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Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Proposed Amendments to: **310 CMR 7.00 *Air Pollution Control***

December 13, 2019

Regulatory Authority:
M.G.L. c. 21A, §§ 2, 8 and 16, M.G.L. c. 21N, and
M.G.L. c. 111, §§ 2C and 142A – 142E

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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MASSDEP PROPOSED AMENDMENTS

A. Aerospace and QA/QC VOC Exemptions

310 CMR 7.00 Definitions

AEROSPACE MANUFACTURING AND REWORK OPERATIONS means manufacturing, rework, repair or specialized service (such as chemical milling, rather than actual component production or assembly), of an aerospace vehicle or component including, but not limited to, any fabricated part, processed part, assembly of parts, or completed unit of any aircraft including, but not limited to, airplanes, helicopters, missiles, rockets, and space vehicles. In general, aerospace manufacturing and rework facilities are covered by the SIC codes 3720, 3721, 3724, 3728, 3760, 3761, 3764, 3769, 4512, 4581 and 9711. However, facilities classified under other SIC codes may also perform operations that meet the definition of aerospace manufacturing and rework operations.

310 CMR 7.18 U Volatile and Halogenated Organic Compounds

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(11) U Surface Coating of Miscellaneous Metal Parts and Products

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(b) Exemptions.

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5. The requirements of 7.18(11)(d)2. and 3., and (e) do not apply to aerospace manufacturing and rework operations.

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(21) U Surface Coating of Plastic Parts

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(b) Exemptions.

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6. The requirements of 7.18(21)(d) and (e) do not apply to aerospace manufacturing and rework operations.

(31) U Industrial Cleaning Solvents

...

(b) Exemptions.

1. The requirements of 310 CMR 7.18(31)(d) do not apply to:

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d. cleaning conducted as part of the following:

i. performance laboratory tests on coatings, adhesives, or inks;

ii. research and development programs; **and**

iii. laboratory tests in quality assurance laboratories, excluding commercial laboratories that provide laboratory services for third parties; and

iv. quality assurance / quality control cleaning activities in manufacturing processes;

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1. cleaning operations associated with aerospace manufacturing and rework operations, including operations subject to the requirements of 40 CFR part 63 subpart GG, National Emissions Standards for Aerospace Manufacturing and Rework Facilities.

B. Electronic Notice of Proposed Permit Decisions

310 CMR 7.02: U Plan Approval and Emission Limitations

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(3) General Requirements for Plan Approval

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(i) General Comment Procedures. For each plan application subject to 310 CMR 7.02(3)(h), the Department shall:

1. Provide a 30-day period for submittal of public comment;
2. Post on a public website identified by the Department (which may be the Department's website) for the duration of the public comment period, the following:
 - a. Notice of availability of the Department's proposed decision to approve or deny the plan application and information on how to submit public comment;
 - b. The Department's proposed decision to approve or deny the plan
 - c. Information on how to access the administrative record for the Department's proposed decision to approve or deny the plan application.
3. Send a copy of the notice required in 310 CMR 7.02(3)(i)2.a. to EPA.

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(9) Restricted Emission Status (RES).

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(g) Notification and Public Comment. The following public review process shall apply to all proposed restricted emission status (RES) if they are to be federally enforceable.

1. After notification of receipt of a technically complete application the Department shall issue either a disapproval of the application and notify the applicant and EPA of said disapproval; or, issue a proposal that the application be approved or approved with conditions.
2. If the Department proposes to approve the application or approve the application with conditions it shall:

~~a. Make available, in at least one location in the region in which the facility is located, a copy of all nonconfidential materials the applicant submitted, a copy of the proposed restricted emission status, a copy of the proposed approval or approval with conditions, and a copy or summary of other materials, if any, considered in making the proposed decision.~~

~~b. Notify the public of the Department's proposed action and availability of all related materials, by advertisement in a newspaper having wide circulation in the area of the facility applying for a permit restriction and allow not less than 30 days for public comment.~~

a. Provide a 30-day period for submittal of public comment;

b. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:

i. Notice of availability of the Department's proposed decision to approve or deny the application and information on how to submit public comment;

ii. The Department's proposed decision to approve or deny the application;

iii. Information on how to access the administrative record for the Department's proposed decision to approve or deny the application

iv. Send a copy of the notice required under 310 CMR 7.02(9)(g)2.b.i. to EPA.

c. Send a copy of the notice of public comment to the applicant, the EPA, and officials, and agencies having jurisdiction over the community in which the facility is located, including local air pollution control agencies, chief executives of said community, and any regional land use planning agency.

~~d. Consider all public comments in making a final decision on the proposed restricted emission status. The Department shall make all comments received available for public inspection in the same location(s) as all materials related to the Department's proposed restricted emission status has been made available.~~

~~ed.~~ Make a final determination whether the restricted emission status application should be approved or approved with conditions.

~~fe.~~ Notify the applicant and EPA in writing of the final determination and send a copy of the final restricted emission status RES approval or approval with conditions.

310 CMR 7.08: U Incinerators

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(2) Municipal Waste Combustors

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(j) Emission Control Plan

1. General Applicability. Any person subject to 310 CMR 7.08(2) shall submit an emission control plan (ECP) application to the Department on or before September 9, 2018 on a form provided by the Department to include new or amended applicable requirements in 310 CMR 7.08(2)(f). ~~All-emission-control plan~~ ECP applications are subject to fee regulations and approval timelines contained in 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*.

2. Emission Control Plan Requirements. The requirements of the ~~emission control plan~~ ECP are contained in the ~~emission-control-plan-ECP~~ application but at a minimum, the ECP shall contain sufficient information (e.g. control efficiency, specifications, standard operating and maintenance procedures) for any control equipment used to comply with 310 CMR 7.08.

3. Compliance Demonstration. Any person subject to 310 CMR 7.08(2) must include in the ~~emission control plan~~ ECP application an affirmative demonstration that any facility(ies) in Massachusetts owned and operated by such persons (or by an entity controlling, controlled, by or under common control with such person) that is subject to 310 CMR 7.00 and 310 CMR 19.00: *Solid Waste Management* is in compliance with, or on a Department approved compliance schedule to meet, all provisions of 310 CMR 7.00 and 310 CMR 19.00 and any plan approval, order, notice of noncompliance or permit issued thereunder;

4. Public Comment on Emission Control Plans.

a. Upon receipt of an ~~emission control plan~~ ECP application the Department will ~~publish-post~~ a notice of public hearing ~~in accordance with M.C.L. c. 30A: on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period.~~ The public hearing will be held 30 days after the publication of the hearing notice. The Department shall allow for a 30-day public comment period following the published notice

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c. Upon issuance of the draft emission control plan approval, the Department shall: ~~publish a notice of public comment in accordance with M.G.L. c. 30A. The Department shall allow for a 30-day public comment period following the published notice.~~

i. Provide a 30-day period for submittal of public comment;

ii. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:

a. Notice of availability of the Department's proposed decision to approve or deny the ECP application and information on how to submit public comment;

b. The Department's proposed decision to approve or deny the ECP application;

c. Information on how to access the administrative record for the Department's proposed decision to approve or deny the ECP application.

iii. Send a copy of the notice required under 310 CMR 7.08(2)(j)4.c.ii.a. to EPA.

d. After the close of the public comment period, the Department will issue a final approval or disapproval of the emission control plan.

5. Additional Requirements. Additional requirements may be included in the ~~emission control plan~~ approval if the Department determines that the emissions from a municipal waste combustor plant's unit(s) alone or cumulatively with other municipal waste combustor plant's unit(s) cause or contribute to a condition of air pollution or a violation of any other regulation. Such requirements include but are not limited to, emission limits on air contaminants, and additional stack testing or emission monitoring requirements.

The Department may modify the ~~emission control plan ECP~~ at any time if the Department determines that a municipal waste combustor plant's unit(s) alone or cumulatively with other municipal waste combustor plant's unit(s) cause or contribute to a condition of air pollution or a violation of any other regulation. Such modification must comply with the requirements in 310 CMR 7.08(2)(j)7. 6. Compliance Schedule. The ~~emission control plan ECP~~ shall incorporate a compliance schedule that at a minimum contains the requirements in 310 CMR 7.08(2)(k).

7. Modification to the ECP.

a. If the Department proposes to modify a municipal waste combustor plant's emission control plan, the Department shall: ~~publish a notice of public comment in accordance with M.G.L. c. 30A detailing the proposed modification. The Department shall allow for a 30-day public comment period following the published notice. The Department will modify the emission control plan after the close of the public comment period.~~

i. Provide a 30-day period for submittal of public comment;

ii. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:

a. Notice of availability of the Department's proposed decision to approve or deny the ECP modification and information on how to submit public comment;

b. The Department's proposed decision to approve or deny the ECP modification;

c. Information on how to access the administrative record for the Department's proposed decision to approve or deny the ECP modification.

iii. Send a copy of the notice required under 310 CMR 7.08(2)(j)7.a.ii.a. to EPA.

b. After the close of the public comment period, the Department will issue a final approval or disapproval of the modified ECP.

310 CMR 7.18: U Volatile and Halogenated Organic Compounds

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(20) Emission Control Plans for Implementation of Reasonably Available Control Technology.

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(e) Approval of an Emission Control Plan by the Department.

1. For persons not subject to 310 CMR 7.18(2)(b), (c), or (17) the Department ~~will~~ shall, within the timetables established in 310 CMR 4.10, issue a final approval or disapproval of the ~~plan ECP~~.

2. For persons subject to 310 CMR 7.18(2)(b), (c), or (17) for each ECP application where the information submitted ~~in the emission control plan subject to 7.18(20)e.2.~~ is sufficient to support both the determination of RACT and the proposed schedule; the Department shall: ~~will, within the timetables established in 310 CMR 4.10, publish a notice of public hearing in accordance with M.G.L. c.~~

~~30A. After the public hearing and the close of the public comment period, the Department will, within the timetables established in 310 CMR 4.10, issue a final approval or disapproval of the emission control plan:~~

- ~~a. Provide a 30-day period for submittal of public comment~~
- ~~b. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:~~
 - ~~i. Notice of availability of the Department's proposed decision to approve or deny the ECP application and information on how to submit public comment;~~
 - ~~ii. The Department's proposed decision to approve or deny the ECP application;~~
 - ~~iii. Information on how to access the administrative record for the Department's proposed decision to approve or deny the ECP application.~~
- ~~c. Send a copy of the notice required under 310 CMR 7.18(20)(e)2.b.i. to EPA.~~

310 CMR 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x)

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(3) Emission Control Plans for Implementation of RACT.

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(d) Approval of an Emission Control Plan. For persons applying under 310 CMR 7.19(2)(b) or (4)(c) or (12) or (14), for each ECP application where the information submitted subject to 310 CMR 7.19(3)(d) in the emission control plan is sufficient to support the emissions limits and the proposed schedule, the Department ~~shall~~ ~~will~~ ~~publish a notice of public hearing in accordance with M.G.L. c. 30A. The Department shall allow for a 30 day public comment period following the published notice. After the public hearing and the close of the public comment period, the Department will issue a final approval or disapproval of the emission control plan.~~

- 1. Provide a 30-day period for submittal of public comment
 - 2. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:
 - a. Notice of availability of the Department's proposed decision to approve or deny the ECP application and information on how to submit public comment;
 - b. The Department's proposed decision to approve or deny the ECP application;
 - c. Information on how to access the administrative record for the Department's proposed decision to approve or deny the ECP application.
 - 3. Send a copy of the notice required under 310 CMR 7.19(3)d.2.a. to EPA.
- After the close of the public comment period, the Department shall issue a final approval or disapproval of the ECP.

310 CMR 7.29 Emissions Standards for Power Plants

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(6) Emission Control Plans, Compliance Paths and Compliance Dates.

... ~~(e) Public Comment. If the Department proposes to approve an emission control plan or approve a plan with conditions, the Department shall issue a draft emission control plan approval. Upon issuance, the Department will publish a notice of public hearing and comment on the draft emission control plan approval, in accordance with M.G.L. c. 30A, at least 30 days before the public hearing.~~

(e) Public Comment. For each ECP application submitted pursuant to 310 CMR 7.29(6), the Department shall:

1. Provide a 30-day period for submittal of public comment;

2. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:

a. Notice of availability of the Department's proposed decision to approve or deny the ECP application and information on how to submit public comment;

b. The Department's proposed decision to approve or deny the ECP application;

c. Information on how to access the administrative record for the Department's proposed decision to approve or deny the ECP application.

3. Send a copy of the notice required under 310 CMR 7.29(6)(e)2.a. to EPA.

(f) Approval of the Emission Control Plan.

1. After the close of the public comment period, and consideration of any public comments, the Department shall issue a disapproval of the emission control plan, a final approval of the ~~emission control plan ECP~~, or a final approval of the ~~emission control plan ECP~~ with conditions, based on whether the ~~emission control plan ECP~~ as submitted meets the requirements of 310 CMR 7.29.

2. Upon final approval of an ~~emission control plan ECP~~, any person who owns, leases operates or controls an affected facility shall implement and comply with the approved ~~emission control plan ECP~~.

(g) Modification to an Affected Facility's Operating Permit. For any person who owns, leases, operates or controls an affected facility's operating permit, will be modified upon approval of the ~~emission control plan ECP~~ in accordance with the procedures in 310 CMR 7.00: Appendix C (8). No additional application fee is necessary to modify the operating permit at the same time the ~~emission control plan ECP~~ is approved.

(h) Modifications to an Affected Facility's Emission Control Plan.

1. Any person subject to 310 CMR 7.29 may propose amendments to the approved ~~emission control plan ECP~~. If the Department proposes to approve such amendments, or approve such amendments with conditions, then the Department ~~shall will publish a notice of public comment on the draft approval, in accordance with M.G.L. c. 30A. The Department will allow a 30 day public comment period following publication posting of the notice, and may hold a public hearing.~~ Modifications to an affected facility's monitoring system approved pursuant to the requirements of 40 CFR Part 72 are not subject to such public comment prior to approval.

- a. Provide a 30-day period for submittal of public comment;
- b. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:
 - i. Notice of availability of the Department's proposed decision to approve or deny the ECP application and information on how to submit public comment;
 - ii. The Department's proposed decision to approve or deny the ECP application;
 - iii. Information on how to access the administrative record for the Department's proposed decision to approve or deny the ECP application.
- c. Send a copy of the notice required under 310 CMR 7.29(6)(h)1.b.i. to EPA.

Modifications to an affected facility's monitoring system approved pursuant to the requirements of 40 CFR Part 72 are not subject to such public comment prior to approval.

2. For the purposes of evaluating system performance, testing new technology or control technologies, diagnostic testing, or other related activities that are anticipated to reduce air pollution or advance the state-of-the-art technology for controlling facility mercury emissions, the Department may issue an ECP approval in the form of a limited amendment to the ECP for a limited period of time for the purpose of achieving compliance with the requirements of 310 CMR 7.29(5)(a)3.e. and f. The Department approval will detail the duration of the time period. The Department ~~will publish~~ shall post a notice of public comment on the draft approval in accordance with the requirements of 310 CMR 7.29(6)(e)2. And 3. The Department ~~will allow~~ shall provide a ten day public comment period following publication of the notice, and may hold a public hearing.

310 CMR 7.00 Appendix A: Emission Offsets and Nonattainment Review

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(9) Public Participation.

(a) The Department shall notify all applicants as to any administrative or technical deficiencies in the plan approval application or information submitted.

(b) After receipt of a technically complete application the Department shall:

1. Make a proposed decision as to whether the plan approval application shall be approved, approved with conditions, or disapproved.

~~2. Make available, in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the proposed decision, and a copy or summary of other materials, if any considered in making the proposed decision.~~

~~3. Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed of the opportunity for comment at a public hearing in accordance with the provisions of M.G.L. c.30A§2. As well as of the opportunity to submit written public comment to the Department.~~

2. Provide a 30-day public comment period for submittal of public comment;
3. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:

- a. A notice of availability of the Department's proposed decision to approve or deny the plan approval and information on how to submit public comment;
- b. The Department's proposed decision to approve or deny the plan approval;
- c. Information on how to access the administrative record for the Department's proposed decision on whether to approve or deny the plan approval application.

4. Send a copy of the notice ~~of public comment required under 310 CMR 7.00: Appendix A(9)(b)3.a.~~ to the applicant, the EPA, and officials and agencies having jurisdiction over the location where the proposed construction would occur as follows: any other State or local air pollution control agencies, the chief executives of the city where the source would be located; any comprehensive regional land use planning agency, and any Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.

5. Consider all comments (written and oral) submitted at any public hearing(s) in making a final decision on the approvability of the application. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modifications.

310 CMR 7.00 Appendix B: U Emission Banking, Trading, and Averaging

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(6) Public Participation. The following conditions apply to the applications under 310 CMR 7.00 Appendix B:

(a) For any persons applying under 310 CMR 7.00: Appendix B(4) to comply with either 310 CMR 7.18 or 7.19, the ~~emission control plan-ECP~~ approved by the Department must be approved by EPA as a SIP revision if EPA has not approved 310 CMR 7.00: Appendix B(4) as part of the Massachusetts SIP.

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(d) For each Emission Reduction Credit (ERC) application submitted pursuant to 310 CMR 7.00: Appendix B(3) or (4), the Department shall: After receipt of a technically complete application the Department shall:

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~~2. Make available, in at least one location in the region in which the facility is located, a copy of all non-confidential materials the applicant submitted, a copy of the proposed approval, and a copy or summary of other materials, if any, considered in making the proposed approval.~~

~~3. For persons owning or operating a facility applying under either 310 CMR 7.00: Appendix B(3) or (4), the Department will publish a notice of public hearing in accordance with M.G.L. c. 30A. The Department shall allow for a 30 day~~

~~public comment period following the published notice. After the public hearing on a proposed approval and the close of the public period the Department will issue a final approval or disapproval.~~

~~2. Provide a 30-day comment period for submittal of public comment.~~

~~3. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:~~

~~a. A notice of availability of the Department's proposed decision to approve or deny the ERC application and information on how to submit public comment;~~

~~b. The Department's proposed decision to approve or deny the ERC application;~~

~~c. Information on how to access the administrative record for the Department's proposed decision on whether to approve or deny the ERC application.~~

~~4. Send a copy of the notice required under 310 CMR 7.00: Appendix B(6)(d)3.a. to EPA.~~

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310 CMR 7.00: Appendix C: Operating Permit and Compliance Program

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(6) Permit Review by the Public, EPA and Affected States.

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~~(b) Notice of the availability of a draft permit shall be given by publication:~~

~~1. In a newspaper of general circulation in the area where the facility is located.~~

~~2. In a state publication designed to give general public notice.~~

~~3. To persons on a mailing list developed by the Department.~~

~~4. To persons who request in writing to be on the mailing list; and~~

~~5. By any other means the Department finds necessary to assure adequate notice to the affected public.~~

(b) For each draft initial operating permit, significant modification or renewal of an operating permit pursuant to 310 CMR 7.00: Appendix C(2), the Department shall:

1. Post on a public website identified by the Department (which may be the Department's own website), for the duration of the public comment period, the following:

a. A notice of availability of the Department's draft initial operating permit, significant modification or renewal of an operating permit and information on how to submit public comment;

b. The Department's draft initial operating permit, significant modification or renewal of an operating permit;

c. Information on how to access the administrative record for the Department's draft initial operating permit, significant modification or renewal of an operating permit.

2. Give notice to persons on a mailing list developed by the Department using generally accepted methods (e.g., hyperlink sign-up function or radio button on a

Department website, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to a mailing list. The Department may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Department may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe.

(c) The notice shall identify:

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6. The name, address, and telephone number of a person (or an email or website address) from whom interested persons may obtain additional information, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available that are relevant to the permit decision;

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(13) Renewals.

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(b) Applications for renewal of operating permits are subject to the same requirements for public participation and EPA and affected state(s) oversight that apply to initial permit applications (310 CMR 7.00: Appendix C ~~(5)~~(6).

C. Surface Coating Alternative VOC Emissions Standards Clarification

310 CMR 7.18 U Volatile and Halogenated Organic Compounds

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(3) U Metal Furniture Surface Coating.

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(d) Reasonably Available Control Technology Requirements.

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2. Any person subject to 310 CMR 7.18(3)(a)2. shall limit VOC emissions by using only coatings having a VOC content no greater than the emission limitations listed in Tables 310 CMR 7.18(3)(d)2.a. (low-VOC coatings to meet the mass of VOC per volume of coating less water and exempt compounds, as-applied, limits) or b. (low-VOC coatings or a combination of coatings and add-on control equipment on a coating unit to meet the mass of VOC per volume of coating solids limits) or by complying with the requirement in 310 CMR 7.18(3)(d)3...

(5) U Large Appliance Surface Coating

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(d) Reasonably Available Control Technology Requirements.

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2. Any person subject to 310 CMR 7.18(5)(a)2. shall limit VOC emissions by using only coatings having a VOC content no greater than the emission limitations listed in Tables 310 CMR 7.18(5)(d)2.a. (low-VOC coatings to meet the mass of VOC per volume of coating less water and exempt compounds, as-applied, limits) or b. (low-VOC coatings or a combination of coatings and add-on control equipment on a coating unit to meet the mass of VOC per volume of

coating solids limits) or by complying with the requirement in 310 CMR 7.18(5)(d)3...

(11) U Surface Coating of Miscellaneous Metal Parts and Products

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(d) Reasonably Available Control Technology Requirements.

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2. Any person subject to 310 CMR 7.18(11)(a)2. or 3. shall limit VOC emissions by using only coatings having a VOC content no greater than the emission limitations listed in Tables 310 CMR 7.18(11)(d)2.a., ~~c. and through~~ d. (low-VOC coatings to meet the mass of VOC per volume of coating less water and exempt compounds, as-applied, limits) or b. and c. (low-VOC coatings or a combination of coatings and add-on control equipment on a coating unit to meet the mass of VOC per volume of coating solids limits), or by complying with the requirement in 310 CMR 7.18(11)(d)3...

(21) Surface Coating of Plastic Parts

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(d) RACT Emissions Limitations.

1. Any person subject to 310 CMR 7.18(21)(a)1. or 2. shall limit VOC emissions by using only coatings having a VOC content no greater than the emission limitations listed in Tables 310 CMR 7.18(21)(d)1.a. through e. (low-VOC coatings to meet the mass of VOC per volume of coating less water and exempt compounds, as-applied, limits, or low-VOC coatings or a combination of coatings and add-on control equipment on a coating unit to meet the mass of VOC per volume of coating solids limits) or by complying with the requirement in 310 CMR 7.18(21)(d)2.

(24) Flat Wood Paneling Surface Coating

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(d) Reasonably Available Control Technology Requirements.

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2. Any person subject to 310 CMR 7.18(24)(a)2. shall limit VOC emissions by using only coatings having a VOC content no greater than the emission limitations in Table 310 CMR 7.18(24)(d)2. (low-VOC coatings to meet the mass of VOC per volume of coating less water and exempt compounds, as-applied, limits, or low-VOC coatings or a combination of coatings and add-on control equipment on a coating unit to meet the mass of VOC per volume of coating solids limits) or by complying with the requirement in 310 CMR 7.18(24)(d)3.

D. Paper, Film and Foil Coating Definition Revision**310 CMR 7.00 DEFINITIONS**

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COATING for purposes of 310 CMR 7.18(14) means materials applied onto or impregnated into a substrate for decorative, protective, or functional purposes. Such materials include, but are not limited to, solvent-borne coatings, waterborne coatings, adhesives, wax coatings, wax laminations, extrusion coatings, extrusion laminations, 100% solid adhesives, UV cured coatings, electron beam cured coatings, hot melt coatings, and cold seal coatings. Materials used to form unsupported substrates, such as calendaring of vinyl, blown film, cast film, extruded film, and co-extruded film, are not defined as coatings.

COATING LINE for purposes of 310 CMR 7.18(14), means a series of coating applicators, flash-off areas, and any associated curing/drying equipment between one or more unwind/feed stations and one or more rewind/cutting stations.

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PAPER, FILM AND FOIL SURFACE COATING means the application of a continuous layer of coating across the width or any portion of the width of a paper, film or foil substrate to: (i) create a functional or protective layer; (ii) saturate a substrate for lamination; or (iii) provide adhesion between two substrates for lamination~~coating, including specialty printing, of paper with organic solvent borne material;~~ for a variety of decorative and functional products including, but not limited to, adhesive tapes, adhesive labels, metal foil, decorated, coated and glazed paper, book covers, office copier paper (zinc oxide coated), carbon paper, typewriter ribbons, and photographic films. Coating performed on or in-line with any offset lithographic, screen, letterpress, flexographic, retrogravure, or digital printing press is part of a printing process and is not part of the paper, film, and foil surface category.

E. CO₂ Budget Trading Program Technical Corrections**310 CMR 7.70: Massachusetts CO₂ Budget Trading Program**

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 (3) CO₂ Budget Emission Control Plan Requirements.

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 (c) CO₂ Budget Emission Control Plan Contents....

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 4. For CO₂ budget sources subject to 40 CFR Part 72, a statement that the CO₂ authorized account representative shall ensure that the CO₂ budget unit will have ~~has~~ a-an EPA approved monitoring plan in place, that meets the requirements of 310 CMR 7.70(8) prior to operation. Any modification to a CO₂ budget unit's monitoring methodology approved pursuant to the requirements of 40 CFR Part 72, and meeting the requirements of 310 CMR 7.70(8), are hereby incorporated into the approved emission control plan under 310 CMR 7.70;

5. For CO₂ budget sources not subject to 40 CFR Part 72, a statement that the CO₂ authorized account representative shall ensure that the CO₂ budget unit will have an

~~EPA approved detailed~~ monitoring plan in place; that meets the requirements of 310 CMR 7.70(8) prior to operation;

6. For CO₂ budget sources that have an approved output monitoring plan as of March 9, 2018~~pursuant to 310 CMR 7.28 or 310 CMR 7.32~~, a statement that the CO₂ budget sources have an output monitoring plan that meets the requirements in 310 CMR 7.70(8);

7. For CO₂ budget sources that do not have an approved output monitoring plan as of March 9, 2018~~pursuant to 310 CMR 7.28 or 7.32~~, a detailed output monitoring plan that meets the requirements of 310 CMR 7.70(8);

.....

(5) CO₂ Allowance Allocations

...

(b) CO₂ Allowance Allocations

...

2. Determination of 2014 through 2020 Adjusted Budgets

...

d. CO₂ Budget Trading Program Adjusted Budgets for 2018 through 2020. On April 15, 2014 the Department established the Massachusetts CO₂ Budget Trading Program adjusted budgets for allocation years 2018 through 2020. Those Adjusted Budgets are shown in the following table:

Massachusetts CO ₂ Budget Trading Adjusted Budgets		
2018	2019	2020
<u>9,600,949</u> <u>9,550,650</u>	<u>9,273,860</u> <u>9,223,560</u>	<u>8,954,947</u> <u>8,904,648</u>

...

(8) Monitoring and Reporting.

(a) General Requirements.

.....

2. Compliance Dates. ...

...

b. The owner or operator of a CO₂ budget unit that commences commercial operation on or after July 1, 2008 must comply with the requirements of 310 CMR 7.70(8) by the later of the following dates:

i. January 1, 2009; or

ii. ~~The earlier of:~~

~~(i) 90 unit operating days after the date on which the unit commences commercial operation; or,~~

~~(ii) 180 calendar days after the date on which the unit commences commercial operation.~~

.....

F. Operating Permit Significant Modification Provision

310 CMR 7.00 APPENDIX C: OPERATING PERMIT AND COMPLIANCE PROGRAM

(4) Application Submittal Time Lines for Operating Permits.

...

(b) Schedule for submittal of applications to amend, modify or renew an operating permit:

1. For a significant modification to an operating permit, a timely application is one that is submitted at least nine months prior to the planned modification. ~~For significant modifications which have been reviewed and approved under 310 CMR 7.00, the construction or modification that has been reviewed and approved may commence, but may not operate, prior to final approval of the modification to the operating permit.~~

.....

(8) Administrative Amendments, Minor Modifications and Significant Modifications.

...

(c) Processing a Significant Modification. For a significant modification to an operating permit an application must be filed on forms specified by the Department and in accordance with the timelines established at 310 CMR 7.00: Appendix C(4), and shall:

...

4. For significant modifications which have been reviewed and approved under 310 CMR 7.02(4) or (5), the construction, substantial reconstruction, or alteration may commence, ~~but may not be operated,~~ during the period after receipt of the required significant modification application by the Department, but before the Department revises the operating permit. The permit shield provided under 310 CMR 7.00: Appendix C(12) applies to any changes resulting from such significant modification.

G. Boiler Installation Certification for Operating Permit Facilities

310 CMR 7.26 Industry Performance Standards

.....

(30) U Boilers - Applicability. Except as provided in 310 CMR 7.26(30)(a) and (b), the provisions of 310 CMR 7.26(30) through (37) apply to any person who owns or operates a boiler installed on or after September 14, 2001, with a heat input rating equal to or greater than 10,000,000 Btu per hour but less than 40,000,000 Btu per hour. Complying with the criteria in 310 CMR 7.26(30) through (37) does not relieve the owner or operator from his or her applicability to the requirements of 40 CFR 60 Subpart Dc - Standards of Performance for Small Industrial - Commercial Steam Generating Units, ~~or~~ 40 CFR 63 Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, or 40 CFR 63 Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

(a) The provisions of 310 CMR 7.26(30) through (37) do not apply to any person who is an owner or operator of a facility:

~~1. who has secured an operating permit pursuant to 310 CMR 7.00: Appendix C.; however, 310 CMR 7.02(4) or (5) do apply;~~

12. who proposes to install a wood fuel-fired boiler with a heat input rating equal to or greater than 10,000,000 Btu per hour but less than 40,000,000 Btu per hour; however, 310 CMR 7.02(5) does apply; or

23. who installs a temporary boiler in accordance with 310 CMR 7.03(23).

(b) If ~~the~~ installation of ~~the a~~ boiler(s) ~~would~~ causes the facility ~~to be subject to 310 CMR 7.00: Appendix C, or~~ to exceed an emission cap contained in a written Department approval, or notification pursuant to 310 CMR 7.02(11), or become subject to Non-Attainment Review at 310 CMR 7.00: Appendix A or PSD (40 CFR 52.21). the person who is an owner or operator of the facility shall, as applicable:

.....

H. Test Method Reference for Wood-fired Hydronic Heaters

310 CMR 7.26 Industry Performance Standards

(53) Requirements for Sellers.

(a) Particulate Matter Emission Standards for Residential-size Outdoor Hydronic Heaters. On and after December 26, 2008, no person shall import, distribute or sell, install or allow the installation of a residential-size outdoor hydronic heater for use in the Commonwealth unless it has been certified to meet a particulate matter emission limit of 0.32 lb/MMBtu heat output. In addition, within each of the burn rate categories as established in EPA test method 28 ~~for~~ ~~Ø~~WHH, no individual test run shall exceed 18 grams per hour.

(b) Particulate Emission Standards Commercial-size Outdoor Hydronic Heaters. On and after December 26, 2008, no person shall import, distribute or sell, install or allow the installation of an outdoor hydronic heater for use in the Commonwealth unless it has been certified to meet a particulate matter emission standard of 0.32 lb/MMBtu heat output. In addition, within each of the burn rate categories as established in EPA test method 28 ~~for~~ ~~Ø~~WHH, no individual test run shall exceed 20 grams per hour.

(54) Requirements for Manufacturers.

.....

(b) Certification Procedure. For each model, a manufacturer shall have at least one outdoor hydronic heater tested by an accredited laboratory in order to demonstrate that the model meets the applicable emission standard(s). The manufacturer shall submit an executive summary to the Department. The Department may request, at its discretion, the entire test report, including but not limited to, the raw data and notes taken at the applicable laboratory. The certification shall include, but not be limited to, the following information that:

1. testing was conducted in accordance with EPA's test method 28 ~~for~~ ~~Ø~~WHH or an alternative method approved by the Department;

.....

(c) Testing Requirements.

.....

2. Test Method. Emission tests shall be conducted using one of the following:
 - a. EPA Test Method 28 ~~or~~ WHH; or

.....

I. Technical Correction to Exemptions from Plan Approval

310 CMR 7.02 U Plan Approval and Emission Limitations

.....

(2) Exemptions from Plan Approval.

.....

(b) Exemptions.

.....

8. ~~[reserved] Emergency Engines or Stand-by Engines. An emergency or stand-by engine that operates in compliance with the provisions of 310 CMR 7.02(8)(i) if installed prior to June 1, 1990 or is in compliance with 310 CMR 7.03 for units installed on or after June 1, 1990. An emergency or stand-by engine that is approved under 310 CMR 7.02(5) shall comply with the terms and conditions of the plan approval.~~

.....

15. ~~[reserved] Fuel Utilization Facilities. Any fuel utilization facility, excluding internal combustion engines such as combustion turbines or reciprocating engines, where the individual fuel utilization emission unit being constructed, substantially reconstructed or altered has a maximum energy input capacity less than:~~

- a. 10,000,000 Btu per hour utilizing natural gas or propane.
- b. 10,000,000 Btu per hour utilizing distillate fuel oil.
- c. 10,000,000 Btu per hour utilizing residual fuel oil with a sulfur content of not more than 0.28 pounds per million Btu heat release potential (approximately 0.5% sulfur by weight). (Also see 310 CMR 7.05(1) and (2).)
- d. 5,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of not more than 0.55 pounds per million Btu heat release potential (approximately equal to 1% sulfur by weight), (Also see 310 CMR 7.05(1) and (2)).
- e. 3,000,000 Btu per hour utilizing solid fuel with automatic fuel feed.
- f. 3,000,000 Btu per hour utilizing digester gas.
- g. 1,000,000 Btu per hour utilizing hand-fired solid fuel.

~~NOTE: Multiple fuel utilization emission units installed at a single facility must be evaluated for aggregate emissions to ensure that 310 CMR 7.00: Appendix A or PSD (40 CFR 52.21) is not triggered.~~

.....

29. ~~[reserved] Turbines and Reciprocating Engines.~~
 - a. ~~Prior to March 23, 2006, an internal combustion engine including a combustion turbine or reciprocating engine having an energy input capacity less than 3,000,000 Btu per hour or an internal combustion engine that is operated as a nonroad engine as defined under 40 CFR 1068.30.~~
 - b. ~~On and after March 23, 2006, an internal combustion engine including a combustion turbine or reciprocating engine installed and operated in compliance~~

~~with 310 CMR 7.26(40) through (44), or an internal combustion engine that is operated as a nonroad engine as defined under 40 CFR 1068.30.~~

J. Definition of “Ozone Season”

310 CMR 7.00: AIR POLLUTION CONTROL

...
7.00: Statutory Authority; Legend; Preamble Definitions

DEFINITIONS

...
OZONE SEASON means the period beginning May 1st of a calendar year and ending on September 30th of the same year.

K. Clarify Air Appeal Regulation Applicability

310 CMR 7.51: U Hearings Relative to Orders and Approvals

(1) Rules to Request an Adjudicatory Hearing

....
(b) Applicability. The provisions of 310 CMR 7.51(1) apply to any person(s) who submitted an application to the Department after March 9, 2018, and who is seeking to request an adjudicatory hearing to review any Department decision on an application submitted pursuant to 310 CMR 7.00, except as exempted in 310 CMR 7.51(1)(c).

(c) Exemptions. No person or ten persons group may file a request for an adjudicatory hearing pursuant to the requirements in 310 CMR 7.51(1) for the following actions:

-
4. Approvals or disapprovals or portions of approvals or disapprovals, issued by the Department pursuant to 40 CFR 52.21 (PSD)~~federal law that require appeal to be filed with a federal administrative agency or in federal court.~~

L. Typographical Error Corrections

310 CMR 7.08(2)(f)

(5) Ammonia. No later than the dates specified in the emission control plan approval issued by the Department under 310 CMR 7.08(2)(j)~~8~~, any person.....

310 CMR 7.08(2)(g)2.

.....Any person subject to 310 CMR 7.08(2) electing continuous automated sampling of mercury emissions as an alternative to manual reference method sampling shall comply with the provisions of 40 CFR 60.58b(d)(4), 40 CFR 60.58b(p) and 40 CFR ~~60.58b(q)~~ 60.58b(q) as last amended May 10, 2006.

310 CMR 7.08(2)(h)4.a.

The average carbon (or equivalent) mass feed rate (in lbs/hr) estimated as required under 40 CFR ~~60.58b(m)(1)(i)~~ 60.58b(m)(1)(i) as last amended May 10, 2006, during the initial mercury performance test and all subsequent mercury compliance tests, with supporting calculations.

310 CMR 7.08(2)(h)4.b.

The average carbon (or equivalent) mass feed rate (in lbs/hr) estimated for each hour of operation as required under 40 CFR ~~60.58b(m)(1)(ii)~~ 60.58b(m)(1)(ii) as last amended May 10, 2006, during the initial dioxin/furan performance test and all subsequent dioxin/furan compliance tests, with supporting calculations.

310 CMR 7.08(2)(h)4.c.

The average carbon (or equivalent) mass feed rate (in lbs/hr) estimated for each hour of operation as required under 40 CFR ~~60.58b(m)(3)(ii)~~ 60.58b(m)(3)(ii) as last amended May 10, 2006, with supporting calculations.

*310 CMR 7.18(21) Surface Coating of Plastic Parts.**Table 310 CMR 7.18(21)(d)1.a.*

Coating Category
.....
Military Specification (one-pack)
Military Specification (one <u>two</u> -pack)

310 CMR 7.26(41) Definitions

Terms used in 310 CMR 7.26(40) through ~~(44)~~ (45) are defined in 310 CMR 7.00 and 7.26(41).....

EOEEA AND MASSDEP PROPOSED AMENDMENTS**A. Power Plant CO₂ Emissions Cap Streamlining**310 CMR 7.74: Reducing CO₂ Emissions from Electricity Generating Facilities

...

(2) Definitions.

...

Deduct or Deduction means the permanent removal of allowances from an account in the allowance registry ~~by the Department.~~

...

(6) Allocation, Transfer, and Use of Allowances.

|

.....

(c) Transfer of Allowances.

.....

2. The notice of transfer shall include the name of the electricity generating facility's ~~allowance registry account number~~, the number of allowances to be transferred, the serial numbers of the allowances to be transferred, the name and account number of the electricity generating facility to which the allowances will be transferred, and the certification statement required by 310 CMR 7.74(7)(~~be~~) that has been signed by the designated representative of the transferring electricity generating facility, or his or her designee, allowing the transfer of allowances.
3. The Department may require reporting of a price for transfers of allowances between electricity generating facilities that have different owners or operators through submission of a form as specified by the Department.
4. If requested by the Department, a notice of transfer may also be used to initiate a deduction pursuant to 310 CMR 7.74(6)(g).
- (d) Emergency Deferred Compliance. If an electricity generating facility emits CO₂ during an emergency that occurs on or after January 1, 2018, the electricity generating facility owner or operator may choose to defer for one year a portion or the entirety of the electricity generating facility's compliance obligation with respect to CO₂ emissions emitted during such emergency, provided that such CO₂ emissions shall be offset in the following year on a two for one basis pursuant to 310 CMR 7.74(6)(e)2.
1. If an electricity generating facility owner or operator chooses to defer the electricity generating facility's compliance obligation with respect to any CO₂ emissions emitted during an emergency pursuant to 310 CMR 7.74(6)(e), then the owner or operator shall complete the following steps:
- 1a. Identify the quantity of such CO₂ emissions emitted during the emergency, and the hours and dates during which the emergency occurred, in ~~the facility's~~ CO₂ emissionsits compliance certification report submitted pursuant to 310 CMR 7.74(7)(a) for the calendar year during which the CO₂ emissions occurred; and
- 2b. Offset such CO₂ emissions on a two for one basis pursuant to 310 CMR 7.74(6)(e)2. by identifying the necessary number of allowances in its compliance certification report submitted pursuant to 310 CMR 7.74(7)(~~ba~~) for the following calendar year.
2. In order to ensure that the use of emergency deferred compliance does not reduce the total number of allowances available for use by facilities to comply with 310 CMR 7.74, the Department shall, during the month of March of any year, determine the total amount of emissions for which compliance has been deferred from the prior year pursuant to 310 CMR 7.74(6)(d), and adjust the number of allowances available for sale by auction for the year upward by that amount.
- (f) Banking of Allowances. Allowances may be retained for use in future years, provided that the total amount of CO₂ emitted by all electricity generating facilities in any year is less than the total aggregate CO₂ emissions limit for the prior year, before accounting for any emergency deferred compliance. In order to enforce this limitation on banking, the Department shall complete the following ~~steps by April 1st~~ step during the month of March of each year:
-
- (g) Deduction of Allowances for Compliance. ~~By April 1st~~ During the month of March of each year, the Department shall deduct allowances from each electricity generating facility's allowance registry account in the following order:

1. To address any emergency deferred compliance obligation accrued during the year before the prior calendar year pursuant to 310 CMR 7.74(6)(e);
2. To offset annual CO₂ emissions that occurred during the prior calendar year; ~~and~~
- ~~3. To ensure that the number of allowances remaining in the allowance registry account is less than the limitation on banking calculated pursuant to 310 CMR 7.74(6)(f)2.~~

(h) Allowance Auctions.

6. Transfer of Allowances. Following approval of the outcome of the auction and upon payment in full of the amount owed by the successful bidders, the Department shall transfer allowances into the corresponding bidders' allowance registry account, provided that transfers resulting from auctions that occur before ~~March~~April 1st of a calendar year shall occur ~~during the month of March~~during the month of March on ~~April~~April 1st.

(7) Reporting Requirements.

~~(a) Annual CO₂ Emissions Report. By February 1, 2019, and February 1st of each year thereafter, the owner or operator of an electricity generating facility shall submit a CO₂ emissions report. The report shall include the following:~~

- ~~1. The name, address, contact person, and phone number of the facility;~~
- ~~2. The facility's annual CO₂ emissions for the previous calendar year as reported pursuant to the Massachusetts CO₂ Budget Trading Program at 310 CMR 7.70(8), in short tons and metric tons;~~
- ~~3. The amount, if any, of CO₂ emissions for which compliance will be deferred pursuant to 310 CMR 7.74(6)(d), in short and metric tons, and the hours during which such CO₂ emissions occurred during the emergency; and~~
- ~~4. The electronic signature of the designated representative submitting the form and certification by the designated representative in accordance with 310 CMR 7.74(7)(e).~~

~~(a)~~ (b) Compliance Certification Reporting. By March 1, 2019, and March 1st of each year thereafter, the owner or operator of an electricity generating facility subject to 310 CMR 7.74 shall demonstrate compliance with the electricity generating facility's CO₂ emission limit by submitting a compliance certification report covering the CO₂ emissions from the prior calendar year. The compliance certification report shall include, among other information as requested by the Department, the following:

1. The name, address, contact person, and phone number of the electricity generating facility;
2. The electricity generating facility's assigned CO₂ emissions limit for 2018;
3. The electricity generating facility's annual CO₂ emissions for the prior calendar year as reported pursuant to 310 CMR 7.70(8), in short tons and metric tons;
4. The amount, if any, of CO₂ emissions for the prior calendar year for which compliance will be deferred pursuant to 310 CMR 7.74(6)(d), in short and metric tons, and the hours during which such CO₂ emissions occurred during the emergency.
- ~~54.~~ 54. The total number of allowances in the electricity generating facility's allowance registry account on March 1st;
- ~~65.~~ 65. The number of allowances in the electricity generating facility's allowance registry account that the owner or operator of the facility is using to offset CO₂ emissions that occurred during the prior calendar year;

76. The number of allowances in the electricity generating facility's allowance registry account that the owner or operator of the electricity generating facility is using to offset CO₂ emissions that occurred during an emergency in the year before the prior calendar year, on a two for one basis pursuant to 310 CMR 7.74(6)(d);
87. The total number of allowances remaining in the electricity generating facility's allowance registry account after offsetting CO₂ emissions pursuant to 310 CMR 7.74(7)(~~b~~)5. and 6.(a)6. and 7.; and
89. The electronic signature of the designated representative submitting the form and certification by the designated representative in accordance with 310 CMR 7.74(7)(~~be~~).
- (~~eb~~) Certification of Reports, and Other Documents, and Information. All reports ~~and other~~ documents, and information submitted to the Department under 310 CMR 7.74 must be signed and attested to by the designated representative and shall include the following statement: "I certify that I have personally examined the information that I am submitting and I am familiar with the information submitted and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."
- (~~cd~~) Submission Reporting Format and Process. The Department may specify the format and process for any submission required pursuant to 310 CMR 7.74, including electronic submission requirements.
- (~~de~~) Compliance Verification. The Department may verify compliance with 310 CMR 7.74 by conducting inspections, requesting information and records, and requiring the collection of information. 310 CMR 7.74(7)(~~de~~) does not limit the authority of the Department as otherwise provided by law or in an authorization, determination, modification, permit, or other approval, or by the terms of any order or other enforcement document.

.....

(9) Authorized Designated Representative.

.....

- (b) Responsibilities of Designated Representative. The designated representative shall be responsible for submitting and updating electronically ~~any or~~ all of the following: ~~a notice of transfer of allowances; a CO₂ emissions report; the Compliance Certification Report, and any other documents requested by the Department.~~
1. The name, address, email address, and telephone number of the designated representative;
 2. A list of the owner(s) and operator(s) of the electricity generating facility;
 3. A notice of transfer of allowances;
 4. A CO₂ emissions report;
 5. The Compliance Certification Report;
 6. The name, address, email address, and telephone number of any persons authorized to submit notices of transfer of allowances pursuant to 310 CMR 7.74(9)(c); and
 7. Any other reports, documents, or information requested by the Department.
- (c) Delegation by Designated Representative. A designated representative may delegate his or her authority to submit a notice of transfer of allowances by submitting

the information specified in 310 CMR 7.74(9)(b)6. and signing the following certification statement: "I certify any notice of transfer of allowances submitted by any person identified by me as authorized to submit a notice of transfer of allowances under 310 CMR 7.74 shall be deemed a notice of transfer of allowances submitted by me." a certificate of representation that includes the information specified at 310 CMR 7.74(9)(d)6.

(d) Certification of Representation. The owner or operator of an electricity generating facility shall submit to the Department a complete certificate of representation that identifies the designated representative acting on behalf of the owner and operator for the electricity generating facility. The submission shall be on a form prescribed by the Department, and shall include, ~~but not be limited to,~~ the following information:

1. Identification of the electricity generating facility;
2. The name, ~~address, email address, and telephone number~~ of the designated representative;
3. The address, email address, and telephone number of the designated representative at the time of submission of the Certificate of Representation;
43. A list of the owner(s) and operator(s) of the electricity generating facility at the time of submission of the Certificate of Representation;
45. The following certification statements by the designated representative.
 - a. "I certify I was selected as the designated representative, by an agreement binding on the owner and operator of the facility."
 - b. "I certify that I have all the necessary authority to carry out my duties and responsibilities under 310 CMR 7.74 on behalf of the owner and operator of the facility and that the owner and operator shall be fully bound by my representations, action, inactions, or submissions;"
65. The signature of the designated representative and the date signed; and
76. If applicable, a list of persons authorized to submit Notices of Transfer of allowances pursuant to 310 CMR 7.74(9)(c) at the time of submission of the Certificate of Representation, and the following:

.....