

MassDEP
310 CMR 7.00
“Air Repair”
Air Pollution Control Amendments
Effective March 9, 2018

MassDEP Air Permitting Forum Meeting
April 12, 2018

Key Amendments

- Definitions – 310 CMR 7.00
- Computation of Time – 310 CMR 7.01
- Plan Approvals - 310 CMR 7.02
- Operating Permits - Appendix C
- MWCs – 310 CMR 7.08
- Source Registration - 310 CMR 7.12
- Engines and Turbines - 310 CMR 7.26(40)
- VOC RACT - 310 CMR 7.18
- NO_x RACT - 310 CMR 7.19
- MassNO_x Budget Program - 310 CMR 7.34
- Adjudicatory Hearings - 310 CMR 7.51

Definitions - 310 CMR 7.00

- New definitions - *CO₂e, GHGs, Pollution Prevention, NAAQS, PM_{2.5}*
- *Potential Emissions* – *de minimis* plan approval exemption based on records of actual emissions
- New VOC RACT definitions

General Regulations to Prevent Air Pollution– 310 CMR 7.01

- Computation of time – 310 CMR 7.01(4)
- Clarify time periods begin on day following act
- Periods include all calendar days to end date
- Exceptions:
 - where end date falls on Saturday, Sunday, Holiday or other date MassDEP closed
 - for time periods seven days or less include only days MassDEP offices open
- “Working days” refers to full days MassDEP offices open for public business

Plan Approval - 310 CMR 7.02

- Add GHG threshold of 75,000 tons CO₂e
- Clarify plan approval exemptions for LPAs only
- Require public comment for non-major CPAs
- Remove EGU mercury cap
- Increase fuel LPA ceiling from 30 to 40 mmBTU/hr
- Require plan approvals for mods of PSD permits
- Remove OP timeline option
- Clarify P2 for 18 tpy VOC BACT alternative
- Clarify that beyond BACT may be needed to abate condition of air pollution

Operating Permit and Compliance

310 CMR 7.00 Appendix C

- Clarify that emissions from “insignificant activities” must be considered in major source applicability determinations
- Remove lab hoods at commercial laboratories from list of “insignificant activities”
- Remove GHG applicability

Source Registration 310 CMR 7.12

- Exempt small combustion sources (i.e., codify current deferral) and simplify criteria
- Add new EPA lead reporting threshold (½ ton actual)
- Establish new reporting deadlines
 - April 1: Triennials
 - May 1: OP facilities
 - June 1: Others

Engines and Turbines

310 CMR 7.26(40) *et al*

- Clarify grandfathering and existing emergency back-up generator (EBUG) requirements based on installation date
- Align operating provisions for EBUGs with federal regs (unrestricted emergency operation plus 100 hours/year non-emergency)
- Clarify location provisions to prevent unsuitable siting
- Clarify approval procedures for various non-emergency engines and turbines

Emergency Engines and Turbines

310 CMR 7.26(42)

- Prohibit emergency engine and turbine operation as part of demand response programs.
- Allow unlimited operation during an emergency (i.e., remove previous 300 hour annual limit).
- Allow operation 100 hours per year for maintenance and testing, including up to 50 hours per year for non-emergency use.
- Clarify that emergency engines or turbines ≥ 300 kW must have at least a 10 foot stack above the rooftop or enclosure, whichever is lower.

Non-emergency Engines and Turbines

310 CMR 7.26(43)

- Clarify that a non-emergency engine that cannot meet emission requirements may apply for a comprehensive plan approval under 310 CMR 7.02(5)
- Clarify that engines and turbines < 300 kW burning liquid fuel must have at least a 5 foot stack above the rooftop or enclosure, whichever is higher
- Clarify that engines or turbines \geq 300 kW must have at least a 10 foot stack above the rooftop or enclosure, whichever is higher.

VOC RACT - 310 CMR 7.18

- Adopt more stringent emissions standards and additional source categories per EPA CTGs for surface coating, printing, fiberglass boat mfg, industrial cleaning solvents
- Lower applicability thresholds to 15 pounds per day or 3 tons per year VOC emissions
- Make related changes to 310 CMR 7.03 (permit by rule) and 7.26 (Printer ERP)
- Add limited exemption from VOC cold-cleaning requirements for “special and extreme solvent metal cleaning”
- Amend solvent spraying provisions

VOC RACT Surface Coating Categories

15 lb/day or 3 ton/year threshold and revised emission limits take effect March 9, 2020 for:

- 310 CMR 7.18(3) Metal furniture
- 310 CMR 7.18(5) Large appliances
- 310 CMR 7.18(11) Miscellaneous metal parts and products (previously 10 ton/year)
- 310 CMR 7.18(14) Paper, add film and foil and special provisions for pressure sensitive tape/labels
- 310 CMR 7.18(21) Plastic Parts (previously 50 ton/yr)
- 310 CMR 7.18(24) Flat wood paneling
- Facility coating metal **and** plastic parts and products totals both together for applicability

Printing and Publishing

- Work practices apply at 15 lb/day or 3 ton/yr VOC emissions
- 310 CMR 7.18(12) was Graphic Arts, now Packaging Rotogravure and Packaging Flexographic Printing
 - lower emission limitation applicability from 50 to 25 ton/yr
- 310 CMR 7.18(25) Offset Lithographic Printing and Letterpress Printing
 - lower emission control applicability from 50 to 25 ton/yr, heatset web offset lithographic or heatset web letterpress printing press line

Fiberglass Boat Manufacturing

310 CMR 7.18(32)

- 15 lb/day or 3 ton/year VOC emissions applicability threshold
- Work practices and four options for VOC emissions compliance for open molding resins and gel coats:
 - not-to-exceed (NTE) VOC content limitations for materials;
 - NTE calculated weighted-average monomer VOC content for specific category and application method;
 - NTE calculated facility-wide emissions average VOC emissions cap; or
 - use add-on air pollution capture and control equipment approved by MassDEP.
- Not applicable to:
 - surface coatings applied to boats;
 - closed molding operations; and
 - industrial adhesives (with the exception of polyester resin putties used to assemble fiberglass parts)

Cleaning Provisions

- New 310 CMR 7.18(31) Industrial Cleaning Solvents (ICS) for non-7.18(8) emissions (e.g., wipe cleaning, cleaning equipment in-place)
 - Threshold: 15 lb/day or 3 ton/year VOC emissions from ICS
 - Option 1: specific VOC content limitations
 - Option 2: VOC composite partial pressure equal to or less than eight mm Hg at 20°C (68°F)
 - Option 3: overall VOC capture/control efficiency \geq 85 percent
 - Exemptions based on technical feasibility or cleaning already regulated
 - work practice standards apply for other categories (e.g., printing)
- 310 CMR 7.18(8)(a) Cold Cleaning Degreasing amendments
 - Limited exemption from cold-cleaning requirements for “high precision products” with MassDEP and EPA approval
- 310 CMR 7.18(8)(e) Exemption from solvent spraying provisions if limited quantity or sprayed solvent recovered and recycled on-site

NO_x RACT - 310 CMR 7.19

- Increase stringency of NO_x emissions standards for large boilers, turbines and engines (comply by March 9, 2020)
- Exempt from new standards, but continue to comply with current standards, if applicable:
 - Turbines and boilers with three-year average capacity factor less than 10 percent, all years < 20 percent
 - Engines operated less than 1,000 hours in 12-month period
- Part 60 and part 75 monitoring harmonization, i.e. CO
- Review present value of any ERCs used for compliance

Small MWCs – 7.19(9)

- More stringent NO_x limits; compliance by March 10, 2020
- Ammonia optimization testing (if applicable)
- More stringent data capture criteria: 90% of operating hours per calendar quarter and 95% hours per calendar year

Large MWCs – 7.08

- More stringent standards NO_x, metals, dioxin, and mercury for average of test runs for a quarterly or 9 month compliance test
- Requires NO_x and ammonia optimization testing; ammonia CEMS requires two data points per hr
- Provisional certification criteria for an Operator when certified chief facility operator not available
- CEMS for mercury, PM, HCL, and metals follow applicable performance specs in 40 CFR 60.58b

MassNO_x - 310 CMR 7.34

- Replace MassCAIR with MA NO_x Ozone Season Program (MassNO_x)
- 1,799 tons NO_x per ozone season divided among 24 facilities with budgets
- Maintain ozone-season NO_x monitoring and reporting for EGUs
- If state-wide budget exceeded, facility with budget exceedance use 2017-vintage or later CSAPR NO_x Ozone Season Group 2 allowances

Hearings - 310 CMR 7.51(1)

- Establishes procedures for requesting adjudicatory hearing of air permit decisions
- Lists air decisions that are exempt from appeal
- Adds new definitions (e.g., Aggrieved Person, Date of Issuance, Decision)
- Aggrieved person or ten persons group must send copy of request to applicant and DEP

Hearings - 310 CMR 7.51(1) (continued)

- Aggrieved person and 10-person group must comment to preserve standing
- Issues limited to matters raised in comments
- Request for hearing must be filed with OARD within 21 days from the date of issuance
- Decision final either 22nd day after date of issuance or, if appealed, when appeal final
- New rules apply to applications filed on and after March 9, 2018

Section 7.51(3) Orders and Enforcement

- 7.51(3)(a) states bases in statute for MassDEP enforcement relating to air pollutants, conditions of air pollution and air-borne nuisance conditions (e.g., noise, odor, dust)
- 7.51(3)(b) outlines types of MassDEP enforcement relating to air pollution:
 - Orders to cease illegal activity
 - Orders to take action to come into compliance
 - Orders to take action to protect health, safety and the environment
 - NONs and Administrative Penalty authority (noted)
 - Any other action authorized by law (noted)

Section 7.51(3) (continued)

- Section 7.51(3)(c) fills is gaps on rules for service of orders
- Section 7.51(3)(d) makes it clear that a person subject to an Order has the right to appeal the Order within 10 days from the date of service
- Section 7.51(3)(2) failure to request an appeal within 10 days is a waiver of the right to appeal

Public comment on CPAs

310 CMR 7.02(3)l. - h.

- Comment period is for 30 days
- Post notice of public comment on MassDEP's website and send email
- Notice include MassDEP's proposed decision to approve or deny the plan application and information on how to submit comment
- Notice include information on how to access the administrative record for MassDEP's decision
- Send copy of notice to EPA

Date of Issuance

- 30 day public comment and 21 day hearing request deadlines key off “date of issuance”
- Date of Issuance is date MassDEP sends the proposed or final decision to an applicant
 - On same date MassDEP must post on website and notify public
 - New public notice templates
 - New appeal language for final decisions

QUESTIONS?

contact

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