# 310 CMR 7.00: AIR POLLUTION CONTROL

Section



## 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 St. 2021, c. 8, §§ 56, 58, 60 and 102C. 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.

7.00: continued

(1) The following definitions in 310 CMR 7.00:
(a) COMBUSTION EFFICIENCY (C.E.).
(b) FUEL, including the definition of HAZARDOUS WASTE FUEL and USED OIL FUEL.
(c) GENERATOR.
(d) HAZARDOUS WASTE.
(e) HAZARDOUS WASTE INCINERATOR.
(f) PRINCIPAL ORGANIC HAZARDOUS CONSTITUENT (POHC).
(g) PRODUCTS OF INCOMPLETE COMBUSTION (PICs).
(h) RECYCLABLE MATERIAL.
(i) REGULATED RECYCLABLE MATERIAL.
(j) SPACE HEATER, including the definition of USED OIL FUEL FIRED SPACE HEATER.
(k) TOTAL HALOGENS.
(l) UNUSED WASTE OIL.
(m) USED OIL FUEL.
(n) USED WASTE OIL.
(o) WASTE.

(2) 310 CMR 7.04(9).

(3) 310 CMR 7.05(7), (8), and (9) and 310 CMR 7.05(8): *Table 3*.

(4) 310 CMR 7.08(4).

LEGEND

The following symbols will indicate, in the attached 310 CMR 7.00: *Air Pollution Control*, which Air Pollution Control Districts they apply to:

U = Universal, all districts
B = Berkshire
CM = Central Massachusetts
MV = Merrimack Valley
MB = Metropolitan Boston
PV = Pioneer Valley
SM = Southeastern Massachusetts

7.00: continued

Massachusetts Cities & Towns
with corresponding DEP
Regional Offices and Air Pollution Control Districts

| City/Town | Region | District |
|---|---|---|
| | A | |
| Abington | SE | MB |
| Acton | C | MB |
| Acushnet | SE | SM |
| Adams | W | B |
| Agawam | W | PV |
| Alford | W | B |
| Amesbury | NE | MV |
| Amherst | W | PV |
| Andover | NE | MV |
| Arlington | NE | MB |
| Ashburnham | C | CM |
| Ashby | C | CM |
| Ashfield | W | PV |
| Ashland | NE | MB |
| Athol | W | CM |
| Attleboro | SE | SM |
| Auburn | C | CM |
| Avon | SE | MB |
| Ayer | C | MV |
| | B | |
| Barnstable | SE | SM |
| Barre | C | CM |
| Becket | W | B |
| Bedford | NE | MB |
| Belchertown | W | PV |
| Bellingham | C | SM |
| Belmont | NE | MB |
| Berkley | SE | SM |
| Berlin | C | CM |
| Bernardston | W | PV |
| Beverly | NE | MB |
| Billerica | NE | MV |
| Blackstone | C | CM |
| Blandford | W | PV |
| Bolton | C | MB |
| Boston | NE | MB |
| Bourne | SE | SM |
| Boxborough | C | MB |
| Boxford | NE | MV |
| Boylston | C | CM |
| Braintree | S | MB |
| Brewster | SE | SM |
| Bridgewater | SE | MB |
| Brimfield | W | PV |
| Brockton | SE | MB |
| Brookfield | C | CM |
| Brookline | NE | MB |
| Buckland | W | PV |
| Burlington | NE | MB |
| Cambridge | NE | MB |
| Canton | S | MB |
| Carlisle | NE | MV |
| Carver | SE | SM |
| Charlemont | W | PV |
| Charlton | C | CM |
| Chatham | SE | SM |
| Chelmsford | NE | MV |
| Chelsea | NE | MB |
| Cheshire | W | B |
| Chester | W | PV |
| Chesterfield | W | PV |
| Chicopee | W | PV |
| Chilmark | SE | SM |
| Clarksburg | W | B |
| Clinton | C | CM |
| Cohasset | S | MB |
| Colrain | W | PV |
| Concord | NE | MB |
| Conway | W | PV |
| Cummington | W | PV |
| | D | |
| Dalton | W | B |
| Danvers | NE | MB |
| Dartmouth | SE | SM |
| Dedham | NE | MB |
| Deerfield | W | PV |
| Dennis | SE | SM |
| Dighton | SE | SM |
| Douglas | C | CM |
| Dover | NE | MB |
| Dracut | NE | MV |
| Dudley | C | CM |
| Dunstable | C | MV |
| Duxbury | SE | MB |
| | E | |
| E. Bridgewater | SE | MB |
| E. Longmeadow | W | PV |
| E. Brookfield | C | CM |
| Eastham | SE | SM |
| Easthampton | W | PV |
| Easton | SE | MB |
| Edgartown | SE | SM |
| Egremont | W | B |
| Erving | W | PV |
| Essex | NE | MB |
| Everett | NE | MB |

7.00: continued

| City/Town | Region | District |
|---|---|---|
| | F | |
| Fairhaven | SE | SM |
| Fall River | SE | SM |
| Falmouth | SE | SM |
| Fitchburg | C | CM |
| Florida | W | B |
| Foxborough | SE | SM |
| Framingham | NE | MB |
| Franklin | C | SM |
| Freetown | SE | SM |
| | G | |
| Gardner | C | CM |
| Gay Head | SE | SM |
| Georgetown | NE | MV |
| Gill | W | PV |
| Gloucester | NE | MB |
| Goshen | W | PV |
| Gosnold | SE | SM |
| Grafton | C | CM |
| Granby | W | PV |
| Granville | W | PV |
| Greenfield | W | PV |
| Groton | C | MV |
| Groveland | NE | MV |
| Gt. Barrington W | B | |
| | H | |
| Hadley | W | PV |
| Halifax | SE | SM |
| Hamilton | NE | MB |
| Hampden | W | PV |
| Hancock | W | B |
| Hanover | SE | MB |
| Hanson | SE | MB |
| Hardwick | W | CM |
| Harvard | C | CM |
| Harwich | SE | SM |
| Hatfield | W | PV |
| Haverhill | NE | MV |
| Hawley | W | PV |
| Heath | W | PV |
| Hingham | S | MB |
| Hinsdale | W | B |
| Holbrook | S | MB |
| Holden | C | CM |
| Holland | W | PV |
| Holliston | C | MB |
| Holyoke | W | PV |
| Hopedale | C | CM |
| Hopkinton | C | MB |
| Hubbardston | C | CM |
| Hudson | C | MB |
| Hull | S | MB |
| Huntington | W | PV |
| Ipswich | NE | MB |
| | K | |
| Kingston | SE | SM |
| | L | |
| Lakeville | SE | SM |
| Lancaster | C | CM |
| Lanesborough | W | B |
| Lawrence | NE | MV |
| Lee | W | B |
| Leicester | C | CM |
| Lenox | W | B |
| Leominster | C | CM |
| Leverett | W | PV |
| Lexington | NE | MB |
| Leyden | W | PV |
| Lincoln | NE | MB |
| Littleton | C | MV |
| Longmeadow | W | PV |
| Lowell | NE | MV |
| Ludlow | W | PV |
| Lunenburg | C | CM |
| Lynn | NE | MB |
| Lynnfield | NE | MB |
| | M | |
| Malden | NE | MB |
| Manchester | NE | MB |
| Mansfield | SE | SM |
| Marblehead | NE | MB |
| Marion | SE | SM |
| Marlborough | C | MB |
| Marshfield | SE | MB |
| Mashpee | SE | SM |
| Mattapoisett | SE | SM |
| Maynard | C | MB |
| Medfield | C | MB |
| Medford | NE | MB |
| Medway | C | SM |
| Melrose | NE | MB |
| Mendon | C | CM |
| Merrimac | NE | MV |
| Methuen | NE | MV |
| Middleborough | SE | SM |
| Middlefield | W | PV |
| Middleton | NE | MB |
| Milford | C | SM |
| Millbury | C | CM |
| Millis | C | MB |
| Millville | C | CM |
| Milton | NE | MB |

7.00: continued

| City/Town | Region | District |
|---|---|---|
| Monroe | W | PV |
| Monson | W | PV |
| Montague | W | PV |
| Monterey | W | B |
| Montgomery | W | PV |
| Mt. Washington | W | B |
| **N** | | |
| N. Attleborough | SE | SM |
| N. Brookfield | C | CM |
| N. Reading | NE | MB |
| Nahant | NE | MB |
| Nantucket | SE | SM |
| Northampton | W | PV |
| Northborough | C | CM |
| Natick | NE | MB |
| Needham | NE | MB |
| New Salem | W | PV |
| New Braintree | C | CM |
| New Ashford | W | B |
| New Marlborough | W | B |
| New Bedford | SE | SM |
| Newbury | NE | MV |
| Newburyport | NE | MV |
| Newton | NE | MB |
| Norfolk | C | MB |
| North Adams | W | B |
| North Andover | NE | MV |
| Northbridge | C | CM |
| Northfield | W | PV |
| Norton | SE | SM |
| Norwell | SE | MB |
| Norwood | S | MB |
| **O** | | |
| Oak Bluffs | SE | SM |
| Oakham | C | CM |
| Orange | W | PV |
| Orleans | SE | SM |
| Otis | W | B |
| Oxford | C | CM |
| Palmer | W | PV |
| Paxton | C | CM |
| Peabody | NE | MB |
| Pelham | W | PV |
| Pembroke | SE | MB |
| Pepperell | C | MV |
| Peru | W | B |
| Petersham | W | CM |
| Phillipston | C | CM |
| Pittsfield | W | B |
| Plainfield | W | PV |
| Plainville | SE | SM |
| Plymouth | SE | SM |
| Plympton | SE | SM |
| Princeton | C | CM |
| Provincetown | SE | SM |
| **Q** | | |
| Quincy | NE | MB |
| **R** | | |
| Randolph | S | MB |
| Raynham | SE | SM |
| Reading | NE | MB |
| Rehoboth | SE | SM |
| Revere | NE | MB |
| Richmond | W | B |
| Rochester | SE | SM |
| Rockland | SE | MB |
| Rockport | NE | MB |
| Rowe | W | PV |
| Rowley | NE | MV |
| Royalston | W | CM |
| Russell | W | PV |
| Rutland | C | CM |
| **S** | | |
| Salem | NE | MB |
| Salisbury | NE | MV |
| Sandisfield | W | B |
| Sandwich | SE | SM |
| Saugus | NE | MB |
| Savoy | W | B |
| Scituate | SE | MB |
| Seekonk | SE | SM |
| Sharon | SE | MB |
| Sheffield | W | B |
| Shelburne | W | PV |
| Sherborn | NE | MB |
| Shirley | C | CM |
| Shrewsbury | C | CM |
| Shutesbury | W | PV |
| Somerset | SE | SM |
| Somerville | NE | MB |
| South Hadley | W | PV |
| Southampton | W | PV |
| Southborough | C | MB |
| Southbridge | C | CM |
| Southwick | W | PV |
| Spencer | C | CM |

7.00: continued

| City/Town | Region | District |
|---|---|---|
| Springfield | W | PV |
| Sterling | C | CM |
| Stockbridge | W | B |
| Stoneham | NE | MB |
| Stoughton | SE | MB |
| Stow | C | MB |
| Sturbridge | C | CM |
| Sudbury | NE | MB |
| Sunderland | W | PV |
| Sutton | C | CM |
| Swampscott | NE | MB |
| Swansea | SE | SM |
| | T | |
| Taunton | SE | SM |
| Templeton | C | CM |
| Tewksbury | NE | MV |
| Tisbury | SE | SM |
| Tolland | W | PV |
| Topsfield | NE | MB |
| Townsend | C | CM |
| Truro | SE | SM |
| Tyngsborough | N | MV |
| Tyringham | W | B |
| | U | |
| Upton | C | CM |
| Uxbridge | C | CM |
| | W | |
| Wakefield | NE | MB |
| Wales | W | PV |
| Walpole | S | MB |
| Waltham | NE | MB |
| Ware | W | PV |
| Wareham | SE | SM |
| Warren | W | CM |
| Warwick | W | PV |
| Washington | W | B |
| Watertown | NE | MB |
| Wayland | NE | MB |
| Webster | C | CM |
| Wellesley | NE | MB |
| Wellfleet | SE | SM |
| Wendell | W | PV |
| Wenham | NE | MB |
| W. Brookfield | C | CM |
| W. Stockbridge | W | B |
| W. Springfield | W | PV |
| West Newbury | NE | MV |
| W. Bridgewater | SE | MB |
| West Tisbury | SE | SM |
| West Boylston | C | CM |
| Westborough | C | CM |
| Westfield | W | PV |
| Westford | N | MV |
| Westhampton | W | PV |
| Westminster | C | CM |
| Weston | NE | MB |
| Westport | SE | SM |
| Westwood | NE | MB |
| Weymouth | S | MB |
| Whately | W | PV |
| Whitman | SE | MB |
| Wilbraham | W | PV |
| Williamsburg | W | PV |
| Williamstown | W | B |
| Wilmington | NE | MB |
| Winchester | NE | MB |
| Winchendon | C | CM |
| Windsor | W | B |
| Winthrop | NE | MB |
| Woburn | NE | MB |
| Worcester | C | CM |
| Worthington | W | PV |
| Wrentham | SE | SM |
| | Y | |
| Yarmouth | SE | SM |

## PREAMBLE

The purpose of 310 CMR 7.00 is to prevent the occurrence of conditions of air pollution where such do not exist and to facilitate the abatement of conditions of air pollution where and when such occur. They are designed to attain, preserve, and conserve the highest possible quality of the ambient air compatible with needs of society.

7.00: continued

DEFINITIONS

When used in 310 CMR 7.00 or in communications, notices or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below:

12-MONTH PERIOD, 12-MONTH ROLLING PERIOD, ROLLING 12-MONTH PERIOD, CONSECUTIVE 12-MONTH TIME PERIOD OR CONSECUTIVE 12-MONTH PERIOD means a consecutive rolling 12-month period over which emissions are calculated for the purpose described by the regulatory section in which this phrase appears. A rolling 12-month period is calculated monthly starting with the month just ended and counting back 12 months (*e.g.*, December through the previous January, January through the previous February, February through the previous March, *etc*.)

ABOVEGROUND STORAGE TANK or AST, as used in 310 CMR 7.24(3) and (6), means a motor vehicle fuel storage tank that is intended for fixed installations, without backfill, that is located above or below grade.

ACT means the Federal Clean Air Act, 42 U.S.C. 7401 *et seq*.

ACTUAL CONSTRUCTION means in general, initiation of physical on-site construction activities of any facility subject to the requirements of 310 CMR 7.00, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent structures.

ACTUAL EMISSIONS means the rate that an emission unit or facility discharges air contaminants into the ambient air. This can be calculated on a daily, weekly, monthly, ozone season, 12-month rolling, calendar year basis or other time period as determined by the requirements of the applicable regulation(s). Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period including the efficiency of pollution control equipment, if present.

ADHESION PRIMER means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion primer is clearly identified as an adhesion primer or adhesion promoter on its accompanying safety data sheet.

ADHESION PROMOTER means a coating designed to facilitate the bonding of a primer or topcoat on surfaces such as trim moldings, door locks, and door sills, where sanding is impracticable, and on plastic parts and the edges of sanded areas.

ADMINISTRATOR means the administrator of the U.S. Environmental Protection Agency or his or her designee.

AEROSOL means a system of solid or liquid particles dispersed in a gas.

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

AFFECTED FACILITY for the purposes of 310 CMR 7.16, means any employment facility at which 250 or more employees are commuters, or any educational facility at which 1000 or more persons are commuters.

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AGRICULTURE for the purpose of 310 CMR 7.07, means those practices involved with the cultivation of soil for purposes of crop production and/or the raising of livestock when such crops are produced primarily for commercial foodstuffs and such livestock are raised primarily for commercial foodstuffs or work purposes.

AIR means atmosphere.

AIR CONTAMINANT means any substance or man-made physical phenomenon in the ambient air space and includes, but is not limited to, dust, flyash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof.

AIR CONTAMINATION SOURCE means any place at or from which any air contaminant is emitted to the ambient air space.

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.

AIR-ASSISTED AIRLESS SPRAY means an airless spray with a compressed air jet at the nozzle opening to atomize a coating.

AIR-DRIED COATING for purposes of 310 CMR 7.18(11)(d)2.a. and b., means a coating that is cured at a temperature below 90°C (194°F).

AIR-DRIED COATING for purposes of 310 CMR 7.18(21), means a coating that is dried by the use of air or forced warm air at temperatures below 90°C (194°F).

AIRLESS SPRAY means a spray coating method in which the coating is atomized by forcing it through a small nozzle opening at high pressure. The coating is not mixed with air before exiting from the nozzle opening.

ALCOHOL SUBSTITUTE means non-alcohol fountain solution additives including, but not limited to, glycol ethers or ethylene glycol.

ALTER OR ALTERATION means any physical change or change in the method of operation (including modification or reconfiguration of an emissions unit, change in the raw material used or change in the operating rate) which would result in an increase in potential emissions or an increase in ambient air impacts (*i.e.*, reduced stack height).

ALTERNATIVE FUEL means any fuel designated as such on an annual list issued by the Department, including methanol, denatured ethanol, and other alcohols; mixtures containing 85% or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquified petroleum gas; hydrogen, coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel that the Department determines is substantially not petroleum.

AMBIENT AIR SPACE means the unconfined space occupied by the atmosphere above the geographical area of the District which includes the air outside a facility or structure.

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ANNUAL CAPACITY FACTOR means the ratio between the actual heat input to the emission unit during the calendar year and the potential heat input to the emission unit had it been operated for 8,760 hours during a calendar year at the rated capacity; rated capacity for combustion turbines shall be at ISO (the International Organization for Standardization) conditions (*i.e.*, 59° Fahrenheit, 60% relative humidity, and 101.3 kilopascals pressure).

ANTIFOULANT COATING means any coating applied to the underwater portion of a pleasure craft to prevent or reduce the attachment of biological organisms, and registered with the United States Environmental Protection Agency (EPA) as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136).

ANTI-GLARE SAFETY COATING means a low gloss coating formulated to eliminate glare for safety purposes on interior surfaces of a vehicle, as specified under the U.S. Department of Transportation Motor Vehicle Safety Standards.

APPLICABLE REQUIREMENT for the purposes of 310 CMR 7.02(12), means any emission limitation, standard, term, condition or other requirement provided for in a Department regulation, a plan approval, an emission control plan or other document issued by the Department pursuant to 310 CMR 7.00.

APPLICATION AREA means any area where a coating is applied including, but not limited to, application by dipping, rolling, spraying or flowcoating techniques.

AQUEOUS CLEANER means a cleaning fluid or device using a cleaning fluid that is composed of soap and/or other water-soluble materials in a water solution.

ASPHALT means a dark-brown to black cementitious material (solid, semi-solid, or liquid) in which the predominating constituents are bitumens which occur in nature as such, or which are obtained as residue in refining petroleum.

ATTAINMEMT AREA means any area determined by the Administrator as one in which the ambient air concentration for a criteria pollutant does not exceed a primary or a secondary National Ambient Air Quality Standard.

AUTOMOBILE means a motor vehicle capable of carrying no more than 12 passengers.

AUTOMOTIVE EXTERIOR FLEXIBLE PARTS means flexible plastic parts used in the manufacture or repair of exterior components of automobiles.

AUTOMOTIVE EXTERIOR RIGID (NON-FLEXIBLE) PARTS means rigid plastic parts used in the manufacture or repair of exterior components of automobiles.

AUTOMOTIVE INTERIOR PARTS means plastic parts used in the manufacture or repair of interior components of automobiles.

AUTOMOTIVE REFINISHING FACILITY means any facility at which the interior or exterior bodies of automobiles, motorcycles, trucks, mobile equipment, or vans are repainted. This definition includes refinishing operations that travel to various locations, that refinish new vehicles damaged in transit before their initial sale, and that refinish aftermarket vehicles.

AUTOMOTIVE/TRANSPORTATION COATING means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.

Btu means British thermal unit, the amount of heat necessary to raise the temperature of one pound of water from 39°F to 40°F.

BAKED COATING means a coating that is cured at a temperature that is at or above 90°C (194°F).

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BAKERY means a facility consisting of one or more ovens for the baking of bread or other yeast leavened products.

BASE DATE means the date on which the base number of single occupant commuter vehicles at a particular employment facility or educational institution must be determined.

BEST AVAILABLE CONTROL TECHNOLOGY means an emission limitation based on the maximum degree of reduction of any regulated air contaminant emitted from or which results from any regulated facility which the Department, on a case-by-case basis taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems and techniques for control of each such contaminant. The best available control technology determination shall not allow emissions in excess of any emission standard established under the New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants or under any other applicable section of 310 CMR 7.00, and may include a design feature, equipment specification, work practice, operating standard, or combination thereof.

BIOTECHNOLOGY means the use of cellular and molecular processes from living systems to make or assist in making products.

BLACK COATING means a coating which meets the following criteria:

(a) Maximum lightness: 23 units.

(b) Saturation: less than 2.8, where saturation equals the square root of $A^2 + B^2$.

These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

BLANKET means a rubber-covered cylinder that receives the printed image from the plate cylinder and transfers the image to the substrate.

BOSTON METROPOLITAN PLANNING ORGANIZATION means the organization designated for maintaining a continuing, cooperative, and comprehensive (3C) transportation planning process under Section 134 of the Federal Aid Highway Act and Section 5303 of the Federal Transit Act in the Boston metropolitan region.

BOSTON TRANSPORTATION DEPARTMENT means the agency within the City of Boston responsible for transportation and traffic-related activities including the regulation of off-street parking spaces in the City under M.G.L. c. 148, § 56.

BOTTOM FILLING means the filling of a tank truck or stationary storage tank through an opening which is flush with the bottom of the tank.

BUBBLE means an alternative emission control strategy where several emission points are regarded as being placed under an hypothetical dome which is then regarded as a single emission source. Sources under a bubble may reallocate emission decreases and increases so long as the requirements of 310 CMR 7.00 are met. Bubbles need not be confined to a single facility or source site.

BULK PLANT means any organic material storage and/or distribution facility with an average daily throughput (1/30 of the total throughput on a rolling 30-day time period) of greater than or equal to 4,000, but less than 20,000 gallons of organic material having a true vapor pressure greater than 1.5 psia under actual storage conditions.

BULK TERMINAL means any organic material storage and/or distribution facility with an average daily throughput (1/30 of the total throughput on a rolling 30-day time period) of greater than 20,000 gallons of organic material having a true vapor pressure greater than 1.5 psia under actual storage conditions.

BUSINESS DAY as used in 310 CMR 7.24(3) and (6), means a day of the week that the Department is open for business.

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BUSINESS MACHINE means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, including devices listed in North American Industry Classification System (NAICS) numbers 333318, 334112, 334118, 334210, and photocopy machines, a subcategory of products classified under NAICS code 333316.

BUSINESS MACHINE COATING means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.

CALIFORNIA AIR RESOURCES BOARD (or CALIFORNIA ARB or CARB) means the California state agency established and empowered to regulate sources of air pollution in California, including motor vehicles, pursuant to California Health and Safety Code, Sections 39500 *et seq*.

CAMOUFLAGE COATING means a coating used, principally by the military, to conceal equipment from detection.

CAPTURE EFFICIENCY means the ability of a building, enclosure or system to capture air contaminants within the building, enclosure or system before the air contaminants are directed to an air pollution control device. Capture efficiency is determined in accordance with EPA Reference Test Method Number 204, as specified in 40 CFR Part 51: *Appendix M*, or by other methods approved by the Department and EPA.

CARBON DIOXIDE EQUIVALENT ($CO_2e$) means the amount of GHGs emitted computed by multiplying the mass amount of emissions in tons per year for each of the greenhouse gases in the air contaminant GHGs, by each gas' associated global warming potential set forth in 40 CFR Part 98, Subpart A: *Table A-1 – Global Warming Potentials* as in effect on January 1, 2015, and summing the resultant value for each gas to compute tons per year $CO_2e$.

CEMS means a continuous emissions monitoring system

CFR means the Code of Federal Regulations.

CHAIRMAN OF THE BOSTON MPO means the chairman of the Boston Metropolitan Planning Organization; which position is held by the Massachusetts Secretary of Transportation and Construction.

CHART means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by the Department.

CLASS I HARDBOARD PANELING FINISH means a finish that meets the specifications for Class I of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute (ANSI).

CLASS II HARDBOARD PANELING FINISH means a finish that meets the Class II specifications of ANSI A135.5-2012 as approved by the American National Standards Institute (ANSI).

CLEANUP SOLUTION means a solution which is used to clean any equipment and its parts.

CLEAR COAT means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color.

COATING means a material applied onto, or impregnated into, a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives and temporary protective coatings.

DEFINITIONS: continued

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

COATING LINE(S) means one or more apparatuses or operations which apply, convey and dry a surface coating comprised of including but not limited to the coating applicator (knife coating, roll coating, spray booths, flow coaters, dipping), conveyors, flashoff areas, air dryers, drying ovens and curing ovens. A coating line is considered to convey, apply and dry one or more layers of surface coating including, but not limited to, base coat, single coat, prime coat, and top coat.

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

COATING MIXING TANK means any portable or stationary tank used to disperse, blend, strain, thin, or tint an ink or formulation used for surface coating.

COMBINED CYCLE COMBUSTION TURBINE means any combustion turbine, including the duct burner portion thereof, in which heat is recovered from the exhaust gases to heat water or generate steam.

COMBUSTION DEVICE means all equipment including, but not limited to, thermal incinerators, catalytic incinerators, flares, boilers, and process heaters used for combustion of organic vapors.

COMBUSTION EFFICIENCY (C.E.) means a measure of the completeness of combustion, expressed as a percent, determined by the measurement of carbon dioxide ($CO_2$) and carbon monoxide (CO) in flue gas in accordance with the following formula: $C.E. = [CO_2/(CO + CO_2)] \times 100$.

COMMENCE OPERATIONS, as used in 310 CMR 7.24(3) and (6), means that point, after a Stage I or Stage II system has been installed or has undergone a substantial modification, when motor vehicle fuel is first dispensed for sale or use from a motor vehicle fuel dispensing facility or tank truck for the purpose said facility or tank truck is intended.

COMMERCIAL PARKING SPACES means, for the purposes of 310 CMR 7.30, parking spaces provided for a fee, excluding employee parking spaces.

COMMISSIONER means the Commissioner of the Department of Environmental Protection.

COMMUTER means any employee or student during his or her journey to or from work or classes and whose automobile is not customarily required to be used in the course of employment or classes.

COMPLIANCE CERTIFICATION means a statement detailing the compliance status of the emission unit or facility in regards to each applicable requirement, signed by a responsible official of the facility as being complete, accurate and true to the best knowledge of the signatory.

COMPONENT for the purpose of 310 CMR 7.18(19), means a piece of equipment including, but not limited to, pumps, valves, compressors, and pressure relief valves, which has the potential to leak volatile organic compounds.

7.00: continued

CONDENSATE for the purposes of 310 CMR 7.24, means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

CONDENSIBLE SUBSTANCES means any inorganic or organic compound or element, which exist in vapor phase prior to being emitted to the ambient atmosphere and undergoes rapid condensation under ambient conditions.

CONDENSOR means a device which cools a gas stream to a temperature which removes specific organic compounds by condensation.

CONSTRUCT OR CONSTRUCTION means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in an increase in potential emissions.

CONTAMINATED GROUNDWATER TREATMENT SYSTEM (CGTS) means a system designed to remediate groundwater contaminated with VOC through stripping of VOC from the water and transferring the VOC to an air stream.

CONTAMINATED SOIL VENTING SYSTEM means a system designed to remediate soil contaminated with a volatile organic compound (VOC) through stripping of the VOC from the soil by use of an on-site venting system constructed into the contaminated soil area. CONTAMINATED SOIL VENTING SYSTEM does not include the venting of landfills.

CONTINUOUS COMPLIANCE means meeting emission limitations established by 310 CMR 7.00 at all times.

CONTINUOUS PROCESS POLYSTYRENE RESIN MANUFACTURING PLANT means a plant in which styrene, with various dissolved additives, is continuously fed into a thermal reactor system and a molten resin product is continuously discharged from the reactor system.

COOLING TOWER as used in 310 CMR 7.02(2)(g)6., means an open water recirculation device that uses fans or natural draft to draw or force ambient air through the device to cool warm water by direct contact.

CRITERIA AIR CONTAMINANT or CRITERIA POLLUTANT means ozone ($O_3$), particulate matter (PM), sulfur oxides measured as sulfur dioxide ($SO_2$), nitrogen dioxide ($NO_2$), volatile organic compounds (VOC) as non-methane hydrocarbons, carbon monoxide (CO) or lead (Pb), or any other air contaminant for which national ambient air quality standards have been adopted.

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).

CURB WEIGHT describes a vehicle's weight classification as determined by the Registrar of Motor Vehicles.

CUTBACK ASPHALT means asphalt cement which has been liquefied by blending with petroleum solvent (diluents) such that the blend contains greater than 7% by weight of such petroleum solvents. Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function.

DEFINITIONS: continued

CYLINDER means any one of several components of a printing press used to transfer printed images or guide paper through the press including, but not limited to, intermediate, blanket, impression, plate and sheet transfer cylinders.

DEMOLITION OR RENOVATION means, unless otherwise specified, any operation which involves the wrecking, taking out, removal, stripping, or altering in any way (including repairing, restoring, drilling, cutting, sanding, sawing, scratching, scraping, or digging into) or construction of one or more facility components or facility component insulation. DEMOLITION or RENOVATION includes load- and nonload - supporting structural members of a facility.

DEPARTMENT means the Department of Environmental Protection (pursuant to St. 1989 c. 240, §§ 101, "...the department of environmental quality engineering shall be known as the department of environmental protection").

DIGITAL PRINTING means a method of printing in which an electronic output device transfers variable data, in the form of an image, from a computer to a variety of substrates.

DIP COATING means a method of applying coatings to a substrate by submersion into and removal from a coating bath.

DISTRICT means the Berkshire (BAPCD), Central Massachusetts (CMAPCD), Merrimack Valley (MVAPCD), Metropolitan Boston (MBAPCD), Pioneer Valley (PVAPCD), and Southeastern Massachusetts (SMAPCD) Air Pollution Control Districts.

DRUM means any cylindrical metal shipping container larger than 12 gallons capacity but no larger than 110 gallons capacity.

DRY BOTTOM means a furnace design in which the coal-fired unit equipped with an ash disposal hopper bottom with sufficient cooling surface so that the ash particles impinging on the furnace walls or hopper bottom can be removed in a dry state.

DUAL-POINT STAGE I SYSTEM as used in 310 CMR 7.24(3), means a type of Stage I system in which the storage tank is equipped with an entry port for a motor vehicle fuel fill pipe and a separate exit port for a vapor connection.

DUCT BURNER means a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary gas turbine, internal combustion engine, kiln etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.

DUST means finely divided solid matter.

DYEING FORMULATION means a fluid used to apply color to a textile substrate.

ELASTOMERIC COATING means a coating that is designed for application over flexible parts, such as elastomeric bumpers.

ELECTRIC DISSIPATING COATING means a coating that rapidly dissipates a high voltage electric charge.

ELECTRIC-INSULATING AND THERMAL-CONDUCTING COATING means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-°F.

ELECTRIC-INSULATING VARNISH means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

7.00: continued

ELECTRICAL AND ELECTRONIC COMPONENTS for purposes of 310 CMR 7.18(31) means components and assemblies of components that generate, convert, transmit, or modify electrical energy. Electrical and electronic components include, but are not limited to, wires, windings, stators, rotors, magnets, contacts, relays, printed circuit boards, printed wire assemblies, wiring boards, integrated circuits, resistors, capacitors, and transistors. Cabinets in which electrical and electronic components are housed are not considered electrical and electronic components.

ELECTRODEPOSITION means a specialized form of dip coating where opposite electric charges are applied to the coating and the part.

ELECTROMAGNETIC INTERFERENCE/RADIO FREQUENCY INTERFERENCE (EMI/RFI) COATING means a coating used in plastic business machine housings to attenuate electromagnetic and radio frequency interference signals that would otherwise pass through the plastic housings.

ELECTROSTATIC PREPARATION COATING means a coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a primer, a topcoat, or other coating through the use of electrostatic application methods. An electrostatic preparation coating is clearly identified as an electrostatic preparation coating on its accompanying safety data sheet.

ELECTROSTATIC SPRAY APPLICATION means the application of charged atomized paint particles thereby enhancing deposition by electrostatic attraction of the paint to the substrate.

EMERGENCY DEMOLITION/RENOVATION OPERATION means any operation that was not planned but results from a sudden unexpected event which requires the demolition/renovation of a structurally sound or unsound facility or facility component. This term includes operations necessitated by non-routine failures of equipment.

EMERGENCY MOTOR VEHICLE as used in 310 CMR 7.24(6), means any publicly or privately-owned motor vehicle used for the restoration or maintenance of electricity, gas, telephone, or other utilities essential to maintain public services during an emergency situation; any publicly-owned motor vehicle operated by a peace officer in performance of their duties; any authorized emergency motor vehicle used for fighting fires or responding to emergency fire calls; any publicly-owned authorized emergency motor vehicle used by an emergency medical technician or paramedic; any publicly or privately-owned motor vehicle under contract for snow removal; any publicly or privately-owned motor vehicle used for towing or servicing other emergency motor vehicles; or any ambulance used by a private entity under contract with a public agency.

EMERGENCY SITUATION as used in 310 CMR 7.24(6), means a situation in which a local, state, or federal official has declared a "state of emergency," or during fire fighting activities.

EMERGENCY OR STAND-BY ENGINE for the purposes of 310 CMR 7.02(8)(i) and 7.03(10), means any stationary internal combustion engine which operates as an emergency or standby mechanical or electrical power source.

EMI/RFI SHIELDING COATING means a coating used on electrical or electronic equipment to provide shielding against electromagnetic interference (EMI), radio frequency interference (RFI), or static discharge.

7.00: continued

EMISSION means any discharge or release of an air contaminant to the ambient air space.

EMISSION POINT means any place (including, but not limited to, a stack or vent) at or from which any air contaminant is emitted to the ambient air space.

EMISSION STATEMENT is a certification submitted by the owner or operator of a facility that describes the actual annual emissions of VOC and/or NOx from the facility as well as the average Ozone Season daily emissions from the facility.

EMISSION UNIT means any individual piece of equipment from which any air contaminant is emitted to the ambient air space; for example, an individual boiler, a single degreaser, *etc*.

EMISSIONS CAPTURE AND CONTROL EQUIPMENT means a system designed to limit the release of air contaminants into the ambient air by collecting emissions from a facility or emission unit, before they are emitted to the ambient air, and controlling these emissions by reducing or eliminating the mass of the air contaminants contained in the emissions. Control methods include, but are not limited to, oxidation, filtration, scrubbing, condensation, absorption and adsorption.

EMPLOYEE means any person who performs work for an employer 17 or more hours per week and for more than 20 weeks per year for compensation and who travels to and from work by any mode of travel.

EMPLOYEE PARKING SPACES means for the purposes of 310 CMR 7.30, parking spaces provided for use by employees of MASSPORT and employees of tenants at Logan Airport.

EMPLOYER means any person or entity who employs 250 or more daytime employee commuters at any time during a calendar year at any employment facility, or any educational institution with 1000 or more commuters.

EMPLOYMENT FACILITY means any facility or group of facilities of the same employer which are within walking distance of each other at which 250 or more persons are commuters.

END SEALING COMPOUND means a synthetic rubber compound which is coated on to ends of cans and which functions as a gasket when the can is assembled.

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% 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.

DEFINITIONS: continued

EPA means the United States Environmental Protection Agency.

ETCHING FILLER means a coating that contains less than 23% solids by weight and at least ½% acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

EXECUTIVE ORDER, as used in 310 CMR 7.24(3) and (6), means a certification document, including but not limited to, applicable exhibits, installation, operation and maintenance manuals, manufacturer guidance documents and manufacturer advisory correspondence or mail outs, as issued or approved by CARB, in accordance with the applicable certification procedures (17 of the California Code of Regulations, section 94011, as amended April 12, 1996) and adopted by the Department in 310 CMR 7.24(3) and (6).

EXISTING FACILITY for the purposes of 310 CMR 7.02(8), means any facility that is in operation on or before June 1, 1972, or any proposed facility of which the construction, substantial reconstruction or alteration of which has been approved in writing by the Department on or before June 1, 1972. All facilities as specified in the Federal Register, Volume 36, No. 247, December 23, 1971, the construction or modification of which was initiated after August 17, 1971 shall not be defined as existing facilities.

EXTERIOR BASE COAT means any coating applied to the exterior of a can to provide exterior protection to the metal and/or provide background for the lithographic or printing operation.

EXTERNAL FLOATING ROOF means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

EXTREME ENVIRONMENTAL CONDITIONS means continuous exposure to temperatures consistently above 95°C, detergents, abrasives, scouring agents, solvents, corrosive atmospheres, or similar environmental conditions.

EXTREME HIGH-GLOSS COATING for purposes of 310 CMR 7.18(11)(d)2.a. and b., means a coating which, when tested by ASTM standard D523-14, shows a reflectance of 75% or more on a 60° meter.

EXTREME HIGH-GLOSS COATING for purposes of 310 CMR 7.18(11)(b)4. and (d)2.c., means a coating which, when tested by ASTM standard D523-14, shows a reflectance of 90% or more on a 60° meter.

EXTREME PERFORMANCE COATING means coatings designed for exposure to harsh or extreme environmental conditions, as determined by the Department including, but not limited to, constant weather exposure, detergents, temperatures consistently above 203°F (95°C), or corrosive atmospheres.

EXTREME PERFORMANCE COATING for purposes of 310 CMR 7.18(11)(d)2.a. and b. means a coating used on a metal or plastic surface where the coated surface is, in its intended use, exposed to extreme environmental conditions such as those listed in (a) through (c). EXTREME PERFORMANCE COATING includes, but is not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks. Extreme environmental conditions include, but are not limited to, any of the following:

(a) Chronic exposure to corrosive, caustic, or acidic agents, chemicals, chemical fumes, chemical mixtures, or solutions;

(b) Repeated exposure to temperatures in excess of 121°C (250°F); or

(c) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers, or scouring agents.

FABRIC SURFACE COATING means the coating of a textile substrate to impart properties that are not initially present, such as strength, stability, water or acid repellency, or appearance.

DEFINITIONS: continued

FACE FIRING means a furnace firing design in which the burners are mounted in an array on one or more vertical walls including

(a) opposed firing, where the burners are mounted on two opposite walls; and
(b) single-wall firing, where the burners are mounted on only one wall.

FACILITY means any installation or establishment and associated equipment, located on the same, adjacent or contiguous property, capable of emissions.

FACILITY COMPONENT means any part of a facility including, but not limited to, any equipment, pipe, duct, boiler, tank, turbine, furnace, building material, insulation, load supporting and nonload supporting structural member or non-structural member at the facility.

FEDERAL POTENTIAL TO EMIT or FEDERAL POTENTIAL EMISSIONS means the maximum capacity of a stationary source to emit a regulated pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. To be federally enforceable, a limitation on any facility's capacity to emit a pollutant shall include testing, monitoring, and recordkeeping procedures sufficient to demonstrate compliance with the limitations. Examples of permit or SIP limitations generally considered federally enforceable are limitations on the allowable capacity of the equipment, requirements for the installation, operation and maintenance of pollution control equipment, limits on hours of operation, and restrictions on amounts of materials combusted, stored, or produced. To be federally enforceable, restrictions on operation, production, or emissions must be stated in terms of the shortest averaging time that can be used as a practical matter, *e.g.*, pounds per hour, or gallons per hour, and they must be tied to other enforceable operating restrictions at the source. General limitations on potential to emit, such as yearly limits (*e.g.*, in tons per year), by themselves, are not considered federally enforceable. The use of hourly, daily, weekly, or monthly rolling limits are generally acceptable. Any federally enforceable limitations or conditions must be enforceable as a practical matter, ensure continuous compliance with the restrictions, and include adequate testing, monitoring, and record keeping procedures sufficient to demonstrate compliance with the limitations or conditions of an applicable federally enforceable document described above. Fugitive emissions, to the extent quantifiable, are included in determining the potential to emit of a stationary source. Secondary emissions do not count in determining the potential to emit of a stationary source.

FEDERALLY ENFORCEABLE means all limitations and conditions which are enforceable by the Administrator, including but not limited to, those requirements developed pursuant to 40 CFR Part 60 (New Source Performance Standards), 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Catergories), 40 CFR Parts 72 through 80 (Acid Rain Program) and requirements within the Massachusetts State Implementation Plan. Federally enforceable requirements also include those requirements in operating permits issued either pursuant to 40 CFR Part 71 or under 310 CMR 7.00: *Appendix C*, (except those listed as state enforceable only) any permit requirements established pursuant to 40 CFR 52.21 (Prevention of significant deterioration of air quality), under plan approval requirements in either 310 CMR 7.02 or 7.00: *Appendix A*. Federally enforceable limitations and conditions can also be contained in either a permit restriction issued under 310 CMR 7.02(9), (10), (11) or equipment installed under 310 CMR 7.03, that has been made federally enforceable after the EPA has approved 310 CMR 7.02 and 7.03 into the Massachusetts SIP.

FERROUS CUPOLA FOUNDRY means a vertical cylindrical furnace using pig iron, scrap iron, scrap steel and coke as charging components. Ferrous Cupola Foundries can be separated into “Jobbing” Foundries and “Production” foundries. Jobbing foundries run intermittently for just long enough at one time to pour the molds that are ready on the foundry floor on a job-by-job basis. Production foundries will melt metal continuously and pour to a succession of molds that are constantly being prepared to receive the flow of molten iron.

7.00: continued

FINAL FINISH APPLICATION LINE means one or more apparatuses or operations which apply, convey, and dry/cure a final finish on to a textile substrate.

FINAL FINISHING means the functional enhancement of a textile by application of shape-retentive, water-repellent, stain-resistant, antistatic, flame-retardant, or other chemical treatments.

FINISH PRIMER/SURFACER means a coating applied with a wet film thickness of less than ten mils prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.

FINISHING FORMULATION means a material applied to a textile substrate to enhance the textile's performance or appearance.

FLASHOFF AREA means part of a coating line between the application area and the oven.

FLAT WOOD PANELING means hardwood plywood, thin particleboard and hardboard, but does not include Class I hardboard panels, exterior siding, tile board, insulation board or particleboard used in furniture manufacturing.

FLAT WOOD PANELING SURFACE COATING means a coating applied to flat wood panels including: printed interior panels made of hardwood plywood and thin particleboard; natural finish hardboard plywood panels; and hardwood paneling with Class II finishes.

FLEXIBLE COATING means any coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

FLEXOGRAPHIC PRINTING means the application of words, designs, and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

FLOW COATING means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

FLYASH means the aerosolized solid component of burned or partially burned fuel. "Soot" and "cinders" are included within the meaning of the term "flyash".

FOG COATING means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture.

FOUNTAIN ADDITIVE means any of several volatile and/or non volatile compounds or mixtures of compounds used to enhance the functioning of dampening systems in offset lithographic presses.

FOUNTAIN SOLUTION means a mixture of water and fountain additives, including isopropyl alcohol, for use in the dampening system of offset lithographic presses. Also referred to as dampening solution.

DEFINITIONS: continued

FOUR-STAGE COATING SYSTEM means a topcoat system composed of a colored basecoat, two semi-transparent midcoats, and a final transparent clearcoat. For compliance purposes, the VOC content of four-stage coating systems shall meet the emission limitation for three or four-stage topcoats in Table 7.18(28)(c), and is calculated according to the following formula:

$$VOC\ T_{4-stage} = \frac{VOC_{bc} + VOC_{mc1} + VOC_{mc2} + 2\ VOC_{cc}}{5}$$

Where:

VOC $T_{4\text{-stage}}$ is the weighted average of the VOC content, as applied, in the basecoat, midcoat, and clearcoat system.

$VOC_{bc}$ is the VOC content, as applied, of any given basecoat.

$VOC_{mc1}$ is the VOC content, as applied, of the first midcoat.

$VOC_{mc2}$ is the VOC content, as applied, of the second midcoat.

$2VOC_{cc}$ is twice the VOC content, as applied, of any given clearcoat.

FREEBOARD HEIGHT means for a Cold Cleaner Degreaser, the distance from the top of the liquid level to the lip of the tank; for an Open Top Vapor Degreaser, the distance from the top of the vapor zone during idling to the lip of the degreaser tank; for a Conveyorized Cold Cleaner, the distance from the top of the solvent level to the bottom of the entrance or exit opening, whichever is lower, for a Conveyorized Vapor Degreaser, the distance from the top of the solvent vapor level while idling to the bottom of the entrance or exit opening, whichever is lower.

FREEBOARD RATIO means ratio of the freeboard height to the smaller interior dimension (length, width, or diameter) of the degreaser.

FUEL means any solid, liquid, or gaseous material such as, but not limited to, coal, gasoline, manufactured gas, natural gas, oil, or wood, used for the production of heat or power by burning.

-COAL means all solid fuels classified as anthracite, bituminous, subbituminious, or lignite by the American Society of Testing and Materials in ASTM D388-77, standard specification for classification of coals by Rank, coal-derived synthetic fuels including, but not limited to, solvent refined coal, gasified coal, coal-oil mixtures, and coal-water mixtures.

-DISTILLATE FUEL OIL means No. 1 or No. 2 fuel oil. Distillate fuel oil having a sulfur content of 0.17 pounds of million Btu heat release potential is approximately equal to distillate fuel oil having a sulfur content of 0.3% by weight.

-FOSSIL FUEL means coal, coke, distillate oil, residual oil, used oil fuel or natural or manufactured gas.

-HAZARDOUS WASTE FUEL means a regulated recyclable material, other than waste oil, and other than a material that [i] has the hazardous waste characteristics set forth in 310 CMR 30.120 through 30.125, [ii] has waste oil as a significant ingredient, and [iii] does not have as an ingredient any hazardous waste, other than waste oil, listed or otherwise identified in 310 CMR 30.130 through 30.136,

1. that is recycled by being burned for energy recovery in an industrial or utility boiler or in an industrial furnace, but not in a hazardous waste incinerator licensed pursuant to 310 CMR 7.08 and 30.800:*Licensing Requirements and Procedures*, and
2. that is:
   a. presumed to be hazardous waste fuel pursuant to 310 CMR 30.215: *Distinguishing Waste Oil That Is Used Oil Fuel from Waste Oil That Is Not Used Oil Fuel*,
   b. a mixture of
      (i) any hazardous waste, other than waste oil, or of any material presumed to be hazardous waste fuel pursuant to 310 CMR 30.215: *Distinguishing Waste Oil That Is Used Oil Fuel from Waste Oil That Is Not Used Oil Fuel*, with
      (ii) any other material (including, without limitation, waste oil, any other hazardous waste, any material presumed to be hazardous waste fuel pursuant to 310 CMR 30.215: *Waste Oil That Is Used Oil Fuel from Waste Oil That Is Not Used Oil Fuel*, specification used oil fuel, off-specification used oil fuel, unused commercial fuel oil, unused commercial crude oil, or any hazardous or non-hazardous material burnable as fuel), and

DEFINITIONS: continued

3. that is managed in compliance with 310 CMR 30.200: *Provisions for Recyclable Material and for Waste Oil*.

-NATURAL GAS means

1. a naturally occurring mixture of hydrocarbon and nonhydrocarbon gas found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or
2. liquefied petroleum gas, as defined by the American Society of Testing and Materials in ASTM D1835-97, "Standard Specification for Liquefied Petroleum Gases"

-RESIDUAL FUEL OIL means No. 4, No. 5, or No. 6 fuel oil. Residual fuel oil having a sulfur content of 0.55 or 0.28 pounds per million Btu heat release potential is approximately equal to residual fuel oil having a sulfur content of 1.0 or 0.5% by weight respectively.

-USED OIL FUEL means a regulated recyclable material

1. that is recycled by burning for energy recovery, and
2. that is:
   a. a waste oil, or
   b. any fuel, other than hazardous waste fuel, produced from waste oil by processing, blending, or other treatment, and
3. that is managed in compliance with 310 CMR 30.200 30.200: *Provisions for Recyclable Material and for Waste Oil*.

-WOOD FUEL means all wood intended to be used as a fuel including, but not limited to, trees, cord wood, logs, lumber, saw dust, and wood from: manufacturing processes (but offs, shavings, turnings, sander dust, etc.), wood pellets, slabs, bark, chips, waste pallets, boxes, *etc*. -WOOD FUEL does not include materials which are chemically treated with any preservative, paint, or oil.

FUEL ADDITIVE means any substance which is not a natural component of the fuel to which it may be added or in conjunction with which it may be used.

FUEL CELL means an electrochemical device that converts the chemical energy in a fuel into electricity and heat.

FUEL UTILIZATION FACILITY means any furnace(s), fuel burning equipment, boiler(s), space heaters or any appurtenance thereto used for the burning of fuels, for the emission of products of combustion, or in connection with any process which generates heat and emits products of combustion, but does not mean a motor vehicle or an incinerator.

FUGITIVE EMISSIONS means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

FUME means any aerosol resulting from chemical reaction, distillation, or sublimation.

FURNACE means any enclosed structure designed to produce heat from the burning of a fuel therein, but does not mean open hearths, incinerators, stoves for cooking, fireplaces, or equipment for the melting, reclaiming, or refining of metals or maple syrup.

GAS means the state of matter having neither independent shape nor independent volume but having a tendency to expand and diffuse infinitely.

GASOLINE for the purpose of 310 CMR 7.24, means any petroleum distillate having an RVP of more than four pounds per square inch as defined by ASTM Method D323. Mixtures of 10% or greater simple alcohols are excluded from this definition.

GASOLINE MARKETING FACILITY for the purpose of 310 CMR 7.24, means a stationary tank having a capacity of greater than 250 gallons in which gasoline is stored or from which it is dispensed be it through retail or wholesale transfer.

GENERATOR means any person, by site, whose act or process produces hazardous waste, or whose act first causes a hazardous waste to become subject to regulation pursuant to 310 CMR 30.000: *Hazardous Waste*

DEFINITIONS: continued

GLASS means a hard amorphous inorganic substance made by fusing silicates, and sometimes borates and phosphates, with certain basic oxides.

GLASS MELTING FURNACE means equipment using heat for the production of glass. A unit comprising a refractory vessel in which raw materials are charged, melted at high temperature, refined, and conditioned to produce molten glass.

GLOSS REDUCER means a coating that is applied to a plastic part solely to reduce the shine of the part. A gloss reducer shall not be applied at a thickness of more than 0.5 mils of coating solids.

GREENHOUSE GASES (GHGs) means the air contaminant that is the aggregate group of six greenhouse gases: Carbon dioxide ($CO_2$), Methane ($CH_4$), Nitrous oxide ($N_2O$), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), and Sulfur hexafluoride ($SF_6$). To represent an amount of GHGs emitted, the term Carbon Dioxide Equivalent ($CO_2e$) shall be used.

HALOGENATED ORGANIC COMPOUND is any compound of carbon (excluding metallic carbides or carbonates and ammonium carbonate) combined with a halogen. For purposes of 310 CMR 7.12 and 7.18, halogenated organic compounds (HOC) are the following specific chemicals: methylene chloride, perchloroethylene (tetrachloroethylene), CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), FC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoro- ethane), and CFC-115 (chloropentafluoroethane).

HAND-FIRED FURNACE means any furnace in which fuel is manually placed directly on the hot fuel bed but does not mean stoves or fireplaces or other equipment used for the cooking of food.

HARDBOARD is a panel manufactured primarily from inter-felted ligno-cellulosic fibers that are consolidated under heat and pressure in a hot press.

HARDENER means an additive designed to promote a faster cure of coatings which cure by chemical cross-linking of the resin components.

HARDWOOD PLYWOOD is plywood whose surface layer is a veneer of hardwood.

HAZARDOUS AIR POLLUTANT (HAP) means an air contaminant designated by EPA under 42 U.S.C. 7412, as modified by EPA in 40 CFR Part 63, Subpart C (40 CFR 63.60 through 63.69). That list is incorporated by reference herein, together with all amendments and supplements thereto. A copy of the list is available from the Department.

HAZARDOUS WASTE means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954. Hazardous waste shall include any waste which is listed, identified, or otherwise determined to be hazardous waste pursuant to 310 CMR 30.100.

HEAT RELEASE RATE means the steam generating unit design heat input capacity (in Btu per hour) divided by the furnace volume (in cubic feet); the furnace volume is that volume bounded by the front furnace wall where the burner is located the furnace side waterwall, and extending to the level just below or in front of the first row of convection pass tubes.

DEFINITIONS: continued

HEAT-RESISTANT COATING means a coating intended to withstand a temperature of at least 204°C (400°F), during normal use.

HEATSET OFFSET LITHOGRAPHIC PRINTING means offset lithographic process that requires heat to set or dry the ink.

HEATSET PRINTING means a process that requires heat to set or dry the ink.

HIGH BAKE coating means a coating which is designed to cure only at temperatures of more than 90°C (194°F).

HIGH BUILD PRIMER/SURFACER means a coating applied with a wet film thickness of ten mils or more prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, or a moisture barrier, or promoting a uniform surface necessary for filling in surface imperfections.

HIGH GLOSS COATING means any coating which achieves at least 85% reflectance on a 60° meter when tested by ASTM D 523-14.

HIGH OCCUPANCY VEHICLE (HOV) means an automobile, van or bus with one or more passengers in addition to the driver, including taxi's with a single passenger.

HIGH OCCUPANCY VEHICLE LANE means a lane of travel designated for the sole use of high occupancy vehicles.

HIGH PRECISION PRODUCTS means products for which contamination must be minimized in accordance with a customer or other specification including but not limited to:

(a) Products for use in extreme environments;

(b) Products covered by rigorous military or commercial specifications that require extremely accurate and quality controlled manufacturing; and

(c) Products with quality standards that do not allow for potential excess contamination.

HIGH VOLUME LOW PRESSURE (HVLP) SPRAY APPLICATION means spray equipment used to apply a coating by means of a spray gun which operates between 0.1 and 10 Psig air pressure.

HIGH-PERFORMANCE ARCHITECTURAL COATING means a coating used to protect architectural subsections and which meets the requirements of the American Architectural Manufacturers Association's publication number *AAMA 2604-17 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels)* or *2605-17 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels)*.

HIGH-PRECISION OPTICS for purposes of 310 CMR 7.18(31), means the optical elements used in electro-optical devices that are designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes of light energy levels.

HIGH-TEMPERATURE COATING means a coating that is certified to withstand a temperature of 1000°F for 24 hours.

IMPACT-RESISTANT COATING means a coating designed to resist chipping caused by road debris.

IN GAS SERVICE for the purpose of 310 CMR 7.18(19), means any component which contacts process fluid that is in the gaseous state under operating conditions.

IN LIGHT LIQUID SERVICE for the purpose of 310 CMR 7.18(19), means a component is in contact with a fluid containing greater than 10% by weight light liquid.

DEFINITIONS: continued

IN VOC SERVICE for the purpose of 310 CMR 7.18(19), means equipment handling 10% or greater VOC by weight is subject to 310 CMR 7.00.

INCINERATOR means any article, machine, equipment, contrivance, structure, or part of a structure, used primarily for the reduction of combustible waste(s) by burning.

- COMMERCIAL or INDUSTRIAL INCINERATORS means any incinerator operated by any commercial or industrial establishment primarily for the reduction of refuse generated by said establishment.
- DOMESTIC INCINERATOR means any incinerator used primarily for the reduction of domestic refuse generated on the premises.
- FLUE-FED INCINERATOR means any incinerator provided with a single flue which serves as both the charging chute and the duct for conduction of the products of combustion to the ambient air space.
- HAZARDOUS WASTE INCINERATOR means any incinerator used for the reduction of hazardous waste except infectious waste as regulated by the Department of Public Health pursuant to the provisions of 105 CMR 130.354.
- MODULAR INCINERATOR means any incinerator of a standard design and identifiable by the manufacturer's markings.
- MUNICIPAL INCINERATOR means any incinerator operated by any person primarily for the reduction of refuse generated by the public at large.
- SPECIAL INCINERATOR means any incinerator designed for a special purpose such as but not limited to burning of biological, pathological, or toxicological refuse or for a specific facility.

INDUSTRIAL CLEANING SOLVENT for purposes of 310 CMR 7.18(31), means liquid used to clean parts, products, tools, machinery, equipment, and general work areas, including cleanup solutions and degreasing agents. Industrial cleaning solvent does not include janitorial supplies used for cleaning offices, bathrooms or other similar areas. Industrial cleaning solvent does not include solvent used in cold cleaning degreasing, vapor degreasing, or conveyorized degreasing at a facility subject to 310 CMR 7.18(8).

INTERNAL FLOATING ROOF means a cover in a fixed roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the cover's edge and the tank shell.

INTERIOR BASE COAT means any coating applied by roller coater or spray to the metal sheets for three piece cans to provide a protective lining between the can metal and the product.

INTERIOR BODY SPRAY means any coating sprayed on the interior of the can body to provide a protective film between the product and the can.

ISOLATE means, for the purposes of 310 CMR 7.24(6), to take out of service one or more components of a Stage II system so that the remainder of the Stage II system operates as required by the terms and conditions of the system’s currently applicable Executive Order.

KNIFE COATING means the application of any coating to a substrate by means of drawing the substrate beneath a thin blade that spreads the coating evenly over the full width of the substrate.

LARGE APPLIANCE SURFACE COATING means the coating of doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water-heaters, dishwasher, trash compactors, air conditioners, and other associated products.

LEAK for the purpose of 310 CMR 7.18(19) and 7.24(8), means the emission of a volatile organic compound concentration greater than or equal to 10,000 parts per million by volume (ppmv) as shown by monitoring or dripping of process fluid.

LEAKING COMPONENT for the purpose of 310 CMR 7.18(19) and 7.24(8), means any component which has a leak.

7.00: continued

LEAN BURN ENGINE means a stationary reciprocating internal combustion engine in which the amount of $O_2$ in the engine exhaust gases is 1.0% or more.

LEASE CUSTODY TRANSFER means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other form of transportation.

LEATHER SURFACE COATING means the coating of a leather substrate to impart properties that are not initially present, such as strength, stability, water or chemical repellency, or appearance.

LETTERPRESS PRINTING means a method where the image area is raised relative to the non-image area and the ink is transferred to the substrate directly from the image surface.

LIGHT-DUTY TRUCK means any motor vehicle rated at 8500 pounds gross vehicle weight or less which is designed primarily for the transportation of property.

LIGHT LIQUID for the purpose of 310 CMR 7.18(19), means a fluid with a vapor pressure greater than 0.3 kiloPascals (0.044 psi) at 20°C.

LIGHTERING OR LIGHTERING OPERATION means the offshore transfer of a bulk liquid cargo from one marine tank vessel to another vessel.

LIQUID-MOUNTED SEAL means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

LITHOGRAPHIC PRINTING means a printing process in which the image and non-image areas of the plate are on the same geometric plane. The image area is oil-receptive (hydrophobic) and the non-image area is water receptive (hydrophilic).

LOADING EVENT means an occurrence beginning with the connecting of marine terminal storage tanks to a marine tank vessel by means of pipes or hoses followed by the transferring of organic liquid cargo from the storage tank into the tank vessel and ending with the disconnecting of the pipes or hoses; or any other means of admitting any other organic liquid into marine vessel cargo tanks.

LOWEST ACHIEVABLE EMISSION RATE (LAER) means, for any source, the more stringent rate of emissions based on the following:

(a) The most stringent emissions limitation which is contained in any state SIP for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source.

In no event shall LAER allow a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable pursuant to applicable New Source Performance Standards of 40 CFR Part 60.

MAGNET WIRE INSULATION SURFACE COATING means the application of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

7.00: continued

MAKEUP SOLVENT means any solvent(s) which is(are) added to printing inks to reduce viscosity or otherwise modify properties.

MALFUNCTION means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

MARINE TANK VESSEL means any marine vessel which is capable of carrying liquid bulk cargo in tanks.

MARINE TERMINAL means any facility or structure constructed to load or unload organic liquid bulk cargo into or out of marine tank vessels.

MARINE VESSEL means any tugboat, tanker, freighter, barge, passenger ship, or any other boat, ship, or watercraft except those used primarily for recreation.

MASK COATING means thin film coating applied through a template to coat a small portion of a substrate.

MATERIAL RECOVERY SECTION means a vacuum devolatilizer system, styrene recovery system, or other system of equipment which separates styrene monomer and/or reaction by-products from polystyrene, or separates styrene monomer from reaction by-products.

MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY means the standard established by the Administrator pursuant to the Clean Air Act, §§ 112 and 129 (42 U.S.C. 7412 and 42 U.S.C. 7429), that represents the maximum degree of reduction in emissions of hazardous air pollutants determined, after examination of economics, health, and environmental impacts, to be achievable for new or existing sources in the category or sub-category to which the emission standard applies. MACT Standards may be determined by the Department pursuant to 40 CFR 63 Subpart B.

MAXIMUM DESIGN CAPACITY means the rated design capacity, operating rate or production rate of an emission unit as determined by the manufacturer of that unit or other method approved by the Department.

MEDICAL DEVICE for purposes of 310 CMR 7.18(31), means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar article, including any component or accessory that is:

(a) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of diseases;

(b) intended to affect the structure or any function of the body; or

(c) defined in the National Formulary or the United States Pharmacopoeia or any supplement to it.

METAL CAN SURFACE COATING means the coating of two or three piece metal cans.

METAL COIL SURFACE COATING means the coating of any flat metal sheet or strip that comes in rolls or coils.

7.00: continued

METAL FURNITURE SURFACE COATING means the coating of any metal parts which will be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

METALLIC COATING means a coating that contains more than five grams total of pure elemental metal or a combination of elemental metals per liter of coating as applied.

MILITARY SPECIFICATION COATING means a coating that has a formulation approved by a United States military agency for use on military equipment.

MINOR MODIFICATION means, for the purposes of 310 CMR 7.24(6), the re-installation repair or replacement of one or more Stage II System components that is not substantial including, but not limited to: less than 50% of the motor vehicle fuel dispensers (*e.g.*, one of four dispensers); a central vacuum unit of a Healy 400 ORVR nozzle system or Healy 600 nozzle system; ball float extractor valve housings; dispenser mounted vapor pumps; or "screw-on" spill or dry break buckets. If the re-installation, repair or replacement of Stage II System components occurs at a motor vehicle fuel dispensing facility with two or less dispensers, the re-installation, repair or replacement of only one of the motor vehicle fuel dispensers shall be a Minor Modification.

MISCELLANEOUS METAL PARTS AND PRODUCTS means farm machinery (harvesting, fertilizing, and plant machines, tractors, combines, lawn mowers, rototillers, *etc*.); small appliances; commercial and office equipment (computers and auxiliary equipment, typewriters, calculators, vending machines, *etc*.); fabricated metal products (metal doors, frames, *etc*.); industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, *etc*.); and any other metal parts or products which are coated under Standard Industrial Classification Codes of Major Groups 33, 34, 35, 36, 37, 38, and 39. The use of autobody anti-chip coatings and underbody plastisols in automobile and light-duty truck surface coating is considered coating of miscellaneous parts and products. This definition does not include metal cans, flat metal sheets, and strips in the form of rolls or coils; magnet wire for use in electrical machinery; metal furniture; large appliances; automobile and light duty trucks, automobile refinishing; exterior coating of assembled entire aircraft or assembled entire metal marine vessels; or customized topcoating of automobiles and trucks, if production is less than 35 vehicles per day.

MIST means any liquid aerosol formed by the condensation of vapor or by the atomization of liquids.

MOBILE EQUIPMENT means, for the purposes of 310 CMR 7.18(28), any equipment that is physically capable of being driven or drawn upon a highway including, but not limited to, construction vehicles (such as mobile cranes, bulldozers and concrete mixers); farming equipment (such as tractors and plows); hauling equipment (such as truck trailers, utility bodies and camper shells) and miscellaneous equipment (such as street sweepers and golf carts).

MOLD-SEAL COATING means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

MONITOR for the purpose of 310 CMR 7.18(19), means to measure volatile organic compound concentration by the appropriate EPA reference method.

MONTHLY THROUGHPUT means the total volume of motor vehicle fuel that is loaded into, or dispensed from, all motor vehicle fuel storage tanks at a motor vehicle fuel dispensing facility during a month. Monthly throughput is calculated by summing the volume of motor vehicle fuel loaded into, or dispensed from, all motor vehicle fuel storage tanks at a motor vehicle fuel dispensing facility during the current day, plus the total volume of motor vehicle fuel loaded into, or dispensed from, all motor vehicle fuel storage tanks at a motor vehicle fuel dispensing facility during the previous 364 days, and then dividing that sum by 12.

MOTOR VEHICLE means any equipment or mechanical device propelled primarily on land by power other than muscular power but does not mean railroad and railway engines and cars, vehicles operated by the system known as trolley motor or trackless trolley, or devices used for domestic purposes.

7.00: continued

MOTOR VEHICLE BEDLINER means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

MOTOR VEHICLE CAVITY WAX means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

MOTOR VEHICLE DEADENER means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

MOTOR VEHICLE FUEL means any petroleum distillate having a Reid Vapor Pressure of more than four pounds per square inch as determined by ASTM Method D323 and which is used primarily to power motor vehicles. This definition includes, but is not limited to, gasoline and mixtures of simple alcohols and gasoline.

MOTOR VEHICLE FUEL DISPENSING FACILITY means any facility where motor vehicle fuel is dispensed into motor vehicle fuel storage tanks, motor vehicle fuel-powered equipment, or portable containers from a storage tank with a capacity of 250 gallons or more.

MOTOR VEHICLE GASKET/SEALING MATERIAL means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.

MOTOR VEHICLE LUBRICATING WAX/COMPOUND means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.

MOTOR VEHICLE PARKING SPACE means any space which is used for the purpose of parking motor vehicles (whether or not demarcated as such), and whether or not a fee has been charged for its use; except those parking spaces used by residents, on street parking spaces, parking spaces designated by the City of Boston as parking for residents only shall not be considered as motor vehicle parking spaces. Nor shall parking spaces used for the purpose of the temporary storage of motor vehicles for sale, or parking spaces owned or operated by the Massachusetts Bay Transit Authority and used solely by transit users be considered motor vehicle parking spaces.

MOTOR VEHICLE SEALER means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (*e.g.*, primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

MOTOR VEHICLE TRUNK INTERIOR COATING means a coating, as used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.

MOTOR VEHICLE UNDERBODY COATING means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

MULTI-COLORED COATING means a coating which exhibits more than one color when applied, and is packaged in a single container and applied in a single coat.

MULTI-COMPONENT COATING means a coating requiring the addition, before application, of a separate reactive resin, commonly known as a catalyst or hardener, in order to form an acceptable dry film.

7.00: continued

MW means megawatt or a unit of electrical power equal to one million watts.

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) OR FEDERAL AMBIENT AIR QUALITY STANDARDS means the ambient air quality standards for criteria pollutants adopted by the Administrator pursuant to the Clean Air Act § 109 (42 U.S.C. § 7410) and codified at 40 CFR Part 50 as in effect on November 17, 2016.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) means those standards adopted by the EPA and contained in the CFR Title 40, Part 61 as of June 20, 2014.

NATURAL DRAFT OPENING means any permanent opening in an enclosure that remains open during operation of the emission unit and is not connected to a duct in which a fan is installed.

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 one 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 five 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.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) means Standards of Performance for New Stationary Sources adopted by the U.S. Environmental Protection Agency and contained in 40 CFR 60, and subsequent revisions as specified in the Regulations. Any emission testing to be compared with NSPS must be conducted in accordance with applicable procedures as specified in 40 CFR 60, or by another method which has been demonstrated to the satisfaction of the Department as being equivalent.

NEWSPAPER PRINTING is a non-heatset web offset lithographic process.

NO-BUILD ALTERNATIVE means the project roadway, the appurtenant highway network and roadway operational characteristics that would exist if the project were not built and assuming the level of development and services (*e.g.*, transit) which physically exist at the time of analysis or for which construction has commenced and completion and full utilization is expected prior to the projected completion date of the project under review.

NOISE means sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution.

NONATTAINMENT AREA means an area designated by the EPA as not meeting the National Ambient Air Quality Standard for a criteria pollutant pursuant to the Clean Air Act, § 107 (42 U.S.C. 7407) and 40 CFR Part 81. The current Massachusetts attainment status is published at 40 CFR 81.322, Subpart C - Section 107: *Attainment Status Designations*.

NONATTAINMENT REVIEW is plan review for major sources and major modifications as defined and described in 310 CMR 7.00: *Appendix A*.

NON-CRITERIA POLLUTANT is any air contaminant that is not listed as a criteria pollutant.

7.00: continued

NON-HEATSET OFFSET LITHOGRAPHIC PRINTING means an offset lithographic process that does not require heat to set or dry the ink. UV-cured and electron beam-cured inks are considered non-heatset.

NORTHEAST STATES means Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, Rhode Island, and New Jersey.

ODOR means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

OFF-PEAK PARKING SPACES means motor vehicle parking spaces not available for parkers between the hours of 7:30 A.M. and 9:30 A.M. on weekdays.

OFFSET LITHOGRAPHIC PRINTING means a printing process that transfers the printing image to an intermediary surface, which, in turn, transfers the image to the printing substrate.

OFF-STREET PARKING SPACES means parking spaces on private or public property adjacent to and/or with access to but not on a public or private roadway.

ONE-COMPONENT COATING means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

OPACITY means that characteristic of matter which renders it capable of interfering with the transmission of rays of light and causes a degree of obscuration of an observer's view.

OPAQUE STAIN means all stains that contain pigments, but are not classified as semitransparent stains, and includes stains, glazes and other opaque material applied to wood surfaces.

OPEN BURNING means burning under such conditions that the products of combustion are emitted directly to the ambient air space and are not conducted thereto through a stack, chimney, duct, or pipe. Open burning includes above or underground smoldering fires.

OPTICAL COATING means a coating applied to an optical lens.

ORGANIC LIQUID for the purpose of 310 CMR 7.24(8), means any liquid organic material having a vapor pressure of equal to or greater than 1.5 pounds per square inch absolute under actual storage conditions.

ORGANIC MATERIAL means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonates.

OVERVARNISH means a coating applied directly over ink to reduce the coefficient of friction, to provide gloss and/or to protect the finish against abrasion and corrosion.

OWNER/OPERATOR means any person, any department or instrumentality of the federal government, or any public or private group which:

(a) has legal title, alone or with others, of a facility; or
(b) has the care, charge, or control of a facility.

OXIDES OF NITROGEN($NO_x$) means all oxides of nitrogen including, but not limited to, nitrogen oxide and nitrogen dioxide.

OXYGENATE means any substance which, when added to gasoline, increases the amount of oxygen in that gasoline blend. Lawful use of any such substance or combination of substances must occur in compliance with Section 211 (f)(1) and 211 (m) of the Clean Air Act, or be permitted under a waiver granted by the US Environmental Protection Agency Administrator under the authority of section 211 (f)(4) of the Clean Air Act.

7.00: continued

OXYGENATED GASOLINE means gasoline with an oxygen content of at least 2.7% but no more than 2.9% of oxygen by weight.

OXYGENATED GASOLINE CONTROL AREA means any community located with in the Metropolitan Boston Air Pollution Control District, the Merrimac Valley Air Pollution Control District, and the following specific communities: Bellingham, Berlin, Carver, Foxborough, Franklin, Halifax, Harvard, Hopedale, Kingston, Lakeville, Lancaster, Mansfield, Medway, Mendon, Middleborough, Milford, Norton, Plymouth, Plympton, Raynham, Shirley, Townsend, Upton, and Wrentham.

OXYGENATED GASOLINE CONTROL PERIOD means the period beginning November 1st of a calendar year and continuing through the last day of February of the subsequent calendar year.

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

PACKAGING ROTOGRAVURE PRINTING or PACKAGING FLEXOGRAPHIC PRINTING means rotogravure or flexographic printing upon paper, paper board, metal foil, plastic films, and other substrates which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

PAINT SPRAY BOOTH means a structure housing automatic or manual spray application equipment where coating is applied.

PAN-BACKING COATING means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

PAPER, FILM AND FOIL SURFACE COATING means the application of a continuous layer of coating across the width or any portion of the width of a paper, film or foil substrate to:

(a) create a functional or protective layer;
(b) saturate a substrate for lamination; or
(c) provide adhesion between two substrates for lamination,

for a variety of decorative and functional products including, but not limited to, adhesive tapes, adhesive labels, metal foil, decorated, coated and glazed paper, book covers, office copier paper (zinc oxide coated), carbon paper, typewriter ribbons, and photographic films. Coating performed on or in-line with any offset lithographic, screen, letterpress, flexographic, retrogravure, or digital printing press is part of a printing process and is not part of the paper, film, and foil surface category.

PARK AND FLY PARKING SPACES means privately owned and operated off-street parking spaces located in the East Boston Parking Freeze Area provided for use by Logan Airport air travellers and visitors.

PARKING FREEZE means a limitation on the number of parking spaces available for specific uses within a specific geographic area.

PARKING SPACE means that area of public or private property that is designated or used for the parking or storage of one motor vehicle, excluding areas used for the loading and the unloading of goods.

PARTICULATE means any material that exists in a finely divided form as a liquid or solid at ambient air temperatures, humidity and pressures.

PARTICULATE MATTER (PM) means any airborne finely divided solid or liquid material, other than uncombined water.

7.00: continued

PARTICULATE MATTER EMISSIONS means all finely divided solid or liquid material, other than uncombined water, emitted into the ambient air, as measured by applicable reference methods, or equivalent or alternative specified methods, specified by EPA in the CFR, or by test methods specified by DEP and approved by EPA.

PEAK HOUR means a one hour period where the highest volume of traffic is utilizing any given roadway segment.

PENETRATING PRIME COAT means an application of low viscosity liquid asphalt to an absorbent surface used to prepare an untreated base for an asphalt surface.

PERSON means any individual, public or private partnership, association, firm, syndicate, company, trust, corporation, department or instrumentality of the federal or state government, political subdivision of the commonwealth, authority, bureau, agency, law enforcement agency, fire fighting agency, or any other entity recognized by law as the subject of rights and duties.

PETROLEUM HEATSET INK means an ink that is not a water-based, UV-cured, or electron beam-cured ink.

PETROLEUM LIQUIDS means crude oil, condensate and any finished or intermediate products manufactured or extracted in a petroleum refinery (through the petroleum refining process).

PIGMENTED COAT means opaque coatings that contain binders and colored pigments and are formulated to conceal the wood surface either as an undercoat or topcoat.

PLAN APPROVAL means the written approval by the Department of a comprehensive plan application or a limited plan application issued under 310 CMR 7.02(1).

PLASTIC PARTS are parts made from a substance that has been formed from a resin through the application of heat, pressure or both. They include, but are not limited to, plastic components for the following areas: automotive interior parts; automotive exterior parts, both flexible and rigid; business and office machine parts; medical equipment housings; entertainment equipment housings; toys; musical equipment housings; sporting goods; outdoor signs; architectural structures such as doors, floors and window frames; transportation equipment; and other miscellaneous plastic parts.

PLASTIC PARTS SURFACE COATING means the coating of a plastic part to impart properties that are not initially present, such as strength, stability, water or chemical repellency, resistance to EMI/RFI or appearance.

PLEASURE CRAFT means a vessel which is manufactured or operated primarily for recreational purposes, or leased, rented, or chartered to a person or business for recreational purposes. The owner or operator of such vessels shall be responsible for certifying that the intended use is for recreational purposes.

PLEASURE CRAFT SURFACE COATING means any marine coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft.

PM10 OR PARTICULATE MATTER 10 means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a federal reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by a federal equivalent method designated in accordance with 40 CFR Part 53.

PM10 EMISSIONS means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal ten micrometers, or condensible substance, other than uncombined water, emitted to the ambient air, as measured by an applicable reference method, or equivalent or alternative method specified by DEP and approved by EPA.

7.00: continued

$PM_{2.5}$ OR PARTICULATE MATTER 2.5 means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a federal reference method based on Appendix L of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by a federal equivalent method designated in accordance with 40 CFR Part 53.

$PM_{2.5}$ EMISSIONS means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, or condensable substance, other than uncombined water, emitted to the ambient air, as measured by applicable reference methods, or equivalent or alternative methods, specified by EPA in the CFR or by test methods specified by DEP and approved by EPA.

POLLUTION PREVENTION means, for the purpose of 310 CMR 7.02(8)(a)2.b., using one or more materials (*e.g.*, coatings, inks, solvents, *etc.*) formulations, processes, work practices, design features, equipment specifications or any combination thereof, which reduce air emissions to the extent feasible.

POTENTIAL EMISSIONS OR POTENTIAL TO EMIT means the maximum capacity of a facility or a stationary source to emit any air contaminant or pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or stationary source to emit any air contaminant or pollutant, including air pollution control equipment and/or restrictions on hours of operation, or on the type or amount of material combusted, stored or processed, shall be treated as part of the design only if the limitation is specifically stated in the facility's or stationary source's plan approvals, emission control plans, operating permit, certifications, restricted emission status, notifications and applicable regulations, or in the case of *de minimis* sources, in records of actual emissions established and maintained at the facility or stationary source pursuant to 310 CMR 7.02(2)(b). Fugitive emissions, to the extent quantifiable, are included in determining the potential emissions or the potential to emit of a facility or stationary source; secondary emissions are not included.

PREFABRICATED ARCHITECTURAL COMPONENT COATINGS means coatings applied to metal parts and products that are to be used as an architectural structure.

PRESSURE RELIEF VALVE for the purpose of 310 CMR 7.18(19), means a safety relief device used in applications where the process pressure may exceed the maximum allowable working pressure of the vessel.

PRESSURE SENSITIVE TAPE means a flexible backing material with a pressure-sensitive adhesive coating on one or both sides of the backing. Examples include, but are not limited to, duct/duct insulation tape and medical tape.

PRETREATMENT COATING means a coating which contains no more than 12% solids, by weight, and at least ½% acid, by weight; is used to provide surface etching; and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

PRETREATMENT WASH PRIMER means the first coat applied to bare metal if solvent-based primers will be applied. This coating contains a minimum of 0.5% acid by weight, is necessary to provide surface etching, and is applied directly to bare metal surfaces to provide corrosion resistance.

PRETREATMENT WASH PRIMER for purposes of 310 CMR 7.18(11) and (21), means a coating which contains no more than 12% solids, by weight, and at least ½% acids, by weight; is used to provide surface etching; and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings.

PRIME COAT or PRIMER means a coating formulated to provide a firm bond between substrate and subsequent coats.

7.00: continued

PRIMER SEALER means a coating that improves the adhesion of the topcoat, provides corrosion resistance, promotes color uniformity, and resists penetration by the topcoat.

PRIMER SURFACER means a coating that fills in surface imperfections and builds a film thickness in order to allow sanding.

PRINCIPAL ORGANIC HAZARDOUS CONSTITUENT (POHC) means a specific hazardous waste constituent(s) which is listed in 310 CMR 30.160: *Hazardous Constituents* or otherwise specified by the Department, which is in a hazardous waste incinerator waste feed, and for which the Department determines that a performance standard shall apply. In determining whether a hazardous waste constituent shall be a POHC, the Department shall consider the degree of difficulty to incinerate (*e.g.*, heat of combustion, auto ignition temperature, *etc*.), concentration or mass in the waste feed, toxicity, and other factors as determined by the Department.

PRINTING PRESS means a printing production assembly, with the ability to print one or multiple colors, designed to produce a printed product.

PRINTING INK means any fluid or viscous mixture used in printing, impressing, or transferring an image onto a substrate.

PRINT PASTE means a viscous mixture containing a pigment or dye which is applied to a textile substrate as a decorative pattern or design.

PRINTED INTERIOR PANEL means a panel whose grain or natural surface is obscured by fillers and base coats upon which a simulated grain or decorative pattern is printed.

PROCESS WEIGHT PER HOUR means the total weight of all materials introduced into any specific process that may cause any emissions of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time.

PRODUCTS OF INCOMPLETE COMBUSTION (PICs) means organic compounds in a hazardous waste incinerator flue gas other than principal organic hazardous constituents (POHCs).

PROJECT AREA means the geographical area defined by Executive Office of Environmental Affairs as the study area in its decision setting forth the scope of a project pursuant to 301 CMR 11.06: *ENF Review and Decision*.

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).

PUBLIC FACILITY means a facility wholly owned or operated by the Commonwealth; or by a city, town or governmental entity which is protected from the imposition of additional costs being assessed against such city, town or entity by M.G.L. c. 29, § 27C as amended (Proposition 2½).

PUBLICATION ROTOGRAVURE PRINTING or PUBLICATION FLEXOGRAPHIC PRINTING means rotogravure or flexographic printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

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QUARTERLY for the purpose of 310 CMR 7.18(19), means four times per year at 90-day intervals.

QUENCH AREA means a chamber where the hot metal exiting an oven is cooled by either a spray of water or a blast of air followed by water cooling.

RADIATION means any ionizing or non-ionizing, electromagnetic or particulate radiation or any sonic, infrasonic, or ultrasonic wave.

RADIATION EFFECT COATING for purposes of 310 CMR 7.18(31), means a material that prevents radar detection.

RADIOACTIVE MATERIAL means any material or materials in combination (solid, liquid, or gaseous) which emit(s) ionizing radiation.

REASONABLY AVAILABLE CONTROL TECHNOLOGY means the lowest emission limitation that a particular facility is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

RECOVERY DEVICE means an individual unit of equipment including, but not limited to, an absorber, carbon adsorber, or condenser, capable of and used for the purpose of removing vapors and recovering liquids or chemicals.

RECYCLABLE MATERIAL

(a) Recyclable material means any material that is used or reused or reclaimed.

(b) Used or reused material means any material that is either:

1. employed as an ingredient (including use as an intermediate) in an industrial process to make a product, except when distinct components of the material are recovered as separate end products; or

2. employed in a particular function or application as an effective substitute for a commercial product.

(c) Reclaimed material means any material that is processed to recover a useable product or that is regenerated.

RED COATING means a coating which meets all of the following criteria:

(a) Yellow limit: the hue of hostaperm scarlet.

(b) Blue limit: the hue of monastral red-violet.

(c) Lightness limit for metallics: 35% aluminum flake.

(d) Lightness limit for solids: 50% titanium dioxide white.

(e) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.

(f) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units.

These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

REDUCER means a solvent added to dilute a coating, usually for the purpose of lowering its viscosity.

REFRIGERATED CHILLER means a device which is mounted above the water jacket and the primary condenser coils, consisting of secondary coils which carry a refrigerant to provide a chilled air blanket above the solvent vapor to reduce emissions from the degreaser bath. The chilled air blanket temperature measured at the centroid of the degreaser at the coldest point shall be no greater than 30% of the solvents boiling point measured in °F.

7.00: continued

REFUSE means any animal, vegetable, or mineral, solid, liquid, or gaseous waste. It includes, but is not limited to, rubbish, garbage, ashes, construction waste, industrial waste, commercial waste, demolition waste, agricultural waste, abandoned vehicles, and any unwanted or discarded material. It does not include hazardous waste.

REGENERATIVE CYCLE COMBUSTION TURBINE means any stationary combustion turbine which recovers heat from the combustion turbine exhaust gases to preheat the inlet combustion air to the combustion turbine.

REGISTRAR means the Registrar of the Registry of Motor Vehicles.

REGISTRY means the Registry of Motor Vehicles.

REGULATED POLLUTANT means any air contaminant regulated under the Federal Clean Air Act, 42 U.S.C. 7401 *et seq*., excluding pollutants regulated under 42 U.S.C. 7401, § 112.

REGULATED RECYCLABLE MATERIAL means any recyclable material which either

(a) has a characteristic described in 310 CMR 30.120 through 30.125, or

(b) is listed or otherwise described in 310 CMR 30.131 through 30.136, or

(c) has been determined by the Department to be a hazardous waste pursuant to 310 CMR 30.144.

REID VAPOR PRESSURE is a standardized measure of the vapor pressure of a liquid in pounds per square inch absolute at 100°F as determined by ASTM Method D323.

REMOTE PARKING SPACES means any parking space (whether or not defined as a "motor vehicle parking space" for the purpose of 310 CMR 7.00) which serves end uses outside of a parking freeze area including, but not limited to, parking for airport use, for Downtown Boston parking, and for remote employee parking.

RENTAL MOTOR VEHICLE parking spaces means off-street parking spaces for rental/leased passenger motor vehicles at a facility owned, operated and/or leased by a motor vehicle rental company.

REPAIR for the purpose of 310 CMR 7.18(19), means to reduce the volatile organic compound concentration of a leaking component to below 10,000 ppmv as shown by monitoring.

REPAIR COATING means a coating used to recoat portions of a previously coated product which had sustained mechanical damage to the coating.

REPOWERING means the replacement of an emission unit with a new unit that is less polluting and more efficient than the unit which is being replaced.

RESIST COAT means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

RESPONSIBLE OFFICIAL means, in the case of:

(a) a sole proprietorship - the sole proprietor.

(b) a partnership - a general partner with the authority to bind the partnership.

(c) a corporation or a nonprofit corporation - a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function who has been duly authorized to bind the corporation pursuant to a corporate vote, or an employee of the corporation who has been duly authorized to bind the corporation pursuant to a corporate vote.

(d) a municipality or other public agency - a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

(e) a trust - a trustee or any other natural person authorized:

1. to enter into contracts regarding the trust property;

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2. to bind the trust; or
3. to encumber or dispose of the trust property.

(f) a limited liability company - a person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members.

RESTRICTED USE PARKING for the purpose of 310 CMR 7.30, means parking spaces which are provided by Massport for use by Logan Airport air travellers and visitors for free when commercial parking space demand exceeds the supply of on-Logan airport commercial parking spaces, and which are not otherwise available for use by Logan Airport air travellers and visitors; RESTRICTED USE PARKING for the purpose of 310 CMR 7.33, means parking spaces which are provided for free when motor vehicle parking space demand exceeds the supply of motor vehicle parking spaces in the South Boston Parking Freeze area.

RICH BURN ENGINE means any stationary reciprocating internal combustion engine that is not a lean burn engine.

ROLL COATING means the application of a coating to a substrate by means of hard rubber or steel rolls.

ROLL PRINTING means the application of decorative print, words, designs, or pictures to a substrate by means of hard rubber or steel rolls each with only partial coverage of the substrate.

ROLLER PRINTING means rotogravure printing on a textile substrate.

ROTARY SCREEN PRINTING means the application of a decorative print, words, designs, or pictures to a textile substrate by means of a cylindrical, metal screen.

ROTOGRAVURE PRINTING means the application of words, designs and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

ROUTINE MAINTENANCE means, for the purposes of 310 CMR 7.24(6), the regular re-installation, repair or replacement of one or more Stage II System components including, but not limited to: hoses; nozzles; breakaways; swivels; hose retractors; bucket plow rings; “slip-on” spill or dry break buckets; “O” rings and seals; submersible pumps or suction pipes; fill adaptors; fill tubes; vapor adaptors; fill and vapor caps; drain valves; monitor caps; or riser caps.

SAFETY-INDICATING COATING means a coating that changes physical characteristics, such as color, to indicate unsafe conditions.

SEALER means a coating formulated and applied to prevent subsequent coatings from being absorbed into the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

SECONDARY EMISSIONS means emissions which would occur as a result of the construction or operation of a major stationary source/facility or major modification but do not come from the major stationary source/facility or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the facility which causes the secondary emissions. Secondary emissions may include, but are not limited to:

- emissions from motor vehicles, ships or trains going to or from the major stationary source/facility, and
- emissions from any offsite support facility which would not otherwise be constructed, or increase its emissions as a result of the construction or operation of the major stationary source/facility or major modification.

SECRETARY means the Secretary of Transportation and Construction.

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SEMI-TRANSPARENT STAIN means a coating which is formulated to change the color of the substrate but not conceal the substrate.

SHEET-FED means a printing operation in which the substrate is fed to the printing press in individual sheets.

SHOCK-FREE COATING means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance, and having resistance to breaking down under high voltage.

SILICONE-RELEASE COATING means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

SIMPLE CYCLE COMBUSTION TURBINE means any stationary combustion turbine which does not recover heat from the combustion turbine exhaust gases to heat water or generate steam.

SINGLE COAT means a single film of coating applied directly to the substrate omitting any primer application.

SINGLE-OCCUPANT COMMUTER VEHICLE means a motor-powered vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to and/or from work or classes and is not customarily required to be used in the course of his or her employment, or studies.

SINGLE-STAGE TOPCOAT means a topcoat consisting of only one coating.

SMALLER EMPLOYERS means any person or entity who employs between 50 and 250 employee commuters who are located within an industrial or office park and are within walking distance of each other.

SMOKE means the visible aerosol, which may contain fly ash, resulting from combustion of materials but does not mean condensed water vapor.

SOAP means cleansing agents made of the alkali metal salts of fatty acids having from ten to 18 carbon atoms.

SOLAR-ABSORBENT COATING means a coating which has as its prime purpose the absorption of solar radiation.

SOLID-FILM LUBRICANT means a very thin coating consisting of a binder system containing as its chief pigment material one or more of molybdenum disulfide, graphite, polytetrafluoroethylene (PTFE), or other solids that act as a dry lubricant between faying surfaces.

SOLIDS as used in 310 CMR 7.18, means the volume (in gallons) of solid material in a coating, ink, or other organic material as determined by EPA Test Method 24:40 CFR 60: *Appendix A* (volume of coating minus volume of carrier such as photochemically reactive and or non-photochemically reactive solvents and water) or as provided by the coating manufacturer.

SOLVENT means a substance that is used to dissolve or dilute another substance; this term includes, but is not limited to, dissolvers, viscosity reducers, degreasing agents or cleaning agents.

SOLVENT METAL DEGREASING means the process of cleaning metal surfaces by using a volatile organic compound:

- Cold Cleaning Degreasing means the batch process of solvent metal cleaning by spraying, brushing, flushing or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition.

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- Conveyorized Degreasing means the continuous process of solvent metal cleaning by operating with either cold or vaporized solvents.
- Vapor Degreasing means the process of solvent metal cleaning by condensing hot solvent vapor on the colder metal parts.

SOUND means the phenomenon of alternative increases and decreases in the pressure of the atmosphere, caused by radiations having a frequency range of from 20 to 20,000 cycles per second, that elicits a physiologic response by the human sense of hearing.

SPACE HEATER means a heating device that is used for the direct heating of the area in and adjacent to the area in which the device is located.

- Used Oil Fuel Fired Space Heater means a space heater that is capable of burning used oil fuel.

SPECIAL AND EXTREME SOLVENT METAL CLEANING means the use of degreasers:

(a) To clean metal parts used in the manufacturing and rework of electronic parts, assemblies, boxes, wiring harnesses, sensors and connectors used in aerospace service;

(b) To clean metal parts used in the manufacturing of ozone, nitrous oxide, fluorine, chlorine, bromine, halogenated compounds, or oxygen in concentrations greater than 23%; or

(c) To clean metal parts exposed to ozone, nitrous oxide, fluorine, chlorine, bromine, halogenated compounds, or oxygen in concentrations greater than 23%.

SPECIALTY COATING means a product which is necessary due to unusual job performance requirements. These coatings or additives include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, impact resistant coatings, underbody coatings, weld through primers, gloss flatteners, bright metal trim repair, and anti-glare/safety coatings.

SPECIALTY PRINTING means all gravure and flexographic operations which print a design or image, excluding packaging rotogravure printing, packaging flexographic printing, publication rotogravure printing, and publication flexographic printing. Specialty printing operations include, but are not limited to, printing on paper cups and plates, patterned gift wrap, wall paper, and floor coverings.

SPLASH FILLING means the filling of a tank truck or stationary tank through a pipe or hose whose discharge opening is above the surface level of the liquid in the tank being filled.

STAGE I CARB ENHANCED VAPOR RECOVERY (EVR) COMPONENT or EVR COMPONENT as used in 310 CMR 7.24(3), means a component identified in any of the Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 1*. and 310 CMR 7.24(3)(c)1.: *Table 2*.

STAGE I CARB ENHANCED VAPOR RECOVERY (EVR) SYSTEM as used in 310 CMR 7.24(3), means a vapor balance system certified by CARB pursuant to a Phase I Executive Order to prevent discharge to the atmosphere of at least 98% by weight of vapors displaced during the transfer of motor vehicle fuel from a tank truck to a motor vehicle fuel storage tank.

STAGE I COMPONENT ENHANCED VAPOR RECOVERY (EVR) SYSTEM as used in 310 CMR 7.24(3), means:

(a) for an underground storage tank, a vapor balance system constructed from components identified in any one of the Phase I Executive Orders listed in 310 CMR 7.24(3)(c).1.: *Table 1*. including, but not be limited to, the following components: spill containment buckets, drain valves, dust caps, rotatable product adaptors, riser adaptors, drop tubes, rotatable vapor adaptors, tank gauge ports, and pressure/vacuum vent valves; and

(b) for aboveground storage tanks, a vapor balance system constructed from components identified in any of the Phase I Executive Orders and applicable Standing Loss Control Executive Orders listed in 310 CMR 7.24(3)(c).1.: *Table 2*.

STAGE I MINOR MODIFICATION as used in 310 CMR 7.24(3), means the installation, repair or replacement of one or more Stage I system components that is not substantial including, but not limited to, product drop tubes; overfill prevention devices; "screw-on" spill containment and dry break buckets.

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STAGE I NON-ENHANCED VAPOR RECOVERY SYSTEM as used in 310 CMR 7.24(3), means a vapor balance system certified by CARB to prevent discharge to the atmosphere of at least 95% by weight of vapors displaced during the transfer of motor vehicle fuel from a tank truck to a motor vehicle fuel storage tank.

STAGE I ROUTINE MAINTENANCE as used in 310 CMR 7.24(3), means the regular installation, repair or replacement of one or more Stage I system components including, but not limited to, bucket plow rings; "slip-on" spill containment and dry break buckets; "O" rings and seals; product adaptors; vapor adaptors; product caps; vapor caps; monitor caps; riser caps; drain valves; and pressure/vacuum vent valves.

STAGE I SUBSTANTIAL MODIFICATION as used in 310 CMR 7.24(3), means, the installation, repair or replacement of one or more Stage I system components requiring excavation below a shear valve or tank pad including, but not limited to, vent piping; vapor space tie bar; dual-point or co-axial Stage I systems; or motor vehicle fuel storage tanks.

STAGE I SYSTEM means a Stage I CARB EVR System, a Stage I Component EVR System, or a Stage I Non-enhanced vapor recovery system.

STAGE II MINOR MODIFICATION means, for the purposes of 310 CMR 7.24(6), the re-installation, repair or replacement of one or more Stage II System components that is not substantial including, but not limited to, less than 50% of the motor vehicle fuel dispensers (*e.g.*, one of four dispensers); a central vacuum unit of a Healy 400 ORVR nozzle system or Healy 600 nozzle system; ball float extractor valve housings; dispenser mounted vapor pumps; or "screw-on" spill or dry break buckets. If the re-installation, repair or replacement of Stage II System components occurs at a motor vehicle fuel dispensing facility with two or less dispensers, the re-installation, repair or replacement of only one of the motor vehicle fuel dispensers shall be a Minor Modification.

STAGE II ROUTINE MAINTENANCE means, for the purposes of 310 CMR 7.24(6), the regular reinstallation, repair or replacement of one or more Stage II System components including, but not limited to, hoses; nozzles; breakaways; swivels; hose retractors; bucket plow rings; "slip-on" spill or dry break buckets; "O" rings and seals; submersible pumps or suction pipes; fill adaptors; fill tubes; vapor adaptors; fill and vapor caps; drain valves; monitor caps; or riser caps.

STAGE II SUBSTANTIAL MODIFICATION means, for the purposes of 310 CMR 7.24(6), the reinstallation, repair or replacement of one or more Stage II System components including, but not limited to, 50% or more of the motor vehicle fuel dispensers (*e.g.*, two of four dispensers); the replacement of one type of Stage II system with another type (*e.g.*, replacement of a balance system with a vacuum assist system, or a Healy 400 ORVR nozzle system or Healy 600 nozzle system with a Healy VP-1000 system); or the re-installation, repair or replacement of Stage II System components requiring excavation below a shear valve or tank pad (*e.g.*, vapor return piping, vent piping, vapor space tie bar, two-point or coaxial Stage I systems; or motor vehicle fuel storage tanks). If the re-installation, repair or replacement of one or more Stage II System components occurs at a motor vehicle fuel dispensing facility with two or fewer dispensers, the re-installation, repair or replacement of all motor vehicle fuel dispensers shall be a Substantial Modification.

STAGE II SYSTEM as used in 310 CMR 7.24(6), means a vapor recovery system identified in an Executive Order and specifically designed for the purpose of controlling vapors during the direct dispensing of motor vehicle fuel to a motor vehicle.

STANDARD CONDITIONS mean a temperature of 20°C and pressure of 760 millimeters of mercury.

STANDARD OPERATING PROCEDURE (S.O.P.) means the specific procedure for operation of, and which minimizes the emission from, an air contamination source.

7.00: continued

STATE IMPLEMENTATION PLAN ("SIP") means the most recently prepared plan or revision thereof required by the Federal Clean Air Act which has been approved by the U.S. EPA.

STATIONARY COMBUSTION TURBINE means any stationary internal combustion engine which operates with a rotary motion, including any simple cycle turbine, regenerative cycle turbine, or any turbine portion of a combined cycle steam/electric generating system that is not self propelled.

STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINE means any reciprocating internal combustion engine. It does not include an engine that is regulated by EPA as a non-road engine defined under 40 CFR 1068.30 or is self-propelled.

STENCIL COATING means an ink or pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols, or numbers to motor vehicles, or their parts or components.

STENCIL COATING for purposes of 310 CMR 7.18(11)(b)2. and (21)(b)1., means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols, and/or numbers.

STENCIL COATING for purposes of 310 CMR 7.18(21)(b)2., means a coating that is applied over a stencil to a plastic part at a thickness of one mil or less of coating solids. Stencil coatings are most frequently letters, numbers, or decorative designs.

STOKER means a boiler/furnace design that incorporates a feeding mechanism, fuel distribution and ash residue collection system for the purpose of introducing solid fuel into the combustion zone of the boiler/furnace by feeding the fuel onto a grate.

STRUCTURAL MEMBER means any load-supporting member of a facility including beams and load-supporting walls, or any nonload-supporting member including ceilings and nonload-supporting walls.

STUDENT means any daytime student who does not live at the educational institution and who travels to and from classes by any mode of travel.

SUBMERGED FILLING means the filling of a motor vehicle fuel storage tank through a pipe whose discharge opening is entirely submerged below the surface level of the liquid in the tank.

SUBSTANTIAL RECONSTRUCTION means any physical change in, or changes in the method of operation of a facility or its appurtenances which changes the amount of emissions from such facility.

SUBSTRATE means the surface onto which a coating, ink or other material is applied or impregnated.

SULFUR IN FUEL - for the purpose of 310 CMR 7.05, sulfur in fuel is as follows:

(a) Oil

| | | | |
|---|---|---|---|
| 2.2% sulfur content | = | 1.21 | pounds of sulfur per million Btu heat release potential |
| 1% sulfur content | = | 0.55 | pounds of sulfur per million Btu heat release potential |
| 0.5% sulfur content | = | 0.28 | pounds of sulfur per million Btu heat release potential |

(b) Coal

| | | | |
|---|---|---|---|
| 1.57% sulfur content | = | 1.21 | pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound) |
| 0.72% sulfur content | = | 0.55 | pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound) |
| 0.36% sulfur content | = | 0.28 | pounds of sulfur per million Btu heat release potential (assuming 13,000 Btu per pound) |

7.00: continued

SURFACE COATING means a process whereby a layer of one substance is deposited on or in another material. The layer of coating may be used to decorate, bond, protect, strengthen, or impart other properties to substrate.

SURFACE PREPARATION PRODUCT means a product formulated to dissolve and remove tar, grease, wax, and other hydrophobic contaminants from a surface prior to application of a primer.

SYNTHETIC ORGANIC CHEMICAL MANUFACTURING FACILITY for the purpose of 310 CMR 7.18(19), means a facility which manufactures, as a final or intermediate product, polyethylene, polypropylene, polystyrene, methyl tert-butyl ether (MTBE), or one of the chemicals listed in 40 CFR Part 60.489.

TANGENTIAL FIRING means a furnace firing design where the burners are mounted at the corners of the furnace chamber.

TANK TRUCK means a truck or trailer equipped with a storage tank and used for the transport of motor vehicle fuel from sources of supply to stationary fuel tanks, or to motor vehicle fuel tanks.

TEXTILE FINISHING means the preparation, decorative enhancement, or functional enhancement of a natural or man-made textile substrate. Specific textile finishing processes include, but are not limited to, textile cleaning (desizing and scouring), bleaching, dyeing, printing, and final finishing.

TEXTURE COATING means a coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.

THIN PARTICLEBOARD means a manufactured board that is 0.25 inches or less in thickness, and made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

THIRD-PARTY VANPOOL PROGRAM means a vanpool program operated by an organization other than an employer which acquires and provides vans to groups of interested commuters.

THREE PIECE CAN SIDE SEAM SPRAY means a coating sprayed on the exterior and interior of a welded, cemented or soldered seam to protect the exposed metal.

THREE-STAGE COATING SYSTEM means a topcoat system composed of a colored basecoat, a semi-transparent midcoat, and a final transparent clearcoat. For compliance purposes, the VOC content of three-stage coating systems shall meet the emission limitation for topcoats in Table 7.18(28)(c), and is calculated according to the following formula:

$$VOC\ T_{3-stage} = \frac{VOC_{bc} + VOC_{mc} + 2\ VOC_{cc}}{4}$$

Where:

VOC $T_{3\text{-stage}}$ is the weighted average of the VOC content, as applied, in the basecoat, midcoat, and clearcoat system.
$VOC_{bc}$ is the VOC content, as applied, of any given basecoat.
$VOC_{mc}$ is the VOC content, as applied, of any given midcoat.
$2VOC_{cc}$ is twice the VOC content, as applied, of any given clearcoat.

TILEBOARD means paneling that has a colored, waterproof surface coating.

TOPCOAT means the final film of coating applied in a multiple coat operation.

TOTAL HALOGENS means the total concentration, by weight, of fluorine, chlorine, bromine, and iodine, as measured by a method acceptable to the Department.

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TOUCH-UP COATING means a coating applied by brush, airbrush, or non-refillable aerosol can of no more than eight ounces to cover minor surface damage and imperfections.

TOUCH-UP COATING for purposes of 310 CMR 7.18(11) and (21), means a coating used to cover minor coating imperfections that appear after the main coating operation is completed.

TRANSFER EFFICIENCY means the portion of coating solids which remain on the substrate during the application process, expressed as a percentage of the total volume of coating solids delivered by the applicator.

TRANSLUCENT COATING means a coating which contains binders and pigment, and is formulated to form a colored, but not opaque, film.

TWO PIECE CAN EXTERIOR END COATING means a coating applied by roller coating or spraying to the exterior end of a can to provide protection to the metal.

TUNNEL VENTILATION SYSTEM means any mechanical system which is designed to provide ventilation of any air contaminant regulated herein from any public roadway which is covered or otherwise enclosed in a tunnel or similar structure.

TWO-STAGE TOPCOAT means a basecoat/clearcoat system composed of a colored basecoat and a transparent final coat. For compliance purposes, the VOC content of basecoat/clearcoat systems shall meet the emission limitation for two-stage topcoats in 310 CMR: *Table 7.18(28)(c)*, and shall be calculated according to the following formula:

$$VOC\ T_{bc/cc} = \frac{VOC_{bc} + 2\ VOC_{cc}}{3}$$

Where:

$VOC\ T_{bc/cc}$ is the weighted average of the VOC content, as applied, in the basecoat (bc) and clearcoat (cc) system.

$VOC_{bc}$ is the VOC content, as applied, of any given basecoat.

$2VOC_{cc}$ is twice the VOC content, as applied, of any given clearcoat.

UNDERBODY COATING means a coating designed for protection and sound deadening that is typically applied to the wheel wells and underbody of an automobile.

UNIFORM FINISH BLENDER means a coating designed to blend a repaired topcoat into an existing topcoat.

UNIT TURNAROUND for the purpose of 310 CMR 7.18(19), means unit shutdown and purge for internal inspection and repair.

UNUSED WASTE OIL means waste oil that is superfluous or abandoned fuel, storage tank bottoms, clean-out sludge, sludge from the separation of unused oil from a non-hazardous waste, contaminated oil resulting from the clean-up of a release of oil, and any other waste oil that is not used waste oil.

USED WASTE OIL means used and/or reprocessed, but not subsequently re-refined, waste oil that has served its original intended purpose. Such oil includes, but is not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, and dielectric fluid.

VACUUM ASSIST SYSTEM means a Stage II system utilizing a pump, blower, or other vacuum inducing device, to collect and, or, process vapors during the dispensing of motor vehicle fuel.

VACUUM METALLIZING means a process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

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VACUUM-METALLIZING COATING means:

(a) the undercoat applied to a substrate on which the metal is deposited; or

(b) the overcoat applied directly to the metal film.

VAPOR means the gaseous state of certain substances that can exist in equilibrium with their solid or liquid states under standard conditions.

VAPOR BALANCE SYSTEM means a vapor recovery system utilizing direct displacement to collect and/or process vapors during the transfer of motor vehicle fuel.

VAPOR-MOUNTED SEAL means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

VAPOR-TIGHT means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100% of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of one inch from the source.

VINYL SURFACE COATING means the application of a decorative, protective or functional coating and/or printing on vinyl coated fabric or vinyl sheets.

VISIBLE EMISSIONS for the purpose of 310 CMR 7.15, means any emissions that are detectable without the aid of instruments. This does not include condensed uncombined water vapor.

VOC COMPOSITE PARTIAL PRESSURE means the sum of the partial pressures of the compounds defined as VOC.

VOC Composite Partial Pressure is calculated as follows:

$$PP_c = \sum_{i=1}^{n} \frac{(W_i)(VP_i)/MW_i)}{\frac{W_w}{Mw_w} + \frac{W_e}{Mw_e} + \sum_{i=1}^{n} \frac{W_i}{MW_i}}$$

Where:

Wi = Weight of the "i"th VOC compound, in grams

Ww = Weight of water, in grams

We = Weight of exempt compounds, in grams

Mwi = Molecular weight of the "i"th VOC compound, in $\frac{g}{g\text{-mole}}$

Mww = Molecular weight of water, in $\frac{g}{g\text{-mole}}$

Mwe = Molecular weight of exempt compound, in $\frac{g}{g\text{-mole}}$

PPc = VOC composite partial pressure, in mm Hg

VPi = Vapor pressure of the "i"th compound, in mm Hg

n = The number of VOC compounds

VOLATILE ORGANIC COMPOUND (VOC) means any compound of carbon which participates in atmospheric photochemical reactions. For the purpose of determining compliance, VOC is measured by the applicable reference test methods specified in 40 CFR 60. VOC includes all organic compounds except the following:

| CAS Number | Chemical Name |
|---|---|
| 67641 | acetone, |
| 124685 | AMP (2-amino-2-methyl-1-propanol), |
| 506876 | ammonium carbonate, |
| 540885 | t-butyl acetate, |
| 630080 | carbon monoxide, |
| 124389 | carbon dioxide, |
| 463796 | carbonic acid, |

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| | |
|---|---|
| 616386 | dimethyl carbonate, |
| N/A | metallic carbides or carbonates, |
| 74828 | methane, |
| 74840 | ethane, |
| 79209 | methyl acetate, |
| 71556 | methyl chloroform (1,1,1-trichloroethane), |
| 107313 | methyl formate, |
| 75092 | methylene chloride, (dichloromethane), |
| 98566 | parachlorobenzotrifluoride (PCBTF), |
| 127184 | perchloroethylene (tetrachloroethylene), |
| 108327 | propylene carbonate, |
| 75694 | CFC-11 (trichlorofluoromethane), |
| 75718 | CFC-12 (dichlorodifluoromethane), |
| 75456 | CFC-22 (chlorodifluoromethane), |
| 76131 | CFC-113 (trichlorotrifluoroethane), |
| 76142 | CFC-114 (dichlorotetrafluoroethane), |
| 76153 | CFC-115 (chloropentafluoroethane), |
| 593704 | HCFC-31 (chlorofluoromethane), |
| 306832 | HCFC-123 (2,2-dichloro-1,1,1-trifluoroethane), |
| 354234 | HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane), |
| 2837890 | HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane), |
| 1717006 | HCFC-141b (1,1-dichloro-1-fluoroethane), |
| 75683 | HCFC-142b (1-chloro-1,1-difluoroethane), |
| 1615754 | HCFC-151a (1-chloro-1-fluoroethane), |
| 422560 | HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane), |
| 507551 | HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane), |
| 75467 | HFC-23 (trifluoromethane), |
| 75105 | HFC-32 (difluoromethane), |
| 354336 | HFC-125 (pentafluoroethane), |
| 359353 | HFC-134 (1,1,2,2-tetrafluoroethane), |
| 811972 | HFC-134a (1,1,1,2-tetrafluoroethane), |
| 4129462 | HFC-143a (1,1,1-trifluoroethane), |
| 75376 | HFC-152a (1,1-difluoroethane), |
| 353366 | HFC-161 (ethylfluoride), |
| 690391 | HFC-236fa (1,1,1,3,3,3-hexafluoropropane), |
| 679867 | HFC-245ca (1,1,2,2,3-pentafluoropropane), |
| 24270664 | HFC-245ea (1,1,2,3,3-pentafluoropropane), |
| 431312 | HFC-245eb (1,1,1,2,3-pentafluoropropane), |
| 460731 | HFC-245fa (1,1,1,3,3-pentafluoropropane), |
| 431630 | HFC-236ea (1,1,1,2,3,3-hexafluoropropane), |
| 431890 | HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane), |
| 406586 | HFC-365mfc (1,1,1,3,3-pentafluorobutane), |
| 138495428 | HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane), |
| 1691174 | HFE-134 ($HCF_2OCF_2H$), |
| 78522471 | HFE-236cal2 ($HCF_2OCF_2OCF_2H$), |
| 188690780 | HFE-338pcc13 ($HCF_2OCF_2CF_2OCF_2H$), |
| 188690779 | H-Galden 1040X or H-Galden ZT 130 (or 150 or 180), ($HCF_2OCF_2OCF_2CF_2OCF_2H$), |
| 75031 | HFE-7000 or n-C3F7OCH3 (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane), |
| 163702076 | HFE-7100 or C4F9OCH3 (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane), |
| 163702087 | (CF3)2CFCF2OCH3 (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-hepta-fluoropropane), |
| 163702054 | HFE-7200 or C4F9OC2H5 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane), |
| 54376602 | HFE-7300 or L-14787 or C2F5CF(OCH3)CF(CF3)2 (1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane), |

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|---|---|
| 163702065 | (CF3)2CFCF2OC2H5 (2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-hepta-fluoropropane), |
| 297730939 | HFE-7500 or HFE-s702 or T-7145 or L-15381 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane) |
| 754121 | HFO-1234yf (2,3,3,3-tetrafluoropropene), |
| 29118249 | HFO-1234ze (trans-1,3,3,3-tetrafluoropropene), |
| N/A | Cyclic, branched, or linear, completely fluorinated alkanes, |
| N/A | Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations, |
| N/A | Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, |
| N/A | Cyclic, branched, or linear, completely methylated siloxanes, |
| 102687650 | Solstice™ 1233zd(E) (trans-1-chloro-3,3,3-trifluoroprop-1-ene), |
| N/A | Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. |

WASH COAT means a coating containing binders that raises wood surfaces, prevents undesired staining and controls stain penetration.

WASTE

(a) Waste means any solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining, or agricultural operations or from municipal activities, or any refuse, or sludge, which:

1. is sometimes discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or
2. has served its original intended purpose or is no longer suitable for its original intended purpose; or
3. is a manufacturing or mining by-product and sometimes is discarded; or
4. has served its original intended purpose and will be "used" as defined in 310 CMR 30.000.

(b) A material is discarded if it is:

1. abandoned or intended to be abandoned;
2. disposed of;
3. incinerated; or
4. physically, chemically, or biologically treated in *lieu* of or prior to being disposed of or abandoned.

(c) A manufacturing or mining by-product is a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results form one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

(d) Materials, which have been approved by the Department for reuse or burning as a fuel at the site of generation pursuant to 310 CMR 30.200, are not wastes.

WATER BASED INK/COATING/ADHESIVES means an ink, coating, or adhesive with VOC content less than or equal to 10% by weight as applied.

WATER HOLD-OUT COATING means a coating applied to the interior cavity areas of doors, quarter panels, and rocker panels for the purpose of corrosion resistance to prolonged water exposure.

WAXY, HEAVY POUR CRUDE OIL means a crude oil with a pour point of 50°F or higher as determined by ASTM D97-66 "Test for Pour Point of Petroleum Oils."

WEB means a continuous roll of paper or other material which is used as a substrate.

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WELD-THROUGH PRIMER means a primer that is applied to an area before welding is performed, and that provides corrosion resistance to the surface after welding has been performed.

WOOD PRODUCT means any product made of wood or a wood composite including, but not limited to: kitchen cabinets, equipment cabinets, household furniture, and office furniture, but excluding flat wood panels.

WOOD PRODUCTS SURFACE COATING means the coating of a wood product to impart properties that are not initially present, such as strength, stability, water or chemical repellency, or appearance.

NON-TEXT PAGE

## 7.01: General Regulations to Prevent Air Pollution

(1) No person owning, leasing, or controlling the operation of any air contamination source shall willfully, negligently, or through failure to provide necessary equipment or to take necessary precautions, permit any emission from said air contamination source or sources of such quantities of air contaminants which will cause, by themselves or in conjunction with other air contaminants, a condition of air pollution.

(2) (a) Accurate Submittal to the Department No person shall make any false, inaccurate, incomplete, or misleading statements in any application, record, report, plan, design, statement or document which that person submits to the Department pursuant to M.G.L. c. 111, §§ 142A through 142M, M.G.L. c. 111, § 150A, c. 21H, or 310 CMR 7.00.

(b) Accurate and Complete Record Keeping No person shall make any false, inaccurate, incomplete or misleading statements in any record, report, plan, file, log, or register which that person is required to keep pursuant to M.G.L. c. 111, §§ 142A through 142M, M.G.L. c. 111, § 150A, c. 21H, or 310 CMR 7.00. Such records shall be made available to the Department for inspection upon request.

(c) Certification Any person providing information required to be submitted to the Department pursuant to M.G.L. c. 111, §§ 142A through 142M, M.G.L. c. 111, § 150A, c. 21H, or 310 CMR 7.00 *et seq*. shall make the following certification: "I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

(d) Change in Ownership. Any person owning, operating or leasing a facility for which a notification or certification submitted to the Department under these regulations is in effect, or a plan approval, emission control plan, operating permit, certification, restricted emission status or any other approval issued by the Department is in effect, who transfers responsibility, coverage and liability, shall provide a written notification of said action to the Department containing the specific date of the transfer of responsibility, coverage, and liability between the current and new owner, operator or lessor.

(3) Any person subject to 310 CMR 7.00, who submits a notification (*e.g.,* 310 CMR 7.02(11)) or certification (*e.g.*, 310 CMR 7.26); or obtains a restricted emission status approval, plan approval, emission control plan approval, operating permit or other approval issued by the Department, shall comply with the terms and conditions contained therein.

(4) Computation of Time. Unless otherwise specifically provided by statute or 310 CMR 7.00, any time period prescribed or referred to in 310 CMR 7.00 or in any action taken pursuant to 310 CMR 7.00 shall begin with the first day following the act which initiates the running of the time period, and shall include every calendar day, including the last day of the time period so computed. If the last day is a Saturday, Sunday, legal holiday, or any other day on which the Department's offices are closed, the deadline shall run until the end of the next business day. If the time period described or referred to is seven days or less, only days when the offices of the Department are open shall be included in the computation. Where used, the term working days shall refer to any full day on which the Department office is open for public business.

## 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.

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(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.

(a) Introduction. 310 CMR 7.02(2)(b) specifies changes that may be made at a facility that are exempt from the approval requirements of 310 CMR 7.02(4) and (5). 310 CMR 7.02(2)(c) specifies situations that are not eligible for such exemption. 310 CMR 7.02(2)(d) through (f) specify record keeping, reporting and enforcement provisions.

(b) Exemptions. Except as provided by 310 CMR 7.02(2)(c), construction, substantial reconstruction or alteration of a facility or emission unit is exempt from the requirement to obtain a plan approval under 310 CMR 7.02(4) if it qualifies as one or more of the following:

1. Air Pollution Control Equipment. An air pollution control device, excluding oxidizers or afterburners, added to any facility currently in compliance with the provisions of 310 CMR 7.02. This exemption is only available where the air pollution control equipment is not otherwise required by regulation, the air pollution control equipment does not increase the potential emissions of any single criteria pollutant or any single non-criteria pollutant by one ton or more as calculated over any 12 consecutive month time period, and the air pollution control equipment does not replace an existing air pollution control device required by plan approval or regulation.

2. Air Pollution Control Equipment for Control of Particulate. Replacement of an existing air pollution control device for particulate matter (*e.g.*, baghouse), even if required by a plan approval. The replacement device shall be similar in design as the existing control device, and the same size or larger than the original control device. The replacement control device must be designed to achieve the same or better collection efficiency as the original control device. The Department must be notified in writing that a particulate air pollution control device is going to be replaced. This notification must be made at least 30 days prior to installation of the new unit. Said notification shall include a full description of the replacement control device.

3. Battery Charging. Battery charging facilities used to charge lead acid batteries.

4. Reserved.

5. Burner Tip Replacement. A fuel utilization facility burner tip replacement.

6. Cooling Towers. A cooling tower that has maximum recirculation rate of 20,000 gallons per minute (gpm) or less, a drift eliminator, a non-chromium inhibitor, and has total dissolved solids concentration in the blowdown less than 1800 mg/l. The total dissolved solids concentration shall be determined using Part 2540C as published in the latest edition of *Standard Methods For the Examination of Water and Wastewater* as published by the American Public Health Association, American Waterworks Association and Water Pollution Control Federation or by an equivalent method approved by the Department.

7. *De Minimis* Increase in Emissions. Construction, substantial reconstruction, or alteration that results in an increase in potential emissions of less than one ton of any air contaminant, calculated over any 12 consecutive month time period. In order to determine eligibility under 310 CMR 7.02(2)(b)7., emissions shall be calculated based on the increase in potential emissions (as defined in 310 CMR 7.00) of the planned action. Reductions in emissions resulting from reduced utilization or elimination of emission units cannot be deducted. Products of combustion from any fuel utilization

7.02: continued

facility and emissions from an emission unit(s) installed in compliance with 310 CMR 7.03 or 7.26 are not included when calculating an increase in potential emissions for the purpose of determining applicability under 310 CMR 7.02(4)(a)1. or 2. or 7.02(5)(a)1., 2. or 3. (*See* also 310 CMR 7.02(6)).

8. Emergency Engines or Stand-by Engines. (Reserved).

9. Emergency Release Containment. An area constructed for the containment of unplanned releases.

10. Fire Suppression Systems. Fire protection, fire fighting and fire suppression system, except for those fire suppression systems and activities associated with the intentional combustion of materials for the purpose of fire suppression system evaluation or fire science research.

11. Fuel and Chemical Storage Tanks. Organic liquid storage tanks with a capacity less than or equal to 40,000 gallons and used exclusively to store product with a vapor pressure of less than 1.5 psi at the average annual ambient temperature. Storage tanks subject to this exemption must be equipped with conservation vents and aboveground units shall have a white or reflective surface. Organic liquid storage tanks may be subject to 40 CFR Part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which construction, substantial reconstruction, or modification commenced after July 23, 1984.

12 Fuel Atomization Equipment. Fuel utilization facility burner atomization equipment replacement or repair. Replacement of steam or air atomization with mechanical atomization is not eligible under this exemption.

13. Fuel Loading Racks. Organic liquid transfer racks that transfer less than 172,000 gallons per year of organic liquids or organic liquid transfer racks that transfer exclusively organic liquids with a vapor pressure of less than 1.5 psi at the average ambient annual temperature. Transfer racks eligible under this exemption must comply with the requirements of 310 CMR 7.24, as applicable.

14. Fuel Switching. Conversion of a fuel utilization facility rated at a maximum heat input capacity of less than 100,000,000 Btu per hour energy input where the unit is converted from oil or solid fuel to oil/natural gas dual-fuel capability or natural gas as the only fuel. For purposes of this exemption, a fuel utilization facility is defined as any single boiler, hot oil generator, melt furnace, process heater, oven or similar fuel burning unit as determined by the Department.

15. Fuel Utilization Facilities. (Reserved).

16. Insignificant Activities. An activity listed in 310 CMR 7.00: *Appendix C* (5)(i), as well as office equipment, static electricity reduction devices, electric arcs, and motors that generate ozone.

17. Maintenance or Repair. Routine maintenance or repair of a facility.

18. Mixing and Blending Equipment. Equipment used exclusively to mix or blend materials at ambient temperatures to make water-based solutions containing no more than 5% volatile organic compound (VOC) by weight.

19. Molding. Plastic injection or compression molding machines. Extrusion molding and blow molding is not eligible under this exemption.

20. Motor Vehicle Maintenance. Motor vehicle maintenance and repair facilities. Automobile refinishing facilities are not eligible under this exemption.

21. Operating Hours. An increase in the hours of production of a facility not otherwise restricted.

22. Operating Rate/Product Changes. An increase in the rate of production at a facility not otherwise restricted.

23. Ownership. A change in facility ownership. The new owner shall notify the Department in writing of the ownership change within 60 days of the effective date of the change.

24. Plan Approval by Rule. An emission unit listed in 310 CMR 7.03 provided that the emission unit fully conforms to the design, operation, maintenance, and record keeping requirements of 310 CMR 7.03.

25. Plumbing. Plumbing soil stacks or vents.

26. Pressure Relief Devices. Safety pressure relief devices associated with emission units having plan approvals, unless otherwise required by the Department.

7.02: continued

27. Relocation of Approved Equipment. Relocation of any previously approved equipment, provided that the equipment is relocated within the facility or to a contiguous property and provided that the relocated equipment does not cause or contribute to a condition of air pollution.

28. Thermal and Catalytic Oxidizers. A process emission oxidizer or afterburner with a rated capacity of less than 40,000,000 Btu per hour using natural gas and installed on a previously approved facility or on a new facility which otherwise meets the plan approval exemptions provided in 310 CMR 7.02(2). This exemption is only available where the air pollution control equipment is not otherwise required by regulation, and the air pollution control equipment does not replace existing air pollution control equipment required by plan approval or regulation. Flares are not eligible under this exemption. Persons installing thermal or catalytic oxidizers as allowed by this exemption shall notify the Department, within 60 days of installation, that oxidizers have been installed.

29. Turbines and Reciprocating Engines. (Reserved).

30. Wastewater Treatment. Wastewater treatment and/or pumping facilities with average daily input flows of less than 50,000 gallons per day, and that treat sanitary sewage exclusively.

31. Water Treatment. Water treatment systems for process cooling water or boiler feed water.

32. RACT, Organic Material Storage and Distribution, ERP, or $NO_x$ Ozone Season Program. Construction, substantial reconstruction or alteration required to comply with the requirements of 310 CMR 7.18, 7.19, 7.24, 7.26 or 7.34. This exception does not apply to any boiler complying with the repowering provisions of 310 CMR 7.19(4)(b), any printer complying with 310 CMR 7.26(23)(a)3., or any wood fuel-fired boiler.

33. Actions that Contravene an Issued Plan Approval. Except as provided in 310 CMR 7.02(2)(b)33.a. and b., the construction, substantial reconstruction, or alteration of a facility or emission unit that would contravene an issued plan approval does not require a new plan approval, provided that the planned construction, substantial reconstruction, or alteration does not increase potential emissions by one ton per year or more above the emission limitation established by the issued plan approval. Persons constructing, substantially reconstructing or altering a facility or emission unit as allowed by this exemption shall notify the Department within 30 days of any such action. In order to determine applicability under 310 CMR 7.02(2)(b)33., emissions shall be calculated based on the increase in potential emissions (as defined in 310 CMR 7.00) of the planned action. Reductions in emissions resulting from reduced utilization or elimination of emission units cannot be deducted. Products of combustion from any fuel utilization facility and emissions from an emission unit(s) installed in compliance with 310 CMR 7.02 are not included when calculating an increase in potential emissions.

7.02: continued

a. Notwithstanding the provisions of 310 CMR 7.02(2)(b)33., the provisions of 310 CMR 7.02(4) and (5) requiring a written plan approval shall apply to any construction, substantial reconstruction, or alteration of a facility or emission unit that would contravene those provisions of an issued plan approval that require:

i. emission control equipment design specifications; or

ii. emission control equipment capture and/or destruction efficiency standards; or

iii. emission limits (except emission limits per year or rolling 12-month average); or

iv. air contaminant ventilation characteristics such as stack height; or

v. limitations on the VOC/HOC content of coatings; or

vi. recordkeeping, monitoring, testing or reporting requirements.

b. Where the action would result in an increase in allowable or potential emissions above limits established in an approved RES, the RES must be modified as described in 310 CMR 7.02(10).

34. Biotechnology Laboratory. A laboratory used solely for research, development or support for medical device, drug, or biologic products derived in whole or in part from biotechnology, and such products are either undergoing preclinical research in preparation for, or are the subject of, one of the following U.S. Food and Drug Administration (FDA) regulatory applications or notices: an Investigational New Drug Application, an Investigational Device Exemption Notice, a New Drug Application, premarket approval application, premarket notification pursuant to section 510(k) of the federal Food, Drug and Cosmetic Act (510(k)) and any other product exempted by FDA from the 510(k) premarket notification requirement.

(c) Exclusions from Exemptions. Notwithstanding the provisions of 310 CMR 7.02(2)(a) and (b), the provisions 310 CMR 7.02(4) and (5) requiring a written plan approval shall apply to construction, substantial reconstruction or alteration of a facility or emission unit that:

1. is specifically included in 310 CMR 7.02(4)(a)3. or 4.; or

2. is specifically included in 310 CMR 7.02(5)(a)5. through 11.; or

3. would cause increases in aggregate emissions pursuant to 310 CMR 7.02(6) that equal or exceed plan approval thresholds in 310 CMR 7.02(5)(a)6.; or

4. would cause or contribute to a condition of air pollution under 310 CMR 7.02(7); or

5. would cause a facility to become subject to 310 CMR 7.00: *Appendix C*.

(d) Recordkeeping. The owner or operator of a facility or emission unit that is exempt from plan approval under 310 CMR 7.02(2)(b) shall keep the following records on-site and up-to-date, such that year-to-date information is readily available for Department examination upon request:

1. Documentation of the date of construction, substantial reconstruction or alteration.

2. Documentation, including emission calculations, under the specific condition(s) that qualifies the activity for exemption (*e.g.*, size threshold, emissions).

3. Air pollution control and other equipment performance specifications.

4. Verification of the overall efficiency of any air pollution control device adequate to support assumptions of emission control equipment capture efficiency (documentation of permanent total enclosures) and destruction/removal efficiency.

(e) Reporting.

1. The owner or operator of a facility subject to the Source Registration reporting requirements of 310 CMR 7.12, shall report the construction, substantial reconstruction or alteration activities that qualified for exemption in the next required Source Registration. Quantification of emissions from exempt activities is not required unless specifically requested.

7.02: continued

2. The owner or operator of a facility required to report under 310 CMR 7.02(2)(b)33. for contravening the provisions of a plan approval shall submit the report within 30 days of said action.

(f) Enforcement. If construction, substantial reconstruction, alteration or operation of an emission unit for which an exemption from plan approval is claimed, violates any provisions of 310 CMR 7.00, the person owning, leasing, operating or controlling the facility will be subject to enforcement under M.G.L. c. 111, §§ 142A and B, and M.G.L. c. 21A, § 16 and/or any other relief or remedy provided by law including, but not limited to, injunctive relief.

(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: *MEPA Regulations* 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.

7.02: continued

(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).

(k) Plan Approval Revocation. The Department may revoke any plan approval if construction has not commenced within two years of the date of a plan approval or, if during construction, construction is suspended for a period of one year or more. For purposes of 310 CMR 7.02(3)(k), construction has commenced if the owner or operator of the facility has begun a continuous program of physical on-site construction of the facility or emission unit that is permanent in nature.

(l) Plan Approval Duration. Plan approvals are valid for the life of the emission unit or facility, regardless of changes in ownership. Plan approvals issued to a facility that changes ownership, are binding upon the new owner. (*See* 310 CMR 7.02(2)(b)23.)

(m) Reactivating an Inactive Emission Unit. Any person who owns, operates or controls an emission unit or facility that has not operated for at least 24 hours in each of the most recent two calendar years is required to obtain a new plan approval prior to re-commencing operation of that emission unit unless sufficient evidence is presented to convince the Department that the shutdown was temporary and the re-startup could occur within a short time period in full compliance with 310 CMR 7.00. Such evidence shall include documentation showing that during the shutdown period:

1. Continued maintenance of the equipment was performed,
2. There has been compliance with all regulatory requirements such as installation of any monitoring equipment, instrumentation, control equipment, or process controls,
3. The facility or unit was included in Source Registration submissions to the Department pursuant to 310 CMR 7.12, and
4. Any other relevant supporting information.

If the facility does not, in the judgment of the Department, submit sufficient evidence to demonstrate to the Department that the shutdown was temporary, then the Department may revoke the plan approval. If the Department revokes the plan approval, the facility must obtain a new plan approval prior to re-commencing operation of that facility or emission unit.

(n) Prohibitions.

1. Concealing Emissions. No person shall cause, suffer, allow, or permit the installation or use of any material, article, machine, equipment, or contrivance which conceals an emission without reducing the total weight of emissions where such emission would constitute a violation of any applicable regulation.
2. Air Pollution Control Equipment. No person shall cause, suffer, allow or permit the removal, alteration or shall otherwise render inoperable any air pollution control equipment or equipment used to monitor emissions that is required by 310 CMR 7.00, without specific written authority of the Department or in conformance with the specific exemptions listed in 310 CMR 7.02(2). An exception to 310 CMR 7.02(3)(n)2. is allowed for reasonable maintenance periods or unexpected and unavoidable failure of the equipment provided that the Department is notified, in writing, within 24 hours of the occurrence of such failure.

7.02: continued

(4) Limited Plan Application (LPA).

(a) Applicability. Calculation of potential emissions associated with an LPA shall be in accordance with 310 CMR 7.02(4)(b). An LPA is required from any person prior to constructing, substantially reconstructing, altering, or subsequently operating any facility or emission unit described as follows:

1. Emission Increase of Less than Ten Tons per Year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than one ton per year and less than ten tons per year, calculated over any consecutive 12-month time period.

2. Fuel Utilization Emission Units. Any fuel utilization emissions unit, excluding internal combustion engines such as combustion turbines or reciprocating engines, where construction, substantial reconstruction, alteration or subsequent operation results in an increase in potential emissions of a single air contaminant equal to or greater than one ton per year and the emission unit has a maximum energy input capacity equal to or greater than:

a. 10,000,000 Btu and less than 40,000,000 Btu per hour utilizing natural gas or propane;

b. 10,000,000 Btu and less than 40,000,000 Btu per hour utilizing distillate fuel oil;

c. 10,000,000 Btu and less than 20,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of equal to or less than 0.28 pounds per million Btu heat release potential (approximately equal to 0.5% sulfur by weight). (Also *see* 310 CMR 7.05(1) and (2));

d. 5,000,000 Btu and less than 10,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of less than 0.55 pounds per million Btu heat release (approximately equal to 1% sulfur by weight). (Also *see* 310 CMR 7.05(1) and (2)); or

e. 3,000,000 Btu and less than 10,000,000 Btu per hour utilizing used oil fuel. (Also *see* 310 CMR 7.04(9), and 7.05(7) through (9).)

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

3. Modification of Plan Approval Terms and Conditions. Except as provided in 310 CMR 7.02(5) and (6), construction, substantial reconstruction, alteration or subsequent operation of a facility that would contravene the terms and conditions in an existing plan approval, provided that:

a. The planned construction, substantial reconstruction, alteration or subsequent operation would increase potential emissions by equal to or greater than one ton per year but less than ten tons per year, calculated over any consecutive 12-month time period, over the emission limitation established by an existing plan approval, and

b. The planned construction, substantial reconstruction, alteration, or subsequent operation would only affect the:

i. Allowable or potential emission rates; or

ii. Operating hours; or

iii. Process feed rates; or

iv. A combination of 310 CMR 7.02(4)(a)3.b.i. through iii.

Actions that would contravene emission control equipment design specifications, capture and/or destruction efficiency standards for control equipment, emission limits established by a BACT approval, air contaminant ventilation characteristics such as a reduction in stack height, or limitations on the VOC/HOC content of coatings, require a plan approval. Where the action would result in an increase in allowable or potential emissions above limits established in an approved RES, the RES must be modified as described in 310 CMR 7.02(10). In order to determine applicability under 310 CMR 7.02(4)(a)3.b., emissions must be calculated in accordance with 310 CMR 7.02(4)(b).

7.02: continued

4. Applicability of Non-attainment, PSD, or MACT Review. Unless enforceable restrictions are established, any construction, substantial reconstruction, alteration or subsequent operation that would result in a portion or all of the facility being subject to:
   a. Emission Offsets and Non-attainment Review at 310 CMR 7.00: *Appendix A*;
   b. PSD Permitting at 40 CFR Part 52.21;
   c. 40 CFR Part 63.40 through 40 CFR Part 63.44; or
   d. 310 CMR 7.00: *Appendix C*.

(b) Calculation of Emissions. Calculation of potential emissions associated with an LPA must be based on the potential emissions (as defined in 310 CMR 7.00) of the proposed construction, substantial reconstruction or alteration. Limitations on the potential emissions proposed in the application must be made enforceable as a practical matter to be federally enforceable (*see* 310 CMR 7.00: *Federal Potential to Emit*). Reductions in emissions resulting from reduced utilization or elimination of an existing emission unit cannot be deducted, (*i.e.*, no netting). Products of combustion are not included when calculating applicability under 310 CMR 7.02(4)(a)1. Emissions from an emission unit(s) installed in accordance with 310 CMR 7.03 or 310 CMR 7.26 are not included when calculating an increase in potential emissions for purposes of determining applicability under 310 CMR 7.02(4)(a)1. and 2.

(c) Reserved.

(d) Limited Plan Application Requirements. To apply for an LPA, 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 by a responsible official.
3. The application shall be submitted in duplicate.
4. The application shall be accompanied by sufficient information to document the facility's potential emissions.
5. The application shall contain an affirmative demonstration that any facility 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.

(5) Comprehensive Plan Application (CPA).

(a) Applicability. Calculation of potential emissions associated with a CPA shall be in accordance with 310 CMR 7.02(5)(b) and 310 CMR 7.02(1)(d) for GHGs. A CPA is required from any person prior to constructing, substantially reconstructing, altering or subsequently operating any facility or emission unit as follows:

1. Emission Increase Greater than or Equal to Ten Tons Per Year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than ten tons per year, calculated over any consecutive 12-month time period.
2. Fuel Utilization Emission Units. Any fuel utilization emission unit, excluding internal combustion engines such as combustion turbines or reciprocating engines, where construction, substantial reconstruction, alteration or subsequent operation results in an increase in potential emissions of a single air contaminant of equal to or greater than one ton per year, and said emission unit has a maximum energy input capacity equal to or greater than:
   a. 40,000,000 Btu per hour utilizing natural gas or propane.
   b. 40,000,000 Btu per hour utilizing distillate fuel oil.
   c. 20,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of equal to or less that 0.28 pounds per million Btu heat release potential (approximately equal to 0.5% sulfur by weight).

7.02: continued

d. 10,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of less than 0.55 pounds per million Btu heat release (approximately equal to 1% sulfur by weight) or used oil fuel (*See* also the requirements of 310 CMR 7.04(9) and 310 CMR 7.05(7), (8) and (9)).

e. 3,000,000 Btu per hour utilizing:

i. Residual fuel oil having a sulfur content greater than 0.55 pounds per million Btu but not in excess of 1.21 pounds per million Btu heat release potential (greater than 1% sulfur by weight but less than or equal to approximately 2.2% sulfur by weight).

ii. Hazardous waste fuel.

iii. Solid fuel with automatic fuel feed.

iv. Landfill gas.

v. Digester gas.

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

3. Internal Combustion Engines and Turbines.

a. Prior to March 23, 2006 an internal combustion engine, such as a stationary combustion turbine or a stationary reciprocating engine, having a maximum energy input capacity equal to or greater than 3,000,000 Btu per hour, and the construction, substantial reconstruction, alteration or subsequent operation results in an increase in potential emissions of a single air contaminant of equal to or greater than one ton per year.

b. On and after March 23, 2006 a non-emergency turbine with a rated output of less than one megawatt (MW) burning fuel oil, or greater than ten MW burning any fuel.

c. An engine for which the owner/operator elects to apply for a plan approval pursuant to 310 CMR 7.02(5)(c) in *lieu* of complying with 310 CMR 7.26(42) or 310 CMR 7.26(43).

d. A combined heat and power project (CHP) for which the owner/operator elects to apply for a plan approval pursuant to 310 CMR 7.02(5)(c) in *lieu* of complying with 310 CMR 7.26(45).

4. Hand-fired Solid Fuel Utilization Facilities. Any hand fired solid fuel utilization facility having an energy input capacity equal to or greater than 1,000,000 Btu per hour.

5. Incinerators. Any incinerator.

6. Aggregated *De Minimis* Emission Increases. Any facility where the sum of the incremental changes (less than one ton each) in potential to emit, calculated over any consecutive 12-month time period, equals or exceeds ten tons for any single criteria pollutant or any single non-criteria pollutant. (*See* 310 CMR 7.02(6).)

7. PSD, Nonattainment Review or Case-by-case MACT. Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00, where the construction, substantial reconstruction or alteration would cause a facility to be subject to Prevention of Significant Deterioration (40 CFR Part 52.21), Emissions Offsets and Non-attainment Review (310 CMR 7.00: *Appendix A*), or Case-by-case MACT (40 CFR Part 63.40 through 40 CFR Part 63.44).

8. Modification of Plan Approval Conditions. Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00, that requires a modification to a condition of any plan approval issued by the Department due to an increase in potential emissions equal to or greater than ten tons per year (calculated over any consecutive 12-month time period), over the emission limitation established by plan approval. The increase in potential emissions shall be calculated in accordance with 310 CMR 7.02(5)(b).

9. Modification of a PSD Permit, a Non-attainment Review Plan Approval or a Case-by-case MACT. Any facility, where the construction, substantial reconstruction or alteration would violate a condition of a PSD permit, a Non-attainment Review approval (310 CMR 7.00: *Appendix A*) or a Case-by-case MACT (40 CFR Part 63.40 through 40 CFR Part 63.44) regardless of the expected change in emissions and any exemptions established elsewhere in 310 CMR 7.00; such a facility may require a revision to the existing permit regardless of whether a CPA is required.

7.02: continued

10. Facilities with the Potential to Cause or Contribute to Air Pollution. Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00 that the Department determines has the potential for causing or contributing to a condition of air pollution.

11. Major Modifications at Large Combustion Emission Units (LCEU). A Comprehensive Plan Application is required for major modifications for any large combustion emission unit. The applicability criteria for a CPA and associated definitions for LCEU(s) are set forth in 310 CMR 7.54.

(b) Calculation of Emissions. Calculation of potential emissions associated with a CPA must be based on the potential emissions (as defined in 310 CMR 7.00) of the proposed construction, substantial reconstruction or alteration. Limitations proposed on the potential emissions in the application must be made enforceable, as a practical matter, to be federally enforceable (*see* definition of federal potential to emit). Reductions in emissions resulting from reduced utilization or elimination of emission units cannot be deducted (*i.e.*, no netting). Products of combustion are not included when calculating applicability under 310 CMR 7.02(5)(a)1. Emissions from an emission unit(s) installed in accordance with 310 CMR 7.03 or 7.26 are not included when calculating an increase in potential emissions for purposes of determining applicability under 310 CMR 7.02(5)(a)1. through 3.

(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 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.

(d) Prevention of Significant Deterioration. In addition to the requirements contained at 310 CMR 7.02(5)(c), new major stationary sources of air contaminants and major modifications of existing major stationary sources (as those terms are defined in 40 CFR 52.21) located in attainment areas are subject to Prevention of Significant Deterioration (PSD) regulations promulgated in 40 CFR Part 52.21.

(e) Case-by-case Maximum Achievable Control Technology. In addition to the requirements contained at 310 CMR 7.02(5)(c), the construction or reconstruction of major sources of hazardous air pollutants (as defined by 40 CFR Part 63.41) is subject to 40 CFR Part 63.40 through 63.44. This is a requirement to satisfy The Clean Air Act, § 112(g) that construction or reconstruction after June 29, 1998 of a major source of hazardous air pollutants (as defined in 40 CFR Part 63.2) be equipped with MACT. These requirements apply only if the source has not been either regulated or exempted by a standard issued pursuant to The Clean Air Act, § 112(d), 112(h), or 112(j) or the process category has been delisted pursuant to The Clean Air Act, § 112(c)(9). 40 CFR Part 63.40 through 63.44 is implemented by the Department as of August 3, 2001.

7.02: continued

(6) Aggregated Emissions.

(a) Applicability.

1. Any person who owns or operates a facility shall track emission increases as defined in 310 CMR 7.02(6)(a)2. over any consecutive 12-month time period which includes a particular emission increase in order to determine if plan approval is required pursuant to 310 CMR 7.02(5)(a)6.

2. Emission increases that are subject to this requirement are those associated with the construction, substantial reconstruction or alteration of a facility or emission units that:

a. Are individually not subject to plan approval under 310 CMR 7.02(4) or (5); and

b. Have not previously been aggregated for purposes of plan approval under 310 CMR 7.02(4) and (5); and

c. Are not part of a program of construction or modification in planned incremental phases previously approved by the Department.

(b) Calculation of Emissions. Aggregated emissions shall be calculated as the sum of the potential emissions of any air contaminant identified in 310 CMR 7.02(6)(a). Products of combustion from any fuel utilization facility or emissions resulting from construction, substantial reconstruction or alteration, in accordance with the requirements of 310 CMR 7.03 or 7.26, are not included in this calculation.

(7) Mitigation of Air Pollution.

(a) Requirement to Collect Information. When the Department determines that any facility or product manufactured therein has the likelihood of causing or contributing to a condition of air pollution, the Department may require the person owning, leasing or controlling said facility to submit information to document facility emissions, operating parameters of emission control equipment, and standard operating and maintenance procedures. In doing so, the Department may require any person who owns, operates or controls any facility, or who manufactures emissions control equipment or process equipment to:

1. Establish and maintain records;
2. Make reports;
3. Install, use, and maintain monitoring equipment;
4. Perform audits on monitoring equipment using standard procedures and methods;
5. Quantify emissions in accordance with the procedures, and methods as the Department may prescribe;
6. Keep records on control equipment parameters, production variables, and other indirect data when direct monitoring of emissions is not practical;
7. Conduct stack testing or submit modeling analysis; or
8. Maintain other records and provide any other information as the Department might reasonably require.

(b) Department Review of Information. The Department will use information submitted pursuant to 310 CMR 7.02(7)(a) to determine the adequacy and application of existing air pollution control technology at a facility to prevent a condition of air pollution. In addition, the Department's representative, upon presentation of credentials:

1. Shall have right of entry to, upon, or through any premises of any such person in which records required by 310 CMR 7.02(7)(a) are located, and

2. May at reasonable times have access to copy any records, inspect any equipment, review any documents, and sample any emissions that the owner or operator of the facility is required to sample under 310 CMR 7.02(7)(a).

(c) Compliance Monitoring and Compliance Certification. The Department may require any person to perform compliance monitoring and submit a compliance certificate subject to the standards of 310 CMR 7.01(2). Compliance certifications shall include:

1. Identification of all applicable requirements that are the basis for certification;
2. The method used to determine compliance status of the facility;
3. The compliance status of the facility, and each emission unit;
4. Whether compliance is continuous or intermittent; and
5. Other facts as the Department might require.

7.02: continued

(d) Plan Approval and Compliance Schedule Requirement. If, after review of the submitted information, the Department determines that the facility is in need of reconstruction, alteration or repair to prevent the facility from causing or contributing to a condition of air pollution, the Department may require the person owning, leasing, operating or controlling the facility to submit an application for a CPA under 310 CMR 7.02(5). The plan application required by this section shall be provided to the Department by the deadline specified by the Department and shall contain a proposed compliance schedule subject to Department approval.

(e) Continuing Operations. The Department may allow the facility to temporarily continue to operate pending reconstruction or repair provided that the person owning, leasing, operating or controlling the facility complies with all requirements and deadlines of 310 CMR 7.02(7)(d).

(8) Emission Limitations.

(a) Emission Limitations in Plan Approvals. The Department's written approval of an LPA or CPA shall include the most stringent emission limitation of the following, as applicable:

1. Lowest Achievable Emission Rate (LAER) where the construction, substantial reconstruction or alteration is subject to the requirements of Emission Offsets and Non-attainment Review in 310 CMR 7.00: *Appendix A*.

2. Best Available Control Technology (BACT). BACT is required of all LPA approvals and CPA approvals. In no case will BACT be less stringent than any applicable emissions limitation contained in a Department regulation (*e.g.*, 310 CMR 7.05, 7.18, 7.19, 7.24, 7.26 or 7.29) or federal regulation (*e.g.*, 40 CFR 60, 61 or 63). BACT may include a design feature, equipment specification, work practice, operating standard or combination thereof. (*See* Definition of BACT in 310 CMR 7.00.) Applicants shall identify BACT for their specific application using a top-down BACT analysis. Refer to Department guidance for conducting a top-down BACT analysis. In *lieu* of an emission unit-specific top-down BACT analysis, an applicant may propose an emission control limitation by using one or more of the following approaches:

a. Propose a level of control from the most recent plan approval or other action issued by the Department (Top Case BACT).

b. Propose a level of control based on a combination of best management practices, pollution prevention, and a limitation on the hours of operation and/or raw material usage that minimizes emissions to the extent feasible. This approach is only available if the proposed allowable emissions, calculated over any consecutive 12-month time period, are:

i. Less than 18 tons VOC and HOC combined;

ii. Less than 18 tons of total organic material HAP; and

iii. Less than ten tons of a single organic material HAP.

c. Notwithstanding 310 CMR 7.02(8)(a)2.a. and b., the Department may consider any other information in determining BACT for any given plan application and approval.

3. New Source Performance Standards (NSPS) as defined in 40 CFR Part 60.

4. National Emission Standards for Hazardous Air Pollutants (NESHAP) as defined at 40 CFR Part 61.

5. National Emission Standards for Hazardous Air Pollutants for Source Categories as defined at 40 CFR Part 63.

6. Case-by-case MACT as determined under 310 CMR 7.02(5)(e).

7. Plan Approvals under 310 CMR 7.02(5)(a)10 or 7.02(7). Any emission limitation required in such plan approval shall be sufficient to eliminate the potential to cause a condition of air pollution, even if said emission limitation is more stringent than an emission limitation that would otherwise be determined to be BACT.

8. Plan Approvals under 310 CMR 7.26(45) shall use credits calculated by 310 CMR 7.26(45)(b)4. to subtract from the actual emissions in determining compliance with the emission limits established under 310 CMR 7.26(43)(b).

7.02: continued

(b) Fuel Switching. Applicants for conversion of fuel utilization facilities equal to or greater than 100,000,000 Btu per hour from oil or solid fuel to natural gas or dual-fuel oil/natural gas, are not required to provide an assessment of BACT in the application for plan approval (LPA or CPA). Further, this action is not considered a major modification subject to 310 CMR 7.00: *Appendix A* provided that the project qualifies as a pollution control project. For the purpose of 310 CMR 7.02(8), a fuel utilization facility is defined as any single boiler, hot oil generator, melt furnace, oven, or similar fuel burning unit as determined by the Department.

(c) Emission Limitations for Existing Facilities. Existing facilities must comply with the applicable requirements of 310 CMR 7.02(8)(d) through (g) unless subject to more stringent requirements that have been established by plan approval, state regulation or federal requirement (NSPS or NESHAP) as applicable. Under 310 CMR 7.02(8)(c) through (g), an existing facility is any facility or emission unit that was in operation on or before June 1, 1972 and has not been constructed, substantially reconstructed or altered since that date. (*See* also Definition of Existing Facility in 310 CMR 7.00.) Stationary combustion turbines and stationary reciprocating engines are not subject to the emission limits in 310 CMR 7.02: *Tables 4, 5* and *6*.

(d) Maximum Particulate Emission Limits in Areas of Critical Concern. Existing facilities in the communities listed in 310 CMR 7.02: *Table 3* shall, at a minimum, meet the particulate emission limits in Table 4 unless subject to a more stringent emission limit in a plan approval, state regulation or federal program (*e.g.*, NSPS or NESHAP), as applicable. Stationary combustion turbines and stationary reciprocating engines are not subject to the emission limits in 310 CMR 7.02: *Table 4, 5* and *6*.

Table 3

| | | | |
|---|---|---|---|
| Adams | Fall River | Millbury | Southbridge |
| Amherst | Fitchburg | Milton | Springfield |
| Arlington | Gardner | Needham | Stoneham |
| Athol | Grafton | New Bedford | Taunton |
| Attleboro | Greenfield | Newburyport | Wakefield |
| Auburn | Hadley | Newton | Waltham |
| Belmont | Haverhill | North Adams | Ware |
| Boston | Holden | Northampton | Watertown |
| Boylston | Holyoke | Orange | Webster |
| Braintree | Lawrence | Palmer | West Boylston |
| Brookline | Lee | Peabody | Westfield |
| Cambridge | Leicester | Pittsfield | West Springfield |
| Canton | Leominster | Quincy | Weymouth |
| Chelsea | Longmeadow | Revere | Winchester |
| Chicopee | Lowell | Salem | Winthrop |
| Dalton | Ludlow | Sandwich | Woburn |
| Dedham | Lynn | Saugus | Worcester |
| Easthampton | Malden | Shrewsbury | |
| East Longmeadow | Medford | Somerset | |
| Everett | Melrose | Somerville | |

7.02: continued

Table 4

| Facility Type | Size | Existing unit |
|---|---|---|
| Ferrous Cupola Foundries | | |
| Production | all | 0.06 grains/DSCF[1] |
| Jobbing | all | 0.21 grains/DSCF |
| Non-ferrous Cupola Foundries | all | 0.06 grains/DSCF |
| Municipal, Commercial, Industrial, and Institutional Incinerators | all | 0.1 grains/scf at 12% CO2[2] |
| Municipal Sewerage Sludge Incinerators | all | 0.65 gr./kg dry sludge input |
| Asphalt Batching plants | all | 0.04 gr./DSCF |
| Fossil Fuel Utilization Facility | 3 - 250 MMBtu[3] | 0.12 lb./MMBtu |
| | 250 MMBtu or larger | 0.12 lb./MMBtu |
| Fuel Utilization Facilities | ***City of Worcester only*** | |
| Solid Fuel | 3 MMBtu or larger | 0.12 lb./MMBtu |
| Residual Oil | 3 MMBtu or larger | 0.12 lb./MMBtu |
| Distillate oil | 3 MMBtu or larger | 0.10 lb./MMBtu |
| Natural gas | 3 MMBtu or larger | 0.10 lb./MMBtu |

(e) Maximum Particulate Emission Rate: All Other Communities. In communities other than those listed in 310 CMR 7.02: *Table 3*, existing facilities shall, at minimum, meet the particulate emission limits in 310 CMR 7.02: *Table 5* unless subject to more stringent emission limits as applicable in a plan approval, state regulation or federal program (NSPS or NESHAP). Stationary combustion turbines and stationary reciprocating engines are not subject to the emission limits in 310 CMR 7.02: *Table 4, 5* and *6*.

Table 5

| Facility Type | Size | Existing unit |
|---|---|---|
| Fossil Fuel Utilization Facility | 3 - 250 MMBtu | 0.15 lb./MMBtu |
| | 250 MMBtu or larger | 0.15 lb./MMBtu |
| Ferrous Cupola Foundries | | |
| Production | all | 0.13 gr./DSCF |
| Jobbing | all | 0.21 gr./DSCF |
| Non-ferrous Cupola Foundries | all | 0.08 gr./DSCF |
| Municipal, Industrial, Commercial, and Institutional Incinerators | all | 0.1 gr./scf at 12% CO2 |
| Municipal Sewerage Sludge Incinerators | all | 0.65 gr./kg dry sludge input |
| Asphalt Batching Plants | all | 0.06 gr./DSCF |

(f) Any facility which, when constructed, was subject to a federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants, shall continue to be subject to such standard and operate in compliance with such standard unless more stringent requirements are applied through plan approval.

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[1] DSCF - Dry Standard Cubic Foot
[2] CO2 - Carbon Dioxide
[3] MMBtu - Million British Thermal Units

7.02: continued

(g) Emission Testing and Monitoring. For purposes of determining compliance with 310 CMR 7.02(8)(d) through (f) and (h), any emission testing for compliance with these limitations shall be conducted under isokinetic sampling conditions and in accordance with EPA test methods, as appropriate including, but not limited to, Test Methods 1 through 5 as specified in 40 CFR Part 60, Appendix A: *Standards of Performance for New Stationary Sources*, 40 CFR Part 60 Subpart E: *Standards of Performance for Incinerators*, (originally promulgated in the Federal Register, Volume 36, No. 247, December 23, 1971) or 40 CFR Part 60 Subpart O: *Standards of Performance for Sewerage Treatment Plants* (originally promulgated in the Federal Register, Volume 39, No. 2, March 8, 1974) or by another method which has been correlated to the above method to the satisfaction of the Department.

(h) Particulate Emission Limitations for New Wood and Fossil Fuel Utilization Facilities. New facilities shall, at a minimum, comply with the particulate emission limits in 310 CMR 7.02: *Table 6* unless subject to more stringent emission limits as applicable in a plan approval, state regulation or federal program (NSPS or NESHAP). Stationary combustion turbines and stationary reciprocating engines are not subject to the emission limits in 310 CMR 7.02: *Table 4, 5* and *6*.

Table 6

| Facility Size<br>Million Btu/hr. Input | Emission Limitation<br>lbs.(particulate)/million Btu | |
|---|---|---|
| Wood | New | New (Critical Area –Table 3) |
| 3-25 | 0.20 | 0.10 |
| greater than 25 | 0.10 | 0.10 |
| Fossil Fuel | | |
| 3-250 | 0.10 | |
| greater than 250 | 0.05 | |

(i) U Emergency or Standby Engine(s).

1. Applicability.

a. On and after March 23, 2006, the construction, substantial reconstruction, or alteration of any emergency or standby engine greater than or equal to 37kW shall comply with the requirements of 310 CMR 7.26(40) through (42), Engines and Combustion Turbines,

b. Persons owning, operating or controlling an emergency or standby engine constructed, substantially reconstructed, or altered prior to June 1, 1990, having an energy input capacity equal or greater than 3,000,000 Btu per hour shall operate said engine in compliance with 310 CMR 7.02(8)(i)2. through 5.; or may apply for alternative operating and reporting requirements under 310 CMR 7.02(5)(a)3.

2. Limits of Operation.

a. Each engine shall be operated only:

i. for up to 100 hours per calendar year, or as otherwise approved by EPA, for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine;

ii. as part of the 100 hours, for up to 50 hours per calendar year for non-emergency situations; and

iii. during periods of electric power outage due to failure of the electrical supply, in whole or in part, onsite disaster, local equipment failure, flood, fire or natural disaster, or when the imminent threat of a power outage is likely due to failure of the electrical supply.

b. Additional limitations and conditions may apply including, but not limited to, 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart JJJJ; and 40 CFR Part 60, Subpart IIII.

7.02: continued

3. Record Keeping. The owner/operator shall maintain on site or, for remote locations, at the closest facility where records can be maintained, the following records for each engine:

a. Information on equipment type, make and model, and maximum power input/output; and

b. A log of operations, including date, time and duration of operation and reason for each start, fuel type and supplier; and

c. Purchase orders, invoices, and other documents to support information in the log.

d. A log of conditions under which the engine operated pursuant to 310 CMR 7.02(8)(i)2.

4. Availability of Records. Logs and records established under 310 CMR 7.02(8)(i)3. shall be made available to the Department or its designee upon request. The owner/operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2)(c).

5. Fuel Requirements. No person shall accept for delivery for burning in any engine subject to 310 CMR 7.02(8)(i), diesel or any other fuel that does not meet the sulfur content limit for fuel in 310 CMR 7.05.

(9) Restricted Emission Status (RES).

(a) General. Any person who owns, leases, operates or controls a facility may apply to the Department for a restricted emission status in order to:

1. restrict potential emissions of regulated air contaminants to eliminate applicability of an otherwise applicable requirement including, but not limited to, restricting potential emissions to allow redesignation for purposes of annual compliance fee assessment (310 CMR 4.03: *Annual Compliance Assurance Fee*); or

2. restrict potential emissions below the Reasonably Available Control Technology (RACT) applicability thresholds for halogenated organic compounds (HOC) (310 CMR 7.18); or,

3. restrict federal potential emissions below the Reasonably Available Control Technology (RACT) applicability thresholds for volatile organic compounds (310 CMR 7.18) and 310 CMR 7.00: *Appendix C* where applicable; or,

4. restrict federal potential emissions below the Reasonably Available Control Technology (RACT) applicability thresholds for oxides of nitrogen ($NO_x$) (310 CMR 7.19) and 310 CMR 7.00: *Appendix C* where applicable; or,

5. restrict federal potential emissions of regulated pollutants for eliminating applicability to an otherwise applicable requirement including, but not limited to, 310 CMR 7.00: *Appendix C*.

(b) Application Requirements. Any person who owns, leases, operates or controls a facility may apply for a restricted emission status as follows:

1. The application shall be made on form(s) obtained from the Department or by other means prescribed by the Department.

2. The application shall be submitted in duplicate and signed by a responsible official.

3. The application shall be accompanied by sufficient information to document the proposed restriction.

4. Applications for restricted emission status to lower potential emissions below the Reasonably Available Control Technology (RACT) applicability thresholds for volatile organic compounds (VOC) or oxides of Nitrogen ($NO_x$) stated in 310 CMR 7.18 and 7.19, shall include the following information:

a. the actual amount of VOC, HOC and/or $NO_x$ (as required) emitted from each affected emitting equipment for the highest emitting calendar year beginning January 1, 1990.

b. a description of the design and operation of the affected VOC, HOC and/or $NO_x$ emitting equipment, and

c. any other information deemed by the Department to be required to establish enforceable conditions to be contained in the permit restriction.

(c) Relationship to RACT. Restricted emission status to avoid RACT requirements at either 310 CMR 7.18 or 7.19 will only be available if actual emissions from the facility have not exceeded a threshold contained in 310 CMR 7.18 or 7.19 on or after January 1, 1990. If the facility was subject to the RACT requirements of a section of 310 CMR 7.18 before 1990, it will continue to be subject to these requirements.

7.02: continued

(d) Form of Approval. Any restricted emission status the Department issues will be in writing.

(e) Conditions of Approval. Restricted emission status issued by the Department shall include:

1. some combination of production and/or operational limitations to ensure that emissions are limited by quantifiable and enforceable means. Operational limitations may include control equipment; and

2. requirements to maintain records sufficient to demonstrate that the limitations in the permit are followed and that emissions have not exceeded those allowed by the restriction.

(f) Federal Enforceability. Restricted emission status issued pursuant to 310 CMR 7.02(9) for the purpose of restricting federal potential emissions must be federally enforceable.

1. Federally enforceable permit restrictions shall contain per unit emission factors, production and/or operational limitations and controls, and monitoring, recordkeeping, and reporting requirements capable of assuring compliance with such limitations and controls.

2. All emissions limitations, controls, and other requirements imposed by such restricted emission status must be at least as stringent as all other applicable limitations and requirements contained in the Massachusetts SIP, enforceable under the Massachusetts SIP, or otherwise federally enforceable. All limitations, controls and other requirements imposed by such restricted emissions status must be permanent, quantifiable, and otherwise enforceable as a practical matter.

3. Federally enforceable restricted emission status shall go through the public review process at 310 CMR 7.02(9)(g).

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

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

2. If the Department proposes to approve the application or approve the application with conditions, it shall:

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

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

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

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

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

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

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

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

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

(h) Return to Major Status. If construction, substantial reconstruction or alteration of a facility operating under Restricted Emission Status (RES), results in the increase in emissions at the facility so that the facility can no longer stay below major source threshold(s), then the owner or operator must comply with previously applicable requirement(s) including, but not limited to, obtaining an operating permit.

7.02: continued

(10) Modification of a Restricted Emission Status (RES).

(a) General. Any person who owns, leases, operates or controls a facility may apply to modify a RES for the purpose of increasing the facility-wide emission limit, amending the list of emission units included in the existing RES approval or adding emission units not included in the RES approval or to make administrative changes.

(b) Increase RES Cap. If it is proposed to modify a RES to increase the approved RES emission limits without construction, substantial reconstruction or alteration of emission units that require approval under 310 CMR 7.02(4) or (5), an application shall be made in accordance with the procedures in 310 CMR 7.02(9).

(c) Increase RES Cap with Construction. If it is proposed to construct, substantially reconstruct or alter a facility in a manner that requires plan approval, and which increases the facility wide emission limit, and the facility has a RES, then:

1. The following procedure will be used to modify the RES:

a. The proposed construction, substantial reconstruction or alteration shall be submitted for Department approval pursuant to 310 CMR 7.02(5)- Comprehensive Plan Application;

b. The emission limitations in the existing RES shall be modified to incorporate the new emissions approved through plan approval without additional application to the Department; and

c. The plan approval, and revised emission limitations established in the RES, shall be subject to public notice provisions of 310 CMR 7.02(9)(g).

2. Notwithstanding 310 CMR 7.02(10)(c)1., if the facility seeks to construct an emission unit not listed in the RES, the facility may elect to submit the appropriate limited or comprehensive plan application without modification to the RES. In this case, the potential to emit approved under the LPA or CPA will become additive to the potential of the emission units listed in the RES. It is the responsibility of the facility to ensure that the combined potential to emit will not exceed relevant regulatory thresholds.

(d) Construction with No Increase in RES Cap. If it is proposed to modify a RES approval to construct, substantially reconstruct or alter a facility, amend terms or conditions of the RES approval, and the construction, substantial reconstruction or alteration will not increase the facility-wide emission limit, the applicant shall:

1. File an application with the Department at least 30 days prior to the change at the facility that requires modification of the RES approval;

2. Provide a complete description of the proposed changes on forms obtained from the Department or by other means required by the Department;

3. Submit the application in duplicate, signed by a responsible official as being accurate and complete;

4. Provide in the application documentation of the equipment or procedure that will be used to ensure that short and long term emissions shall not exceed the limits in the RES approval including but not limited to, emission monitoring, and daily or monthly recordkeeping;

5. Provide a determination of BACT for those emission units not exempt from plan approval; and

6. Provide in the application a demonstration that the proposed construction, substantial reconstruction, or alteration is not subject to Nonattainment New Source Review (310 CMR 7.00: *Appendix A*) or MACT (40 CFR 63).

(e) Procedures for 310 CMR 7.02(10(d). For applications made pursuant to 310 CMR 7.02(10)(d), construction, substantial reconstruction or alteration may commence 30 days after receipt of the application for a modified RES under 310 CMR 7.02(10)(d) by the Department, unless the applicant is notified by the Department that other permits may be necessary. Operation of the newly constructed, substantially reconstructed or altered emission unit shall not occur until the public review process procedures of 310 CMR 7.02(9)(g) are complete at which time the modification will satisfy plan approval requirements of 310 CMR 7.02 (3), (4), and (5).

(f) Return to Major Source Status. If construction, substantial reconstruction or alteration of a facility operating under a RES approval results in an increase in emissions at the facility so that the facility can no longer stay below major source threshold(s), then the owner or operator of the facility must comply with the requirements of 310 CMR 7.00 applicable to major sources including, but not limited to, the implementation of RACT (310 CMR 7.18 and 310 CMR 7.19) and the requirement to obtain an operating permit (310 CMR 7.00: *Appendix C*).

7.02: continued

(11) U 50% or 25% Facility Emission Cap Notification.

(a) General.

1. 310 CMR 7.02(11) is an alternative means for an owner or operator to establish an emission cap on a facility's federal potential to emit. An owner or operator complying with 310 CMR 7.02(11) will no longer be subject to the restrictions established in the facility's RES granted pursuant to 310 CMR 7.02(9), or the requirements pursuant to 310 CMR 7.00: *Appendix C* after the Department has returned to the owner or operator a copy of the processed notification form.

2. Failure to comply with the emission cap set forth at 310 CMR 7.02(11)(e) or (f) means that an owner or operator is subject to all previously applicable requirements, including but not limited to, 42 U.S.C. 7401, § 112 (Title III), § 501 (Title V) and 40 CFR 52.21, or 310 CMR 7.18 (only where applicability is determined by the facility's potential to emit), 310 CMR 7.19, 310 CMR 7.00: *Appendix A* and/or 310 CMR 7.00: *Appendix C*.

3. Applicability of § 112 (Title III) may be avoided pursuant to 310 CMR 7.02(11) only where the owner or operator complies with 310 CMR 7.02(11) prior to the first substantive requirement of the applicable MACT standard. The first compliance date is defined as the date an owner or operator must comply with an emission limitation or other substantive regulatory requirement.

(b) Duty to Comply. Operation under 310 CMR 7.02(11) does not relax or eliminate any emission limitation(s), or recordkeeping requirement(s) established by regulation or previously issued source specific plan approval(s) or emission control plan(s). Annual emission limitations established by regulation or source specific plan approval or emission control plan, may not be less stringent than the emission limitations established at 310 CMR 7.02(11)(e) and (f).

(c) Plan Approval. Notwithstanding 310 CMR 7.02(11)(a), an owner or operator is subject to preconstruction plan approval pursuant to 310 CMR 7.02(1) for future construction, substantial reconstruction or alteration at the facility.

(d) Application Requirements. An owner or operator electing to comply with 310 CMR 7.02(11) shall notify the Department on forms provided by the Department, of his/her intentions to operate under one of the emission caps established at 310 CMR 7.02(11)(e) or (f), and that the facility's actual emissions in the prior calendar year were equal to or less than the emission cap. This facility wide emission cap shall remain in effect until the owner or operator notifies the Department.

(e) 50% Cap Requirements. For owners or operators electing 50% emission cap, in every 12-month period (rolling 12-month), the potential and actual emissions of the facility shall be less than or equal to the following limitations:

1. 25 tons per year of VOC or $NO_x$, or 50 tons per year of any other regulated air pollutant;
2. 5 tons per year of a single HAP;
3. 12.5 tons per year of any combination of HAPs; and
4. 50% of any lesser threshold for a single HAP that the EPA may establish by rule.

(f) 25% Cap Requirements. For owners or operators electing 25% emission cap, in every 12-month period (rolling 12-month), the potential and actual emissions of the facility shall be less than or equal to the following limitations:

1. 15 tons per year of VOC or $NO_x$, or 25 tons per year of any other regulated air pollutant;
2. 2.5 tons per year of a single HAP;
3. 6.25 tons per year of any combination of HAPs, and
4. 25% of any lesser threshold for a single HAP that the EPA may establish by rule.

(g) Eligible Restrictions. The owner or operator may take into account the operation of air pollution control equipment when calculating the facility's potential emissions, if the equipment is required by Federal or State regulations, or operated in accordance with 310 CMR 7.02(1) or 7.03, or an emission control plan issued pursuant to 310 CMR 7.18 or 310 CMR 7.19.

(h) Record Keeping. The owner or operator electing to operate under one of the emission caps established at 310 CMR 7.02(11)(e) or (f), shall establish and maintain records of actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, be made available to the Department or EPA staff upon request, and contain the following items where applicable: