



## Massachusetts Department of Environmental Protection

Bureau of Waste Prevention – Air Quality

CPA FUEL, CPA PROCESS & CPA CREMATORY (Non-Major, BWP AQ 02)

CPA FUEL & CPA PROCESS (Major, BWP AQ 03)

### Instructions & Supporting Materials

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#### Introduction

MassDEP issues an approval of a Major or Non Major Comprehensive Plan Application (CPA) to limit increases in air contaminant emissions and protect public health, welfare and the environment. A plan application is required if you are proposing construction, substantial reconstruction, or alteration of a facility that has the potential to cause or contribute to a condition of air pollution. You must receive a written Air Quality Plan Approval from MassDEP before starting construction or installation of the emission unit(s) proposed in your plan application.

Regulations 310 CMR 7.02(1), 7.02(3), 7.02(4), 7.02(5), 7.02(6) and 7.02(8) provide the regulatory authority and the provisions you need to meet in order to obtain a written Plan Approval, as applicable, from MassDEP. The Legislature authorized these regulations in M.G.L. Chapter 111, Section 142 A - J. See the Plan Approval Overview & Applicability Tables for additional information at: <https://www.mass.gov/guides/massdep-air-plan-approval-applications>

**September 2019 Update: The forms for the plan application have been modified to simplify the process of sharing a form between the person preparing the form, the applicant, the Massachusetts Registered Professional Engineer and the Responsible Official or “Permittee.” These instructions have been updated accordingly.**

#### Who must apply?

For specific information on when an application must be submitted for an Air Quality Plan Approval, see the Plan Approval Overview & Applicability Tables document on the MassDEP web site for additional information or refer to the regulations at 310 CMR 7.02(4) and 7.02(5). Please also see exemptions at 310 CMR 7.02(2), Permit-by-Rule categories at 310 CMR 7.03, and Environmental Results Program (ERP) compliance certifications in lieu of written Plan Approval at 310 CMR 7.26.

In general and absent consideration of Permit by Rule and Environmental Results program exceptions the following provides an overview of where a CPA (Major or Non-Major) would be required.

#### Facilities Subject to Plan Approval Requirements

There are five forms representing the five types of CPA: Major CPA Process, Major CPA Fuel Utilization, Non Major CPA Process, Non Major CPA Fuel Utilization and Non Major CPA Crematory.

The tables below specify some of the more common types of emission units and facilities for which a written MassDEP Major or Non Major CPA is required.



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Fuel Utilization Facilities			
Equipment/Facility Type	Fuel Type	Parameters	Approval Needed*
Boiler (operating Permit Facility)	Distillate Fuel Oil	≥ 30 MMBtu/hr	CPA-Fuel
Boiler	Natural Gas/ Propane	≥ 40 MM Btu/hr	CPA-Fuel
Boiler	Residual Fuel oil (≤ 0.5% Sulfur)	≥ 20 MMBtu/hr	CPA-Fuel
Boiler	Residual Fuel Oil (≤ 1% Sulfur)	≥10 MM Btu/ hr	CPA-Fuel
Boiler	Used Oil	≥ 3 MMBtu/ hr	CPA-Fuel
Boiler	Residual fuel oil, (> 1% sulfur), hazardous waste fuel, landfill gas, digester gas, automatic feed solid fuel (Including Biomass)	≥ 3 MMBtu/ hr	CPA-Fuel
Boiler	Hand-fired Solid Fuel (including Biomass)	≥ 1 MMBtu/ hr	CPA-Fuel
Incinerator (except Crematory)	Any	Any	CPA-Fuel
Crematory	Natural Gas	Any	CPA-Crematory
Engine, Non-Emergency (before 3/23/2006)	Any	≥ 3 MMBtu/ hr	CPA-Fuel
Nonemergency Engine	Landfill / Digester/ Biogas/ Biofuel or fossil fuel not certifying under 310 CMR 7.26(43)	≥ 50 kW	CPA-Fuel
Turbine, Emergency	Any	> 1 Megawatt	CPA-Fuel
Turbine, Non-Emergency	Fuel oil	< 1 Megawatt	CPA-Fuel
Turbine, Non-Emergency	Any	➤ 10 Megawatts	CPA-Fuel

Process Emission Units		
Equipment Type	Emissions	Approval Needed*
Any Non-Combustion	≥ 10 tons of any air contaminant in any consecutive 12 month period	CPA-Process



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#### Pre-Application Consultation

You should contact the appropriate MassDEP Regional Office early in the process of preparing to apply for a CPA. A pre-application conference can save you time in preparing the application and often results in faster processing by the agency. If you submit an application without scheduling such a meeting, MassDEP may require one before it can determine whether your application is administratively complete. Find Your Region (with contact information) at:

<https://www.mass.gov/service-details/massdep-regional-offices-by-community>

#### What other requirements should be considered when applying for a Plan Approval?

- Carefully examine the Massachusetts Environmental Policy Act (MEPA) Regulations (301 CMR 11.00) to determine if your proposed project exceeds MEPA review thresholds. MassDEP cannot complete technical review of the plan application until the MEPA process has been concluded. Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the appropriate MassDEP program offices in Boston and the MEPA Coordinator in the appropriate Regional Office. Contact the MEPA Unit of the Executive Office of Energy & Environmental Affairs at 617-727-5830 for additional information.
- Must the proposed project be approved by the Energy Facilities Siting Board (EFSB) (M.G.L. Chapter 164, 980 CMR 1.00-11.00)?
- Does the proposed project meet the criteria established in 310 CMR 7.02(6) Aggregating Emissions?
- Is the proposed project subject to New Source Performance Standards (40 CFR 60) or National Emission Standards for Hazardous Air Pollutants (40 CFR 61 and 63)?
- If you are submitting a Major Comprehensive Plan Application, MassDEP requires that you include ambient air quality modeling with your plan application. The agency may also require modeling for other projects. If ambient air quality modeling is required for your project, you must submit a copy to:

MassDEP Air and Climate Programs  
Attention: Glenn Pacheco  
1 Winter Street, 6th Floor  
Boston, MA 02108

See the MassDEP Modeling Guidance for Significant Stationary Sources of Air Pollution.

- If the proposed project triggers Prevention of Significant Deterioration (PSD) review pursuant to federal regulations 40 CFR Part 52 section 52.21 implemented by MassDEP, we will work with you to identify and satisfy additional application and notification requirements.
- If the proposed project is required to be approved under 310 CMR 7.00: Appendix A, the facility will need to obtain emissions offsets and demonstrate compliance with the Lowest Achievable Emission Rate (LAER) requirement.
- If your project requires a site assignment under M.G.L. Chapter 111, Section 150A, M.G.L. Chapter 111 Section 150B or M.G.L. Chapter 21D, MassDEP cannot issue a Plan Approval until you have obtained it.



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**Note:** This list is intended to serve as a guide and may not necessarily include all additional requirements.

#### Instructions

The application is an online form that can be found at:

<https://permitting.state.ma.us/CitizenAccess>

Each person preparing, reviewing or submitting the application will need to create an account to access the form. Screen by screen instruction to assist you in completing the form is available at:

<https://www.mass.gov/guides/massdep-air-plan-approval-applications>

Also available is a detailed description of each data field in the application and what needs to be provided in each (content and format).

Please note that when completing the form online, every field highlighted with a red asterisk must be completed before moving on to the next page in the form. That said, a number of fields are NOT marked as “required” but must be filled out in order to have an administratively or technically complete application. PLEASE MAKE SURE YOUR APPLICATION IS AS COMPLETE AS POSSIBLE BEFORE FILING. Do not assume that a data element is not necessary because it may not have a red asterisk next to it.

The initial screens in the form require that the preparer identify who will be working on the application. This includes the Preparer(s) and the Permittee. There is no longer a PIN number that needs to be shared to give people access to the forms.

Please note that some plan applications may need to be accompanied by supplemental and/or pollution control device forms. This also requires approval by a Massachusetts Licensed Professional Engineer.

The following provides general instruction on the forms by section.

#### Step 1. Contact Information

The first person to start an application must identify the other parties that will be working on the application. This includes the applicant (Permittee), the Massachusetts Registered Professional Engineer (PE). The Permittee and Preparer should also decide who the “Submitter” will be. The “Submitter” is the person who will have access to edit the application after submittal if the Department determines that more information is needed for the review or if the application is deficient. The submitter is designated at the end of the form preparation process.

All parties MUST already have an ePLACE account in order to complete this part of the form.

Once the form is saved, the persons listed in Step 1 will have access to the form to assist in its preparation.

#### Step 2. Facility and Owner Information

This section details the facility name and address as well as the facility owner. The preparer should first search for the facility from a pre-loaded list. If the facility is not listed or is a new facility you can enter the information for the proposed facility and NOT select from the existing facility list.



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For facility owner and contact; if you have previously completed an on-line application for the same facility or owner, you may be able to look up and select ownership information.

#### Step 3. Application Information

The first page of the Application Information contains a link to these and other Instructional Material. This is also where the applicant must address several general questions.

- First you are asked to provide either a Standard Industrial Classification (SIC) Code or a North American Industry Classification System (NAICS) Code. For more information about SIC Codes, see <https://www.osha.gov/pls/imis/sicsearch.html>  
For more information on NAICS see <https://www.census.gov/eos/www/naics/index.html>
- Finally, you will be asked to identify if the project is subject to review under the Massachusetts Environmental Protection Act (MEPA). See <https://www.mass.gov/orgs/massachusetts-environmental-policy-act-office> for more information on MEPA including the thresholds for projects that would trigger a MEPA Review.

Click “Continue Application” to move on to the next page.

In the following pages, there are a number of tables that need to be completed to provide the detailed application information. Tables common to all Major and Non-Major CPA Forms include the following:

On Page 2

- List of Existing Approvals

On Page 3

- Description of project ( Brief Description)- if applicable includes mention of proposed pollution control devices.
- Regulatory Information- Indicate whether the project is altering previously approved equipment, a previous approval or if the project is subject to Federal new Source Review Requirements (310 CMR 7.00, Appendix A).

On Page 4

- If you have indicated on Page 3 that the project is subject to 310 CMR 7.00 Appendix A, You will be asked to identify and describe the emission reduction credits that will be used as part of the application.

On Page 5

- Identify if the project for which the application is being made is subject to federal requirements for Prevention of Significant Deterioration.(PSD). You are also asked to describe how the PSD applicability determination was made. NOTE: If the application is for a PSD source, you will be required to attach information specific to the PSD program that is NOT detailed in the online application. Please contact the regional office to discuss the additional documentation necessary for PSD review.
- Additional questions ask if the project for which the application is being submitted is subject to other federal requirements such as New Source Performance Standards, or Maximum Achievable Control Technology.



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On Page 6

- This page contains a table where you must enter the details of federal applicability. It is where you will identify for each proposed emission unit each applicable Federal Part and Subpart.

Finally, each application has an Energy Efficiency Survey (page number varies)

Tables specific to the Major and Non-Major CPA Fuel and NON-Major CPA Crematory include:

- Proposed Project Equipment Details
- Proposed Project Fuel(s) Details
- Proposed Pollution Control Device(PCD) Details
- Identification of the Supplemental Forms you need for each proposed PCD.
- Project Configuration Details (how the EU, PCD and Stack relate to each other)
- Proposed Stack Details
- Proposed Best Available Control Technology (BACT) Emissions ( see <http://www.mass.gov/eea/agencies/massdep/air/approvals/best-available-control-technology-bact.html> for guidance on BACT)
- Additional Questions on Noise and Odor prevention
- Proposed Monitoring and Recordkeeping

Tables specific to the Major and Non-Major CPA Process include:

- Details of proposed Project Equipment
- Details for any Ancillary Fuel use
- Proposed Pollution Control Devices(PCD) Details
- Identification of the Supplemental Forms you need for each proposed PCD.
- Project Configuration (how the EU, PCD and Stack relate to each other)
- Proposed Stack Details
- Proposed Best Available Control Technology (BACT) Emissions ( see <http://www.mass.gov/eea/agencies/massdep/air/approvals/best-available-control-technology-bact.html> for guidance on BACT)
- Proposed Monitoring and Recordkeeping

Again, see <https://www.mass.gov/guides/massdep-air-plan-approval-applications> for detailed descriptions of each data field in the tables of the application and what needs to be provided in each (content and format).

#### Step 4. Documents

The system will ask that documents be attached to support the application. The documents could include such things as copies of Manufacturer specifications, or a BACT analysis if top case BACT is not proposed. Applicants are encouraged to attach more than the minimum documents identified by the system.

The document attachment process is very similar to attaching a document to an email. Start by clicking on the “Browse” button. This will bring up a pop-up box. Click on “Browse” again and you can search your computer for the document you want to attach. Once you have attached the document, you click “continue” which brings you back to the main screen.

On the main screen you will be asked to identify the attachment type (pick from a drop down list) and provide a brief description of the attachment.



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#### Step 5. Special Fees

310 CMR 4.00 identifies certain circumstances where special fees are applied. Most applicants for an LPA will not be subject to special fees but if you are, the applicant should pick the applicable fee exemption type and provide supporting information on this page.

#### Step 6. Application Review

The entire application is presented for final review in this step. You can reopen the application to edit it by clicking on the “Edit Application” button at the top or, if the information provided is complete and accurate you can proceed to submit the application.

#### Step 7. Authorization Forms

Authorization Forms include “Supplemental Forms” such as the technical details of a Selective Catalytic Reduction unit. This section also contains the acceptance forms that will be used by the Permittee and PE to “Certify” or accept the submittal.

Supplemental forms are identified in the body of the main application and appear in a list on the Authorization Forms page. If the form you need to file is not listed, return to the Application Information section of the application and add that form to the list of supplemental forms.

Each supplemental form is started by clicking the link to the right of the form. Complete the information requested by the form and click “Continue” until the form is completed. Once complete, you will have the opportunity to review and edit the form.

Once the supplemental forms are complete, the Submitter Certification form is listed as a supplemental form. Again, the Permittee and Preparer should decide who the Submitter will be. The Submitter will be the only person able to edit the application after submittal should MassDEP request additional information or find an administrative or technical deficiency. The individual designated for this role could be the same person as the Permittee or could be one of the preparers (consultant).

The Submitter should log into the system and click on the link to the right of the Certification form. The form simply asks if the person logged in is the Submitter and requests concurrence with the certification statement provided. Once the Submitter has completed the certification, they will “Submit” the application. This establishes a Permit Application number. This action also triggers email notification to both the PE and the Permittee asking them to access the application and accept the submittal. The email has an attachment that is a pdf copy of the application. The application is not formally submitted until this acceptance is complete.

The PE should be the next person to log in and review the forms. Once the review is complete, the PE should complete their certification form which includes a separate certification statement. The PE is also required to provide their license number and expiration date for their license.

Finally, the Permittee should review the application and complete the Permittee certification form. If the PE or Permittee do not wish to certify or wish additional changes be made, the acceptance can be denied. This will return the application to the custody of the Submitter for corrections.

Once the Permittee has accepted the Application, the Permittee should return to their “My Records” page and click on the link to the permit fee. The permit fee can be paid either online or by check through the mail. The Applicant is asked to select the method



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preferred. If the applicant chooses to pay the fee online, an electronic check or credit card payment is allowed. Both carry a nominal handling fee. The applicant will be sent to a payment page and asked to complete information specific to the credit card or electronic check.

If the applicant chooses to pay by mail then a check should be sent to the address provided below in the FAQ.

#### After Submittal

If you log into ePLACE and click on the “My Records” button, you will be able to view the status of your application through the review and approval process. The timeline for review will not start until the fee has been paid or a fee exemption (if requested) has been verified.

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If you are unable to file online, you can obtain a paper form by contacting your MassDEP Regional Office. Please return the completed form to the appropriate regional office, Attention BAW Regional Data Manager. If you need assistance in finding the appropriate region or its mailing address, please see: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

Should you have any questions about this regulation or your facility, please also contact the appropriate regional office.





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**FREQUENTLY ASKED QUESTIONS**

**What is the application fee?**

|                                                 |          |
|-------------------------------------------------|----------|
| Permit Code BWP AQ 02                           | \$2,370  |
| <b>Non-Major Comprehensive Plan Application</b> |          |
| CPA FUEL                                        |          |
| CPA PROCESS                                     |          |
| CPA CREMATORY                                   |          |
| Permit Code BWP AQ 03                           | \$24,305 |
| <b>Major Comprehensive Plan Application</b>     |          |
| CPA FUEL                                        |          |
| CPA PROCESS                                     |          |

**Where can I get a copy of the review timelines?**

The timelines are available at:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

**What is the annual compliance fee?**

The annual compliance assurance fee is dependent on the facility-wide potential emissions. Please consult 310 CMR 4.03 (Table 4.03) for more information. If you fail to pay the annual compliance fee, your Plan Approval could be suspended or revoked.

**How long does a Plan Approval remain in effect?**

A Plan Approval is in effect for the life of the approved emission unit(s) even if there is a change in ownership, or until the project approved by this action is substantially reconstructed or altered or if MassDEP determines that air contaminant emission reductions beyond those contained in the issued Plan Approval are necessary, at which time a new approval will be required.

**What are the regulations that apply to these Plan Approvals? Where can I get copies?**

These regulations include, but are not limited to:

- Air Pollution Control Regulations, 310 CMR 6.00 to 8.00.
- Timely Action & Fee Provisions, 310 CMR 4.00.
- Administrative Penalty Regulations, 310 CMR 5.00.

Copies of these regulations may be purchased from:

State House Bookstore  
State House, Room 116  
Boston, MA 02133  
617-727-2834

State House West Bookstore  
436 Dwight Street  
Springfield, MA 01103  
413-784-1376