment Replacement

(26) Rock Crushing and Processing Operations - Existing Equipment Replacement

- (a) Applicability. On and after (*insert date of promulgation*), 310 CMR 7.03(26) shall apply to the replacement of equipment at a rock crushing and processing facility operating with a written plan approval from the Department under the provisions of 310 CMR 7.02.
- (b) Definitions. When used in 310 CMR 7.03(26) the following terms shall mean:
 1. Conveying Systems means a device for transporting materials from one piece of equipment or location to another piece of equipment or location.

2. Crusher means a machine used to crush nonmetallic minerals into smaller pieces, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.
 3. Dust Suppression System means a water spray system designed to minimize fugitive emissions throughout the rock crushing and processing operation.
 4. Rock Crushing and Processing Equipment means a combination of equipment that is used to crush and sort nonmetallic minerals including, but not limited to, crushers, screening operations, conveying systems, dust suppression systems, feeders, and wash systems.
 5. Screening Operation means a device for separating material according to size by passing undersized material through one or more mesh surfaces (screens) in series, and retaining oversized material on the mesh surfaces.
- (c) Equipment Replacement. An owner or operator may replace rock crushing and processing equipment under the provisions of 310 CMR 7.03(26) provided that:
1. The rock crushing and processing equipment was previously approved by the Department in writing under the provisions of 310 CMR 7.02 and said approval is valid at the time of equipment replacement, and
 2. Equipment replacement will not increase overall processing capacity or emissions (including noise) from the rock crushing and processing operation, and
 3. The owner or operator complies with the provisions of 310 CMR 7.03(26) in its entirety, and
 4. The rock crushing and processing operation shall be equipped with a dust suppression system that will limit opacity to less than 10% at all times, and
 5. The rock crushing and processing operation will be operated in accordance with all applicable conditions and limitations contained in the Department's plan approval for the original equipment.
- (d) Testing. Within seven days of recommencement of operation after completion of equipment replacement, visible emission observations shall be conducted for the rock crushing and processing operations in accordance with 40 CFR 60: *Appendix A, Method 9*, to verify compliance with 310 CMR 7.03(26)(c)4. above.
- (e) Record Keeping. Records documenting any equipment replacement as provided in 310 CMR 7.03(26) and of visible emission observations as required by 310 CMR 7.03(26)(d) shall be maintained on-site in accordance with the provisions of 310 CMR 7.03(6).
- (f) Reporting. Replacement of equipment shall be reported to the Department in accordance with the provisions of 310 CMR 7.03(5).
- (g) Duty to Comply. Compliance with the provisions of 310 CMR 7.03(26) does not obviate the need to comply with 40 CFR 60, Subpart OOO if applicable.