

Chapter 138: REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR FACILITIES THAT EMIT NITROGEN OXIDES (NO_x RACT)

SUMMARY: This Chapter establishes Reasonably Available Control Technology (RACT) standards for stationary sources of nitrogen oxides (NO_x) that have the potential to emit quantities of NO_x equal to or greater than 100 tons per year.

1. Applicability and General Requirements**A. Affected facilities.**

- (1) Sections 3 and 6 of this Chapter apply statewide to any stationary source that had the potential to emit quantities of NO_x greater than or equal to 100 tons per year on May 31, 1995, with the following exceptions.
 - (a) The standards in section 4 of this Chapter take effect on *<12 months from the effective date of this rulemaking>* and supersede the applicable requirements in Section 3 of this Chapter upon that date.
 - (b) Standards established through an alternative RACT determination issued after August 3, 1994, supersede the applicable requirements in section 3 of this Chapter. If the alternative RACT determination established alternative standards for periods of startup and shutdown, those standards supersede the applicable requirements in section 6 of this Chapter.
 - (c) Standards established through a Best Available Control Technology (BACT) determination or Lowest Achievable Emission Rate (LAER) determination pursuant to 06-096 C.M.R. ch. 115 issued after August 3, 1994, and included in a Part 70 license issued pursuant to 06-096 C.M.R. ch. 140 supersede the applicable requirements of section 3 of this Chapter. If the BACT or LAER determination established alternative standards for periods of startup and shutdown, those standards supersede the applicable requirements in section 6 of this Chapter.
- (2) Sections 4, 5, and 6 of this Chapter apply to any stationary source located within the 2022 Ozone Transport Region that had the potential to emit quantities of NO_x greater than or equal to 100 tons per year on August 3, 2018, with the following exceptions.

Standards established through a BACT determination or LAER determination pursuant to 06-096 C.M.R. ch. 115 issued after *<effective date of this rulemaking>*, and included in a Part 70 license issued pursuant to 06-096 C.M.R. ch. 140 supersede the applicable requirements of section 4 of this Chapter. If the BACT or LAER determination established alternative standards for periods of startup and shutdown, those standards supersede the applicable requirements in section 6 of this Chapter.

- (3) Once a facility is subject to this Chapter, it will remain subject to the requirements of this Chapter, even if the facility's emissions later fall below the applicability level, unless all emissions units previously subject to the requirements of this Chapter are permanently shut down and removed from the facility's license.

B. Exempt emissions units.

The following units are exempt from the requirements of this Chapter.

- (1) Emissions units that have the potential to emit less than 10 tons per year of NO_x; and
- (2) "Emergency stationary internal combustion engines" as defined by 40 Code of Federal Regulations (C.F.R.) Part 60, Subparts IIII or JJJJ and "emergency stationary RICE" as defined by 40 C.F.R. Part 63, Subpart ZZZZ.

C. General requirements.

At all times, including periods of startup and shutdown, the owner or operator must maintain and operate the affected unit and any associated air pollution control devices in a manner consistent with good engineering practices to minimize emissions.

D. Compliance determination.

Owners or operators that use a continuous emissions monitoring system to demonstrate compliance with the standards in sections 3 or 4 of this Chapter on a 24-hour daily block average must calculate the 24-hour daily block average pursuant to 06-096 C.M.R. ch. 117 except that a shorter time period may be used on days that include periods of startup or shutdown.

When demonstrating compliance with a standard that is on a 24-hour daily block average, periods of startup and shutdown may be excluded from the 24-hour daily block average, provided the owner or operator is complying with the requirements of section 6 of this Chapter.

2. Definitions

- A. 1995 Moderate Nonattainment Area.** "1995 Moderate Nonattainment Area" means an area of the State designated by the U.S. Environmental Protection Agency (EPA) under 40 C.F.R. Part 81 as a moderate nonattainment area for ozone as of May 31, 1995. This area includes the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, and York.
- B. 2022 Ozone Transport Region.** "2022 Ozone Transport Region" means an area of the State designated as part of the Ozone Transport Region pursuant to section 184 of the

Clean Air Act, 42 U.S. C. § 7511c, as of March 14, 2022. The 2022 Ozone Transport Region includes the following areas:

Androscoggin County (includes only the following town): Durham
Cumberland County (includes only the following towns and cities): Brunswick, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Harpswell, Long Island, New Gloucester, North Yarmouth, Portland, Pownal, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, and Yarmouth
Hancock County (includes only the following towns and cities): Bar Harbor, Blue Hill, Brooklin, Brooksville, Cranberry Isles, Deer Isle, Frenchboro, Gouldsboro, Hancock, Lamoine, Mount Desert, Sedgwick, Sorrento, Southwest Harbor, Stonington, Sullivan, Surry, Swans Island, Tremont, Trenton, and Winter Harbor
Knox County (includes only the following towns and cities): Camden, Criehaven, Cushing, Friendship, Isle au Haut, Matinicus Isle, Muscle Ridge Shoals, North Haven, Owls Head, Rockland, Rockport, St. George, South Thomaston, Thomaston, Vinalhaven, and Warren
Lincoln County (includes only the following towns and cities): Alna, Boothbay, Boothbay Harbor, Breman, Bristol, Damariscotta, Dresden, Edgecomb, Monhegan, Newcastle, Nobleboro, South Bristol, Southport, Waldoboro, Westport, and Wiscasset
Sagadahoc County (includes all towns and cities)
Waldo County (includes only the following town): Islesboro
York County (includes only the following towns and cities): Alfred, Arundel, Berwick, Biddeford, Buxton, Dayton, Eliot, Hollis, Kennebunk, Kennebunkport, Kittery, Limington, Lyman, North Berwick, Ogunquit, Old Orchard Beach, Saco, Sanford, South Berwick, Wells, and York

- C. Affected unit.** “Affected unit” means an emissions unit (as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100) located at an affected facility pursuant to section 1(A) of this Chapter that emits NO_x and is not exempt from the requirements of this Chapter pursuant to section 1(B).
- D. Continuous emission monitoring system (CEMS).** “Continuous emission monitoring system” or “CEMS” means the term as defined in 06-096 C.M.R. ch. 100.
- E. Kraft recovery boiler.** “Kraft recovery boiler” means a boiler used to recover Kraft pulping chemicals consisting primarily of sodium and sulfur compounds by burning black liquor and recovering useful energy by producing steam.

- F. Large boiler.** “Large boiler” means a steam generating unit that has a heat input equal to or greater than 1,500 million BTU per hour (MMBtu/hr).
- G. Large turbine.** “Large turbine” means any stationary combustion turbine which combined with any associated duct burner or heat recovery steam generator has a total combined heat input of 120 MMBtu/hr or more.
- H. Lime kiln.** “Lime kiln” means a unit used to calcine lime mud, consisting primarily of calcium carbonate, into quicklime, which is calcium oxide.
- I. Low-NO_x burners.** “Low-NO_x burners” means a commercially available combustion burner designed to minimize NO_x formation through low excess air firing, controlled mixing of primary combustion air and fuel (staged air or staged fuel), and reduced peak furnace temperature, or other burner designs considered to be low-NO_x burners by the Department of Environmental Protection (Department) and EPA based on a review of evidence submitted by the subject facility.
- J. Mid-size boiler.** “Mid-size boiler” means a steam generating unit that has a heat input equal to or greater than 50 MMBtu/hr and less than 1,500 MMBtu/hr.
- K. Potential to emit.** “Potential to emit” means the term as defined in 06-096 C.M.R. ch. 100.
- L. Small boiler.** “Small boiler” means a steam generating unit that has a heat input equal to or greater than 20 MMBtu/hr and less than 50 MMBtu/hr.
- M. Small turbine.** “Small turbine” means any stationary combustion turbine which combined with any associated duct burner or heat recovery steam generator has a total combined heat input of less than 120 MMBtu/hr.

3. 1995 Standards

The following emission standards apply at all times except for periods of startup and shutdown for units that demonstrate compliance through use of a CEMS operated pursuant to the requirements of *Source Surveillance – Emissions Monitoring*, 06-096 C.M.R. ch. 117. During periods of startup or shutdown, the owner or operator of a CEMS-monitored unit must either meet the applicable operating standard below or the alternative emission limits contained in section 6 of this Chapter.

- A. Large boilers.** Any person owning, leasing, operating, or controlling a large boiler must comply with the following NO_x emission standards.

- (1) The NO_x emission rate for large boilers licensed to fire oil or licensed to fire multiple fuels must not exceed 0.30 pounds per million British Thermal Units (lb/MMBtu) on a 24-hour daily block average basis.

- (2) Compliance for large boilers must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.

B. Mid-size boilers

- (1) Any person owning, leasing, operating, or controlling a mid-size boiler located in a 1995 Moderate Nonattainment Area must comply with the following NO_x emission standards.
- (a) The NO_x emission rate for mid-size boilers licensed to fire oil must not exceed 0.30 lb/MMBtu based on a one-hour average unless the facility installs low-NO_x burners or equivalent control strategies.
 - (b) The NO_x emission rate for mid-size boilers licensed to fire biomass must not exceed 0.30 lb/MMBtu based on a one-hour average.
 - (c) The NO_x emission rate for mid-size boilers licensed to fire biomass and oil must not exceed 0.30 lb/MMBtu based on a one-hour average.
 - (d) The NO_x emission rate for mid-size boilers licensed to fire biomass and coal must not exceed 0.38 lb/MMBtu based on a one-hour average.
 - (e) The NO_x emission rate for mid-size boilers licensed to fire biomass and fuels other than oil and coal must not exceed 0.30 lb/MMBtu based on a one-hour average.
 - (f) Compliance for mid-size boilers with a heat input of 200 MMBtu/hr or greater must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.
 - (g) For any mid-size boiler that uses a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117, compliance will be on a 24-hour daily block average basis.
- (2) Any person owning, leasing, operating, or controlling a mid-size boiler not located in a 1995 Moderate Nonattainment Area must comply with the following NO_x emission standards.
- (a) The NO_x emission rate for mid-size boilers licensed to fire oil must not exceed 0.40 lb/MMBtu based on a one-hour average unless the facility installs low-NO_x burners or equivalent strategies.
 - (b) The NO_x emission rate for mid-size boilers licensed to fire biomass must not exceed 0.30 lb/MMBtu based on a one-hour average.

- (c) The NO_x emission rate for mid-size boilers licensed to fire biomass and oil must not exceed 0.40 lb/MMBtu based on a one-hour average.
 - (d) The NO_x emission rate for mid-size boilers licensed to fire biomass and coal must not exceed 0.45 lb/MMBtu based on a one-hour average.
 - (e) The NO_x emission rate for mid-size boilers licensed to fire biomass and fuels other than oil and coal must not exceed 0.30 lb/MMBtu based on a one-hour average.
 - (f) Compliance for mid-size boilers with a heat input of 200 MMBtu/hr or greater must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.
 - (g) For any mid-size boiler that uses a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117, compliance will be on a 24-hour daily block average basis.
- C. Kraft recovery boilers.** Any person owning, leasing, operating, or controlling a Kraft recovery boiler must comply with the following NO_x emission standards:
- (1) The NO_x emissions from any Kraft recovery boiler must not exceed 120 parts per million by volume on a wet basis (ppmwv), corrected to 8% oxygen or 12% carbon dioxide, on a 24-hour daily block average basis.
 - (2) Compliance for Kraft recovery boilers must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.
- D. Lime kilns.** Any person owning, leasing, operating, or controlling a lime kiln must comply with the following NO_x emission standards.
- (1) The NO_x emissions from any lime kiln must not exceed 120 ppmwv, corrected to 10% oxygen, on a one-hour average basis.
 - (2) Compliance for lime kilns must be determined by emissions testing in accordance with EPA approved test methods.
- E. Refuse derived fuel (RDF)-fired municipal solid waste(MSW) incinerators.** Any person owning, leasing, operating, or controlling an RDF-fired MSW incinerator must comply with the following NO_x emission standards.

- (1) The NO_x emissions for RDF-fired MSW incinerators must not exceed 180 parts per million by volume on a dry basis (ppmdv), corrected to 7% oxygen, on a 24-hour daily block average basis.
- (2) Compliance for RDF-fired MSW incinerators must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.

F. Mass burn municipal solid waste (MSW) incinerators. Any person owning, leasing, operating, or controlling a mass burn MSW incinerator must comply with the following NO_x emission standards.

- (1) The NO_x emissions for mass burn MSW incinerators must not exceed 200 ppmdv, corrected to 7% oxygen, on a 24-hour daily block average basis.
- (2) Compliance for mass burn MSW incinerators must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.

G. Alternative RACT determination. An owner or operator of an affected facility had the option to apply for an alternative RACT determination by February 3, 1995. If an alternative RACT determination was issued by the Department pursuant to such an application, the owner or operator must comply with such RACT requirements in lieu of the applicable requirements in sections 3(A) through 3(F) of this Chapter.

H. Seasonality standard. Facilities subject to sections 3(A) or 3(B)(1) may choose to comply with the following alternative emission limits through the seasonal combustion of different fuels:

- (1) Large boilers
 - (a) The NO_x emission rate for large boilers during the ozone season, from May 1 through September 30, must not exceed 0.2 lb/MMBtu on a 24-hour daily block average basis. During the period from October 1 through April 30, the NO_x emission rate for large boilers must not exceed 0.3 lb/MMBtu on a 24-hour daily block average basis; or
 - (b) The NO_x emission rate for large boilers during the ozone season, from May 1 through September 30, must not exceed 0.15 lb/MMBtu on a 24-hour daily block average basis. During the period from October 1 through April 30, the NO_x emission rate for large boilers must not exceed 0.35 lb/MMBtu on a 24-hour daily block average basis.
- (2) Mid-size boilers located in a 1995 Moderate Nonattainment Area
 - (a) The NO_x emission rate for mid-size boilers located in a 1995 Moderate Nonattainment Area during the ozone season, from May 1 through September 30,

must not exceed 0.20 lb/MMBtu based on a one-hour average. During the period from October 1 through April 30, the NO_x emission rate for mid-size boilers must not exceed 0.40 lb/MMBtu based on a one-hour average. For any mid-size boiler that uses a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117, compliance will be on a 24-hour daily block average basis; or

- (b) The NO_x emission rate for mid-size boilers located in a 1995 Moderate Nonattainment Area during the ozone season, from May 1 through September 30, must not exceed 0.15 lb/MMBtu based on a one-hour average. During the period from October 1 through April 30, the NO_x emission rate for mid-size boilers must not exceed 0.45 lb/MMBtu based on a one-hour average. For any mid-size boiler that uses a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117 compliance will be on a 24-hour daily block average basis.

I. Emissions averaging. Any person owning, leasing, operating, or controlling any of the units covered in sections 3(A)-3(D) of this Chapter at any one facility may average the applicable emission rates between some or all of those units on an equivalent lb/MMBtu basis on a 24-hour daily block basis. Continuous emission monitoring systems operated pursuant to the requirements of 06-096 C.M.R. ch. 117 must be employed to allow the use of emissions averaging pursuant to this paragraph.

J. Small boilers

- (1) Any person owning, leasing, operating, or controlling a small boiler must have a tune-up performed on the boiler at least annually. Tune-ups must be performed as specified in section 4(C)(3) of this Chapter.
- (2) Tune-up recordkeeping requirements are as follows:
- (a) A tune-up procedure file must be kept on-site and made available to the Department upon request;
 - (b) An oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file;
 - (c) Once the optimum excess oxygen setting has been determined, the owner or operator must periodically verify and document that the setting remains at that value; and
 - (d) If the minimum oxygen level found is substantially higher than the value provided by the combustion unit manufacturer, the owner or operator must improve the fuel and air mixing, thereby allowing operation with less air.

4. 2022 Standards

The following standards apply to emissions units located within the 2022 Ozone Transport Region. The standards in sections 4(A) through (F) of this Chapter take effect on *<12 months from the effective date of this rulemaking>* and supersede any applicable requirements in section 3 of this Chapter upon that date.

The following emission standards apply at all times except for periods of startup and shutdown for units that demonstrate compliance through use of a CEMS operated pursuant to the requirements of *Source Surveillance – Emissions Monitoring*, 06-096 C.M.R. ch. 117. During periods of startup or shutdown, the owner or operator of a CEMS-monitored unit must either meet the applicable operating standard below or the alternative emission limits contained in section 6 of this Chapter.

A. Large boilers. Any person owning, leasing, operating, or controlling a large boiler must comply with the following NO_x emission standards except as addressed in section 4(H) of this Chapter.

- (1) The NO_x emission rate for large boilers licensed to fire oil must not exceed 0.25 lb/MMBtu on a 24-hour daily block average basis.
- (2) Compliance for large boilers must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.

B. Mid-size boilers. Any person owning, leasing, operating, or controlling a mid-size boiler must comply with the following NO_x emission standards except as addressed in section 4(H) of this Chapter.

- (1) Owners or operators of mid-size boilers with a heat input less than 100 MMBtu/hr and licensed to fire only distillate fuel, natural gas, or a combination of distillate fuel and natural gas must comply with the requirements in section 4(C) of this Chapter.
- (2) The NO_x emission rate for mid-size boilers licensed to fire #6 fuel oil must not exceed 0.25 lb/MMBtu. Compliance must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.
- (3) The NO_x emission rate for mid-size boilers licensed to fire biomass or coal, alone or in combination with other fuels, must not exceed 0.20 lb/MMBtu. Compliance must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.
- (4) For any mid-size boiler that uses a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117, compliance will be on a 24-hour daily block average basis.

C. Small boilers. Any person owning, leasing, operating, or controlling a small boiler must comply with the following work practice standards except as addressed in section 4(H) of this Chapter.

- (1) The boiler must be equipped with an oxygen trim system that automatically maintains an optimum air-to-fuel ratio.
- (2) The owner or operator must perform a boiler tune-up at least once every five years.
- (3) Boiler tune-ups must be performed as specified below:
 - (a) As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection.
 - (b) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications.
 - (c) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. Delay of the inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection.
 - (d) If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up.
- (4) The owner or operator must keep the following records in a form suitable and readily available for expeditious review:
 - (a) Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
 - (b) Records of the occurrence and duration of each malfunction of each boiler; and
 - (c) Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.

D. Mass burn municipal solid waste (MSW) incinerators. Any person owning, leasing, operating, or controlling a mass burn MSW incinerator must comply with the following NO_x emission standards except as addressed in section 4(H) of this Chapter.

- (1) The NO_x emissions for mass burn MSW incinerators must not exceed 110 ppmdv, corrected to 7% oxygen, on a 24-hour daily block average basis.

(2) Compliance for mass burn MSW incinerators must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.

E. Small turbines. Any person owning, leasing, operating, or controlling a small turbine must comply with the following NO_x emission standards except as addressed in section 4(H) of this Chapter.

(1) The NO_x emission rate for small turbines licensed to fire only natural gas must not exceed 25 ppmdv corrected to 15% oxygen based on a one-hour average.

(2) The NO_x emission rate for small turbines licensed to fire both natural gas and distillate fuel must not exceed the following:

(a) 25 ppmdv corrected to 15% oxygen based on a one-hour average when operating on natural gas; or

(b) 65 ppmdv corrected to 15% oxygen based on a one-hour average when operating on distillate fuel.

(3) Compliance for small turbines must be demonstrated through emissions testing conducted within 180 days of becoming subject to this Chapter and every three years thereafter with no more than 38 months between tests. Emission tests must be conducted in accordance with 40 C.F.R. Part 60, Appendix A, Method 7, or other methods as approved by the Department. If a unit is not operating on the required date for an emissions test, the emissions test must be conducted within 60 days of start-up. If a unit is licensed to fire both natural gas and distillate fuel and is operating but not utilizing one of those fuels on the required date for an emissions test, the emissions test for that fuel must be conducted within 60 days of start-up of that fuel.

F. Large turbines. Any person owning, leasing, operating, or controlling a large turbine must comply with the following NO_x emission standards except as addressed in section 4(H) of this Chapter.

(1) The NO_x emission rate for large turbines licensed to fire only natural gas must not exceed 25 ppmdv corrected to 15% oxygen based on a one-hour average.

(2) Compliance for large turbines must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117.

G. Cement kilns. Any person owning, leasing, operating, or controlling a cement kiln must submit an application for an alternative RACT determination pursuant to section 4(H) of this Chapter.

H. Alternative RACT determination. In lieu of the applicable requirements in sections 4(A) – (F) of this Chapter, an owner or operator of an affected facility may apply

for an alternative RACT determination. Any owner or operator of a facility subject to section 4(G) of this Chapter must submit an application for an alternative RACT determination. Applications must be submitted in accordance with the following:

- (1) No later than *<180 days from the effective date of this rulemaking>*, submit to the Department for review and approval an application to amend the facility's existing air emission license to incorporate NO_x RACT. The application must include an alternative NO_x RACT analysis detailing the facility's evaluation of various options for the reduction of NO_x emissions from each affected unit at the facility. Each alternative NO_x RACT analysis must include, at a minimum:
 - (a) An inventory of all affected units at the facility;
 - (b) The maximum capacity of each affected unit;
 - (c) The maximum potential uncontrolled NO_x emissions from each affected unit;
 - (d) An examination of the technical and economic feasibility of available NO_x control techniques for the affected units for which alternative RACT emission limits are sought, including but not limited to the capabilities of the following NO_x control options:
 - (i) Low-NO_x burners;
 - (ii) Overfire air;
 - (iii) Flue gas recirculation;
 - (iv) Use of alternative fuels;
 - (v) Selective non-catalytic reduction (SNCR), including enhancement of existing SNCR systems;
 - (vi) Selective catalytic reduction; and
 - (vii) Alternative operating scenarios.
 - (e) The control option(s) selected and proposed emission limits with associated averaging times;
 - (f) The testing, monitoring, and recordkeeping methods and procedures proposed to demonstrate compliance;
 - (g) The amount of NO_x that is proposed to be controlled from each of the affected units identified in sections 4(H)(1)(a) of this Chapter; and

- (h) A proposed schedule for implementation, including a demonstration of compliance.
- (2) Submit to the Department, if requested, other information deemed necessary to determine NO_x RACT within 30 days of receipt of such request, unless an alternative timeline is approved by the Department.

5. Compliance Schedule

A. NO_x RACT application. The owner or operator of a facility subject to section 4 of this Chapter must submit to the Department and the municipal office of the municipality where the source is located, no later than *<180 days from the effective date of this rulemaking>*, a complete application to amend the facility's existing air emission license to incorporate NO_x RACT requirements. The application must include:

- (1) An inventory of all affected units at the facility;
- (2) If requesting an alternative NO_x RACT determination, the information contained in section 4(H)(1) of this Chapter;
- (3) A public notice of intent to file in accordance with 06-096 C.M.R. ch. 115, § 2(D); and
- (4) Certification by a Responsible Official pursuant to 06-096 C.M.R. ch. 115, § 2(C).

B. Departmental review of alternative NO_x RACT application

- (1) Upon receipt and review of an application for an alternative NO_x RACT determination the Department will submit to the owner or operator written notification stating whether the application is sufficient to allow the Department to determine RACT. Whenever the Department deems the information to be insufficient to determine RACT, the Department will request from the owner or operator the missing information.
- (2) Following receipt and review of a complete application, and all other information deemed necessary by the Department to determine RACT, the following will occur:
 - (a) The Department will send to the EPA and the owner or operator a draft Order containing:
 - (i) An inventory of all affected units;
 - (ii) Emission limits for each affected unit;

- (iii) A schedule for compliance with the emission limits;
- (iv) Procedures for determining initial compliance with the emission limits;
- (v) Procedures for assessing continuous compliance with the emission limits;
- (vi) Recordkeeping requirements; and
- (vii) Reporting requirements.

(b) A public comment period on the draft NO_x RACT Order will be held in accordance with 06-096 C.M.R. ch. 115, § 2(K). A copy of the application, supporting documentation, and draft Order will be made available to the public by the Department.

(3) The Department will issue to the owner or operator a final Order along with responses to all comments received on the draft Order.

(4) If the final Order includes an alternative RACT determination, the Department will submit the final Order to EPA as a source-specific SIP revision.

6. Alternative Emission Limits for Startup and Shutdown. The following standards take effect on *<12 months from the effective date of this rulemaking>*.

During periods of startup or shutdown, the following alternative emission limit applies to affected units with an applicable standard pursuant to this Chapter and that demonstrate compliance through use of a CEMS.

NO_x emissions must not exceed a mass emission rate in pounds per hour (lb/hr) equivalent to half of the applicable standard in section 3 or 4 of this Chapter, as applicable, at the unit's maximum capacity. This alternative emissions limit is on a 24-hour daily block average basis, or shorter time period if the startup or shutdown event does not last for the entire 24-hour daily block period. Operating times other than periods of startup and shutdown may be excluded from the block average.

Note: For example, a 100.0 MMBtu/hr boiler with a limit of 0.20 lb/MMBtu would be subject to a limit of 10.0 lb/hr during periods of startup and shutdown.

$$(0.20 \text{ lb/MMBtu}) * (100.0 \text{ MMBtu/hr}) / 2 = 10.0 \text{ lb/hr}$$

This alternative emission limit may not be utilized for more than two consecutive calendar days per event and may not be utilized for more than 10 percent of the unit's total operating time in any 12-month calendar period.

Compliance must be demonstrated through the use of a CEMS operated pursuant to the requirements of 06-096 C.M.R. ch. 117 and records of the date, time, and duration of all startup and shutdown events.

AUTHORITY: 38 M.R.S. §§ 585 and 585-A

EFFECTIVE DATE: August 3, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 8, 1996

Amended: