

310 CMR 7.00: AIR POLLUTION CONTROL

Section

- 7.00: Statutory Authority; Legend; Preamble; Definitions
- 7.01: General Regulations to Prevent Air Pollution
- 7.02: U Plan Approval and Emission Limitations
- 7.03: U Plan Approval Exemption: Construction Requirements
- 7.04: U Fossil Fuel Utilization Facilities
- 7.05: U Fuels All Districts
- 7.06: U Visible Emissions
- 7.07: U Open Burning
- 7.08: U Incinerators
- 7.09: U Dust, Odor, Construction and Demolition
- 7.10: U Noise
- 7.11: U Transportation Media
- 7.12: U Source Registration
- 7.13: U Stack Testing
- 7.14: U Monitoring Devices and Reports
- 7.15: U Asbestos
- 7.16: U Reduction of Single Occupant Commuter Vehicle Use
- 7.18: U Volatile and Halogenated Organic Compounds
- 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x)
- 7.24: U Organic Material Storage and Distribution
- 7.25: U Best Available Controls for Consumer and Commercial Products
- 7.26: Industry Performance Standards
- 7.29: Emissions Standards for Power Plants
- 7.30: MB Massport/Logan Airport Parking Freeze
- 7.31: MB City of Boston/East Boston Parking Freeze
- 7.33: MB City of Boston/South Boston Parking Freeze
- 7.34: Massachusetts NO_x Ozone Season Program (MassNO_x)
- 7.36: U Transit System Improvements
- 7.37: MB High Occupancy Vehicle Lanes
- 7.38: Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District
- 7.40: U Low Emission Vehicle Program
- 7.51: U Hearings Relative to Orders and Approvals
- 7.52: U Enforcement Provisions
- 7.54: U Large Combustion Emission Units
- 7.60: U Severability
- 7.70: Massachusetts CO₂ Budget Trading Program
- 7.71: Reporting of Greenhouse Gas Emissions
- 7.72: Reducing Sulfur Hexafluoride Emissions from Gas-insulated Switchgear
- 7.73: Reducing Methane Emissions from Natural Gas Distribution Mains and Services
- 7.74: Reducing CO₂ Emissions from Electricity Generating Facilities
- 7.75: Clean Energy Standard
- 7.76: Prohibitions on Use of Certain Hydrofluorocarbons in Refrigeration, Chillers, Aerosol Propellants, and Foam End-uses
- Appendix A: EMISSION OFFSETS AND NONATTAINMENT REVIEW
- Appendix B: U EMISSIONS BANKING, TRADING, AND AVERAGING
- Appendix C: OPERATING PERMIT PROGRAM

STATUTORY AUTHORITY

All provisions of 310 CMR 7.00 are adopted pursuant to the authority granted by M.G.L. c. 111, §§ 142A through 142J, [M.G.L. c. 21N, and Sections 56, 58, 60 and 102C of Chapter 8 of the Acts of 2021](#). In addition, 310 CMR 7.08(2) is adopted pursuant to the authority granted by M.G.L. c. 111, § 150A and the following provisions of 310 CMR 7.00 are adopted pursuant to the authority granted by M.G.L. c. 21C, §§ 4 and 6 and by M.G.L. c. 21E, § 6. In addition, 310 CMR 7.08(2) is adopted pursuant to the authority granted by M.G.L. c. 111, § 150A and the following provisions of 310 CMR 7.00 are adopted pursuant to the authority granted by M.G.L. c. 21C, §§ 4 and 6 and by M.G.L. c. 21E, § 6.

The Department is proposing to add new Definitions to 7.00 Definitions, which is indicated by the insertion of the new redlined definition after the existing definition shown below:

AIR POLLUTION means the presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to:

- (a) cause a nuisance;
- (b) be injurious, or be on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or
- (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

Air Toxic. Any air contaminant for which the Department has published inhalation toxicity values or that the Department has determined to be toxic or potentially toxic to human health.

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CRUDE OIL means a naturally occurring mixture which consists of hydrocarbons, and sulfur, nitrogen and/or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

Cumulative Impact Analysis. For the purpose of 310 CMR 7.02(14), the analysis required in 310 CMR 7.02(14).

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ENERGY INPUT CAPACITY means the ability of a fuel utilization facility, based on the Higher Heating Value (HHV) of the fuel, to combust a stated maximum amount of fuel on a steady state basis, as determined by the physical design and characteristics of the fuel utilization facility and does not include the energy input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources.

Environmental Justice Population.

(a) A Neighborhood that meets one or more of the following criteria:

- 1. the annual median household income is not more than 65% of the statewide annual median household income;
- 2. minorities comprise 40% or more of the population;
- 3. 25% or more of households lack English language proficiency;
- 4. minorities comprise 25% or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or

(b) a geographic portion of a Neighborhood designated by the Secretary as an Environmental Justice Population pursuant to M.G.L. c. 30, § 62; provided, however, that a Neighborhood or a geographic portion of a Neighborhood that the Secretary has determined shall not be designated an Environmental Justice Population pursuant to M.G.L. c. 30, § 62 shall not be considered an Environmental Justice Population.

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NATURAL FINISH HARDWOOD PLYWOOD PANELS means panels whose original grain pattern is enhanced by essentially transparent finishes which are frequently supplemented by fillers and toners.

Nearby Environmental Justice Population. For the purpose of 310 CMR 7.02(14), an environmental justice population located within 1 mile of a facility or emission unit that requires a comprehensive plan approval and is not a major source as defined in 310 CMR 7.00: Appendix C; or within 5 miles of a facility or emissions unit that requires comprehensive plan approval and is a major source as defined in 310 CMR 7.00: Appendix C.

Neighborhood. For the purpose of 310 CMR 7.02(14), a census block group as defined by the United States Census Bureau, excluding people who live in college dormitories and people who are under formally authorized, supervised care or custody, including federal, state or county prisons.

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PROJECT ROADWAY means the roadway which is enclosed (or proposed to be enclosed) within a tunnel or similar structure which is identified by the Executive Office of Environmental Affairs as falling within the project area in its determination issued pursuant to 301 CMR 11.06: *ENF Review and Decision*.

Proposed Project. For the purpose of 310 CMR 7.02(14), construction, substantial reconstruction, alteration, or subsequent operation of a facility or emission unit for which a cumulative impact analysis is required pursuant to 310 CMR 7.02(14).

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7.02: U Plan Approval and Emission Limitations

(1) Purpose and Applicability.

(a) Purpose. The purpose of 310 CMR 7.02 is to provide procedures and standards for the issuance of approvals in the Commonwealth of Massachusetts, and establish emission limitations and/or restrictions for a facility or emission unit.

(b) Plan Approvals to Construct, Substantially Reconstruct or Alter. Except as provided in 310 CMR 7.02(2), a plan approval is required prior to any construction, substantial reconstruction, alteration, or subsequent operation of a facility or emission unit that may emit air contaminants to the ambient air.

(c) Reserved.

(d) Determining Plan Approval Applicability. For the portion of the facility or emission unit that is proposed to be constructed, substantially reconstructed or altered and subsequently operated, the need for a plan approval is determined by comparing the maximum design capacity of the proposed equipment for fuel utilization facilities or the potential to emit to the plan approval thresholds in 310 CMR 7.02(4) and 310 CMR 7.02(5). For the air contaminant GHGs, the potential to emit shall be determined based on tons per year CO_{2e}, and 310 CMR 7.02 shall be applicable to GHGs only if construction, substantial reconstruction or alteration of a facility or emission unit results in an increase in potential emissions equal to or greater than 75,000 tons per year CO_{2e}. If a plan approval is required due to potential emissions of GHGs, a comprehensive plan approval shall be required pursuant to 310 CMR 7.02(5).

(e) Department Participation. In approving or denying an application for plan approval, the Department shall limit its action to matters that may cause or contribute to a condition of air pollution, including, as applicable, consideration of the results of cumulative impact analyses conducted pursuant to 310 CMR 7.02(14).

(2) Exemptions from Plan Approval.

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(3) General Requirements for Plan Approval.

(a) General. No person shall construct, substantially reconstruct, alter, or subsequently operate any facility subject to the requirements of 310 CMR 7.02(4) or (5), unless an application for a plan approval has been submitted to the Department and plan approval has been granted by the Department. Procedures and contents of an application for plan approval can be found at 310 CMR 7.02(4) and (5).

(b) Form of Approval. Any plan approval or plan disapproval will be issued by the Department in writing. If a plan application is disapproved, the Department will provide a written explanation of the circumstances that led to the decision to disapprove the application.

(c) Conditions of Approval. The Department may impose any reasonable conditions in a

plan approval including conditions determined to be necessary to ensure that the facility will be built, operated, and maintained as specified in the application for plan approval; or to reduce, minimize, or mitigate cumulative impacts pursuant to 310 CMR 7.02(14).

(d) Monitoring and Testing. The Department may require the applicant to monitor and/or test emissions as a condition of approval. The plan approval may include conditions that direct the applicant to install sampling ports of a specified size, number or location, direct the applicant to provide safe access to each sampling port or direct the applicant to install instrumentation to monitor and record emissions data and/or operating parameters.

(e) Recordkeeping and Reporting. The Department may require an applicant to maintain records and provide periodic reports to the Department, as necessary, to assure continuous compliance with standard operating procedures, standard maintenance procedures, emission limitations, and any work practices contained in the plan approval.

(f) Compliance with Plan Approvals. Other than as provided in 310 CMR 7.02(2)(f), no person shall operate a facility approved under 310 CMR 7.02, except in compliance with any plan approval issued to the facility. A plan approval does not reduce or negate the responsibility of the facility owner or operator to comply with any other applicable requirements of the Department.

(g) Massachusetts Environmental Policy Act (MEPA) Review. Prior to obtaining a plan approval, an applicant must comply with the requirements of 301 CMR 11.00 if applicable. The review thresholds for stationary sources of criteria or hazardous air pollutants are contained at 301 CMR 11.03(8): *Air*.

(h) Opportunity for Comment. The Department shall provide an opportunity for public comment in accordance with 310 CMR 7.02(3)(i) on the Department's proposed decision to approve or deny a plan application required under:

1. 310 CMR 7.02(4) (LPA) for any facility that meets or exceeds a MEPA Review threshold for stationary sources of criteria or hazardous air pollutants, contained at 301 CMR 11.03(8): *Air*; and
2. 310 CMR 7.02(5) (CPA).

(i) Public 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, except that for a plan application for which a cumulative impact analysis is conducted pursuant to 310 CMR 7.02(14), provide a 60-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. 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 application;
 - 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.

(j) Department Approval. Plan approval will be issued by the Department where:

1. The emissions from a facility do not result in air quality exceeding either the Massachusetts or National Ambient Air Quality Standards; and
2. The emissions from the facility do not exceed applicable emission limitations specified in 310 CMR 7.00; and
3. The emissions from the facility do not result in violation of any provision of 310 CMR 7.00; and
4. The facility does not require a plan approval pursuant to 310 CMR 7.00: *Appendix A* or the plan approval requirements of 310 CMR 7.00: *Appendix A* have been met by the application and a 310 CMR 7.00: *Appendix A* plan approval has been issued by the Department. The Department has the discretion to issue the 310 CMR 7.00: *Appendix A* plan approval in conjunction with a 310 CMR 7.02 plan approval; and
5. Reserved.
6. The emissions from such a facility or operation of such a facility represent the most stringent emission limitation as specified in 310 CMR 7.02(8); and
7. The owner or operator of the facility has made a demonstration of compliance required under 310 CMR 7.02(4)(d)5. or 310 CMR 7.02(5)(c)8.; and
8. The requirements of 40 CFR Part 63.40 through 40 CFR Part 63.44 are applicable and have been met and an approval has been issued as required by 40 CFR Part 63.40

through 40 CFR Part 63.44. The Department has the discretion to issue an approval under 40 CFR Part 63.40 through 40 CFR Part 63.44 in conjunction with a plan approval issued under 310 CMR 7.02-; and

9. The owner or operator of the facility is subject to the requirements of 310 CMR 7.02(14) and the Department has determined that the facility has met all requirements in 310 CMR 7.02(3)(j) and 310 CMR 7.02(14).

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(5) Comprehensive Plan Application (CPA).

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(c) Comprehensive Plan Application Requirements. To apply for a CPA, an applicant shall satisfy each of the following conditions:

1. The application shall be made on a form furnished by the Department or by other means required by the Department.
2. The application shall be signed, which may be via electronic signature, by a responsible official.
3. The application shall be ~~submitted in duplicate~~accompanied by a cumulative impact analysis report that complies with all the requirements in 310 CMR 7.02(14), if applicable.
4. The application shall be accompanied by a description of the proposed activity, site information, plans, specifications, drawings illustrating the design of the facility, calculations detailing the nature and amount of all emissions, and procedures describing the manner in which the facility will operate and be maintained.
5. The application shall demonstrate compliance with the requirements of 310 CMR 7.02(8)(a) relating to compliance with emission limitations.
6. Additional information shall be furnished upon request by the Department including, but not limited to, air dispersion modeling of criteria air pollutant and air toxic emissions, additional plans or specifications, and documentation or evidence to support the application.
7. The application shall bear the seal and signature of a professional engineer registered in the Commonwealth of Massachusetts under the provisions of M.G.L. c. 112. Such seal and signature may be an electronic image.
8. The application shall contain an affirmative demonstration that any facility(ies) in Massachusetts owned or 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, is in compliance with or on a Department approved compliance schedule to meet all provisions of 310 CMR 7.00, and any plan approval, notice of noncompliance order or plan approval issued thereunder.

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Proposed new 310 CMR 7.02(14)

(14) Cumulative Impact Analysis.

(a) Applicability.

1. The provisions of 310 CMR 7.02(14) apply to any person who submits a comprehensive plan application to the Department after [effective date].
2. A cumulative impact analysis shall be required for a comprehensive plan application for a proposed new facility or emission unit that is in an environmental justice population or within:
 - a. 1 mile of an environmental justice population if the facility or emission unit will not be a major source as defined in 310 CMR 7.00: Appendix C; or
 - b. 5 miles of an environmental justice population if the facility or emission unit will be a major source as defined in 310 CMR 7.00: Appendix C.
3. A cumulative impact analysis shall be required for a comprehensive plan application for an existing facility or emission unit that already has a comprehensive plan approval if the applicant proposes in a new comprehensive plan application to increase net facility-wide emissions by an amount equal to or greater than 1 ton per

year, and the existing facility or emission unit is located in an environmental justice population or within:

- a. 1 mile of an environmental justice population if the facility or emission unit will not be a major source as defined in 310 CMR 7.00: Appendix C; or
- b. 5 miles of an environmental justice population if the facility or emission unit will be a major source as defined in 310 CMR 7.00: Appendix C.

4. Notwithstanding 310 CMR 7.02(14)(a)2. a cumulative impact analysis shall not be required under 310 CMR 7.02(14)(a)2. for a comprehensive plan application for an existing facility or emission unit that proposes to decrease the existing facility's net facility-wide emissions within 2 years of Department approval but will increase net facility-wide emissions during that period.

5. Prior to submitting a comprehensive plan application, the owner or operator of a proposed project for which a cumulative impact analysis is required under 310 CMR 7.02(14) shall conduct a cumulative impact analysis and submit the cumulative impact analysis report that complies with the requirements in 310 CMR 7.02(14)(b) - (g).

(b) Public Notice and Involvement.

1. At least 60 days prior to filing a comprehensive plan application for which a cumulative impact analysis is required pursuant to 310 CMR 7.02(14)(a), the applicant shall provide notice of the proposed project to the following via electronic or regular mail or both, and maintain copies of all such notices:

- a. The appropriate Department Regional Office;
- b. The Department's Environmental Justice Director;
- c. The chief executive of the municipality in which the facility or emission unit is or will be located; and

d. Representatives of nearby environmental justice populations that include organizations and individuals recommended by the Department's Environmental Justice Director and relevant Department Regional Office. The applicant shall contact the Department to obtain the list of organizations and individuals prior to providing the 60-day notice required by 310 CMR 7.02(14)(b)1. 2. The notice required by 310 CMR 7.02(14)(b)1. shall include a fact sheet using a template provided by the Department that describes the proposed project, nearby environmental justice populations, and applicant contact information for submitting comments or requesting additional information or public involvement activities. The notice and Fact Sheet shall use plain language and be translated into any non-English language spoken by a significant percentage of nearby environmental justice populations.

3. The applicant shall participate in a meeting with the appropriate Department Regional Office to discuss public outreach and involvement measures and development of the cumulative impact analysis.

4. The applicant shall undertake measures to provide outreach and meaningful public involvement opportunities for nearby environmental justice populations. Such measures may include, but are not limited to, holding one or more community meetings, meeting with existing community-based organizations, creating a project webpage, and disseminating information through social media channels. The Department may require specific measures to ensure meaningful public involvement for environmental justice populations.

(c) Assessment of Existing Community Conditions

1. As part of the cumulative impact analysis, the applicant shall assess existing conditions in nearby environmental justice populations by collecting and summarizing data on the environmental, public health, and socioeconomic indicators listed in 310 CMR 7.02(14)(c)4. Table 1.

2. In addition to its assessment of indicators in 310 CMR 7.02(14)(c)1., the applicant shall document relevant air quality and public health concerns raised by municipal officials, organizations, representatives and residents in nearby environmental justice populations, and other parties raised during the public involvement opportunities required in 310 CMR 7.02(14)(b).

3. The results of the assessment of existing community conditions and indicators shall include information about each indicator listed in Table 1, maps showing indicators in relation to the proposed project location and nearby environmental justice populations, and an overall narrative describing existing community conditions, and shall be

included in the cumulative impact analysis report required under 310 CMR 7.02(14)(g).

4. Table 1 Indicators.

310 CMR 7.02(14)(c)4. Table 1: Indicators	Data Source
AIR QUALITY / CLIMATE¹	
Particulate Matter 2.5 (PM2.5) levels in air in microgram per cubic meter (µg/m ³), annual average and state percentile	EJScreen
Ozone summer seasonal average of daily maximum 8-hour concentration in air in parts per billion (ppb) and state percentile	EJScreen
Traffic proximity by block group and state percentile	EJScreen
Diesel particulate matter level in air in µg/m ³ and state percentile	EJScreen
Air Toxics Cancer Risk per million and state percentile	AirToxScreen
Air Toxics Respiratory Hazard Index (HI) and state percentile	AirToxScreen
Impervious Surface percent and state percentile	DEP
NEARBY REGULATED FACILITIES²	
Facilities with DEP air permits	DPH EJ Tool
Facilities reporting under the EPA Toxics Release Inventory program	DPH EJ Tool
Facilities reporting under the Toxics Use Reduction Act (i.e., Large Quantity Toxic Users)	DPH EJ Tool
Hazardous waste treatment, storage and disposal facilities	DPH EJ Tool
Solid waste diversion and disposal facilities ³	MassMapper
Large quantity hazardous waste generators	DPH EJ Tool
Wastewater treatment plants	DPH EJ Tool
Airports	DPH EJ Tool
Freight rail yards	DPH EJ Tool
Port facilities	MassMapper
HEALTH¹	
Asthma prevalence in schools per 100 students total both sexes for each individual school (k-8), ^{2,4} public and private averaged for the most recent 3 school years available	DPH MEPHT
Elevated blood lead levels prevalence (rate per 1,000 screened of confirmed blood lead levels above 5 micrograms per deciliter (µg/dL) for ages 9 months to 47 months) averaged for 3 years	DPH
Low birth weight (rate per 1,000 of full-term singleton births ≤ 2500 grams) averaged for 5 years	DPH
Premature deaths per 100,000 before age 75 years averaged for 5 years	DPH RVRS
Chronic obstructive pulmonary disease (COPD) among adults aged 18 years or older, crude prevalence (percentage)	CDC Places
Coronary heart disease among adults aged 18 years or older, crude prevalence (percentage)	CDC Places
SOCIOECONOMIC¹	
Median household income and percent of state median for each EJ block group	EEA EJ Viewer
Minority population percent for each EJ block group	EEA EJ Viewer
English language isolation household percent for each EJ block group	EEA EJ Viewer
Young (<5 years old) (percent and state percentile)	EJScreen
Older (>65 years old) (percent and state percentile)	EJScreen
NEARBY SENSITIVE RECEPTORS²	
Schools (k-12)	DPH EJ Tool
Long-term care residences	DPH EJ Tool
Public housing	EJScreen
Childcare facilities	DEEC Search
Prisons	EJScreen

¹ Report indicator data for most recent year or years available from the sources indicated, for each census tract with an EJ block group (unless otherwise stated) within 1 or 5 miles of proposed project and the state rate or average and percent of state rate or average for comparison. EJ block groups are those meeting one or more EJ criteria as shown in the DPH EJ Tool.

² Identify name, type of site or facility within 1 mile (for non-major source) or 5 miles (for major source) of the proposed project. Provide distance from proposed project to nearby sensitive receptors. Provide map of nearby facilities and sensitive receptors within 1 or 5 miles of proposed project.

³ Include transfer stations by type, active waste combustors, active landfills, and recycling operations. Include map of points and landfill polygons as available.

⁴ Schools in or within ½ mile of the boundary of any nearby environmental justice population.

Data Sources:

EJScreen is the Environmental Justice Screening and Mapping Tool available on EPA's website.

AirToxScreen is the Air Toxics Screening Assessment available on EPA's website.

DPH EJ Tool is the MA DPH Environmental Justice Tool available on the Massachusetts Department of Public Health's (DPH) website.

DPH RVRS is the Massachusetts DPH Registry of Vital Records and Statistics (RVRS). RVRS deaths data are available on DEP's website.

CDC Places is a database available on the U.S. Centers for Disease Control and Prevention's website.

DPH MEPHT is the Massachusetts Environmental Public Health Tracking database available on DPH's website.

EEA EJ Viewer is the Environmental Justice Map Viewer available on the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) website.

MassMapper is an interactive mapping tool available on MassGIS's website.

DEEC Search is the Licensed Child Care Search available from the Department of Early Education and Care website.

(d) Air Quality Dispersion Modeling

1. As part of the cumulative impact analysis, the applicant shall conduct air quality dispersion modeling of criteria pollutants and the Department may require that the applicant conduct air quality dispersion modeling of air toxics that will be emitted by the proposed project in accordance with Department guidance.
2. The applicant shall submit a modeling protocol to the Department for review and approval prior to completing the modeling.
3. The modeling shall account for facility-wide existing air pollutant emissions and potential air pollutant emissions associated with the proposed project, including significant added criteria pollutant emissions from motor vehicles owned or leased by the facility, and existing air pollutant emissions from nearby significant sources as appropriate. The modeling shall account for background concentrations of criteria pollutants based on data from ambient air monitoring stations.
4. Modeled concentrations of criteria pollutants shall be compared to Ambient Air Quality Standards for the Commonwealth of Massachusetts at 310 CMR 6.00 and National Ambient Air Quality Standards.
5. The air quality modeling results shall be included in the cumulative impact analysis report required under 310 CMR 7.02(14)(g) and describe modeled concentrations of criteria air pollutants in nearby environmental justice populations, including graphical display of concentration levels between the applicant's facility and nearby environmental justice populations for modeled air pollutants.

(e) Risk Characterization of Air Toxics

1. As part of the cumulative impact analysis, the applicant shall characterize risk of harm to health from air toxics emissions using a risk characterization spreadsheet tool made available by the Department and in accordance with Department guidance. The risk characterization spreadsheet tool has two options:
 - a. The applicant may use the default air dispersion factor values embedded in risk characterization spreadsheet to calculate cumulative risk; or
 - b. The applicant may conduct air dispersion modeling to generate air dispersion factor values to enter into the risk characterization spreadsheet tool. In this case the applicant shall submit an air dispersion modeling protocol to the Department for review and approval prior to completing the air dispersion modeling.
2. The inputs to the risk characterization spreadsheet tool shall account for facility-wide existing air toxic emissions and potential air toxic emissions associated with the proposed project, and existing air toxics emissions from nearby significant sources as appropriate and where information is available.
3. In lieu of using the risk characterization spreadsheet tool, the applicant may conduct

a refined risk characterization based on air dispersion modeling. In this case the applicant shall submit air dispersion modeling and risk characterization protocols to the Department for review and approval prior to completing the air dispersion modeling and risk characterization in accordance with such protocols.

4. In conducting the risk characterization, the applicant shall calculate cumulative cancer risks and cumulative non-cancer risks using chemical-specific toxicity information published by the Department or otherwise approved for use by the Department.

5. The cumulative cancer risks shall be compared to a cumulative cancer risk limit, which is an excess lifetime cancer risk equal to ten in one million.

6. Cumulative non-cancer risks shall be compared to a cumulative non-cancer risk limit which is a hazard index equal to one.

7. The risk characterization results shall be included in the cumulative impact analysis report required under 310 CMR 7.02(14)(g) and describe the potential risk of harm from air toxics to nearby environmental justice populations, including a graphical display of calculated risk levels for air toxics of particular concern.

(f) Evaluation of Proposed Project Cumulative Impacts

1. As part of the cumulative impact analysis, the applicant shall evaluate and describe how criteria air pollutant emissions from the proposed project could affect existing environmental and public health conditions in nearby environmental justice populations.

2. The applicant shall describe any mitigation measures that it will implement to reduce or minimize the cumulative impacts of the proposed project.

3. If the applicant was required to file an environmental impact report pursuant to 301 CMR 11.06(7)(b) for any aspect of the proposed project, the applicant shall summarize the environmental impact report's conclusions regarding any existing unfair or inequitable environmental burden and related public health consequences and any potential disproportionate adverse impacts on nearby environmental justice populations, and measures that it will take to avoid, minimize, or mitigate such impacts.

4. The applicant shall summarize in its cumulative impact analysis report required under 310 CMR 7.02(14)(g) its evaluation of the project's cumulative impacts and any mitigation measures it will take.

(g) Cumulative Impact Analysis Report

1. The applicant shall submit to the Department a cumulative impact analysis report with the comprehensive plan application required under 310 CMR 7.02(5).

2. The cumulative impact analysis report shall contain the following:

a. a description of the notice and public involvement measures conducted pursuant to 310 CMR 7.02(14)(b), including supporting documentation, and a summary of public comments received and the applicant's written responses to the public comments;

b. the assessment of existing community conditions conducted pursuant to 310 CMR 7.02(14)(c);

c. the air quality dispersion modeling conducted pursuant to 310 CMR 7.02(14)(d);

d. the risk characterization conducted pursuant to 310 CMR 7.02(14)(e); and

e. the evaluation of project cumulative impacts conducted pursuant to 310 CMR 7.02(14)(f).

3. Within three day of submittal to the Department of the cumulative impact analysis report and the comprehensive plan application, the applicant shall notify the parties listed in 310 CMR 7.02(14)(b)1. of the availability for public review of the cumulative impact analysis report and the comprehensive plan application and how the public can submit questions and informal comments to the applicant and the Department prior to the start of the formal public comment period required by 310 CMR 7.02(3)(i)1.

(h) Department Review and Decision

1. The Department shall review the cumulative impact analysis report as part of its review of the comprehensive plan application under 310 CMR 7.02(5) and consider any comments submitted to the Department during its review.

2. The Department shall not propose to approve a comprehensive plan application for which a cumulative impact analysis was conducted pursuant to 310 CMR 7.02(14) unless:

- a. the requirements of 310 CMR 7.02(3)(j) and 310 CMR 7.02(14)(b)-(g) are met;
- b. any cumulative cancer risk calculated does not exceed the cumulative cancer risk limit in 310 CMR 7.02(14)(e)5.; and
- c. any cumulative non-cancer risk calculated does not exceed the cumulative non-cancer risk limit 310 CMR 7.02(14)(e)6.

3. After completing its review of the cumulative impact analysis report and the comprehensive plan application, the Department shall issue a proposed decision approving the comprehensive plan application or denying the comprehensive plan application and hold a 60-day comment period pursuant to 310 CMR 7.02(3)(i).

4. After reviewing all public comments received on the Department's proposed decision, the Department shall issue a final decision approving or denying the application for comprehensive plan application.

(i) Cumulative Impact Analysis Regulation Review. Not later than December 31, 2025, the Department shall complete a review of the requirements in 310 CMR 7.02(14) and provide an opportunity for public comment to determine whether the program should be amended. This review shall evaluate the state of the science in cumulative impact analysis, the adequacy of the regulations to address cumulative impacts of air pollution through air permitting, program costs, and any other information relevant to review of the program.