



# Regulatory Bulletin

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*MFPC will be sending out this periodic Regulatory Bulletin to keep members informed of the latest changes in federal and state regulations. The information is provided courtesy of the law offices of Pierce Atwood.*

## STATE ISSUES

### DEP Proposes Changes to its Visible Emissions Regulation

Visible emissions standards (also commonly referred to as opacity standards) apply to more sources and activities than any other type of air emission limitation. For over 20 years, visible emissions from these sources and activities have been regulated by Chapter 101 of the Maine DEP's Regulations and air license conditions established pursuant to Best Practical Treatment requirements. Opacity is a measure of the density of an emission plume determined by how much light is obscured by the plume.

The DEP is now proposing to significantly change Chapter 101 by ratcheting down a number of the existing limits. The following provides a brief summary of the existing standards and the new standards proposed by the DEP for the most common sources in the wood products industry that are subject to Chapter 101 opacity standards. Note that the following indicates the existing and proposed opacity limits. Your air emissions license may contain more stringent limits for certain equipment at your facility.

## EXISTING RULE

- ◆ **FUEL BURNING EQUIPMENT < 250 MMBtu/hr (e.g., boilers, stationary internal combustion engines)**  
*Not to exceed 30% for more than 15 minutes in 3 hours.*
- ◆ **FUEL BURNING EQUIPMENT > 250 MMBtu/hr (e.g., boilers)**  
*Not to exceed 40% for more than 15 minutes in 3 hours.*
- ◆ **GENERAL PROCESS SOURCES (e.g., process vents, bag houses, cyclones, chip/sawdust piles, unpaved roads)**  
*Not to exceed 20% for more than 5 minutes in 1 hour.*
- ◆ **RECOVERY BOILERS**  
*Not to exceed 30% for more than 5 minutes in 3 hours.*
- ◆ **MULTIPLE SOURCES THROUGH ONE STACK**  
*Not to exceed 40% for more than 20 minutes in 2 hours or 80% for more than 10 minutes in 1 hour.*

## PROPOSED RULE

- ◆ **FUEL BURNING EQUIPMENT FIRING #4, 5 AND 6 FUEL OIL AND < 1,000 MMBtu/hr**  
*Not to exceed 30% for more than two 6-minute block averages in 3 hours.*
- ◆ **Fuel burning equipment firing #4, 5 and 6 fuel oil and > 1,000 MMBtu/hr**  
*Not to exceed 20% for more than two 6-minute block averages except for one 6-minute block average in any one hour of not more than 27%.*
- ◆ **BOILERS BURNING #2 OIL**  
*Not to exceed 20% except for more than two 6-minute block averages in 3 hours.*

- ◆ **BOILERS FIRING NATURAL GAS OR PROPANE**  
*Not to exceed 10% for more than two 6-minute block averages in 3 hours.*
- ◆ **STATIONARY INTERNAL COMBUSTION ENGINES**  
*Not to exceed 20% for more than two 6-minute block averages in 3 hours.*
- ◆ **WOOD WASTE/BIOMASS COMBUSTION UNITS**  
*Not to exceed 30% for more than two 6-minute block averages in 3 hours.*
- ◆ **ALL OTHER FUEL BURNING EQUIPMENT**  
*Not to exceed 30% for more than two 6-minute block averages in 3 hours.*
- ◆ **RECOVERY BOILERS**  
*(i) Not to exceed 30% for more than one 6-minute block average in 3 hours; or (ii) not to exceed 20% except for 2% of all 6-minute block averages on a quarterly basis and 1% on an annual basis. Must implement corrective action if exceed 20% for ten consecutive 6-minute block averages.*
- ◆ **ASPHALT BATCH PLANTS**  
*Not to exceed 20% for more than two 6-minute block averages in 3 hours.*
- ◆ **ROCK CRUSHERS**  
*Not to exceed 10%.*
- ◆ **ALL BAG HOUSES**  
*Not to exceed 10% for more than one 6-minute block average in an hour. Must take corrective action if visible emissions exceed 5%.*
- ◆ **GENERAL PROCESS SOURCES OTHER THAN BAG HOUSES, ASPHALT PLANTS AND ROCK CRUSHERS**  
*Not to exceed 20% for more than one 6-minute block average in an hour.*
- ◆ **ALL FUGITIVE EMISSION SOURCES (e.g., material storage piles, roads)**  
*Not to exceed 20% for more than 5 minutes in an hour.*
- ◆ **MULTIPLE SOURCES THROUGH ONE STACK**  
*Generally, not to exceed 30% for more than three 6-minute block averages in 3 hours. Different standards apply if have opacity monitor on common stack.*

In addition to the above, the exemption for cold startups or planned shutdowns which is provided in the existing rule for sources greater than 200 MMBtu/hr has been expanded to be available to sources greater than 100 MMBtu/hr. **The BEP has**

scheduled a public hearing to consider the proposed changes on August 1, 2002 in Augusta. Public comments on the proposed changes are due August 21, 2002.

### **DEP Storm Water Rules, Chapters 500 and 502**

The DEP is currently in the process of preparing for a major revision to its storm water rules (Chapters 500 and 502). The changes will primarily affect medium size municipalities (see list below) and any construction activity that involves ground disturbance of one acre or more. The purpose of the changes is threefold: (1) implement the Clean Water Act's Phase II storm water requirements which apply to medium-sized municipal separate storm water systems (about 35 towns in Maine) and to small construction activities that disturb more than one acre; (2) expand the list of impaired and at risk rivers, streams and brooks in the State and add requirements to protect those waters; and (3) fix certain problems that have come up during the past 5 years of implementing these rules. The current proposal calls for a three-tiered approach to regulation of storm water discharges, including a new permit-by-rule for small construction activities that would apply statewide. MFPC anticipates that this rulemaking will affect many of our member companies and is participating in the DEP's stakeholder group reviewing the proposed changes to these rules. DEP is expecting to go to formal rulemaking on these rules this Fall.

### **MFS Rules on Statewide Timber Harvesting Standards**

MFS has convened an advisory group to work on new statewide standards for timber harvesting in shoreland zones. MFPC is participating in this group. New standards are expected to be ready for formal rulemaking this Fall.

### **DIFW, Vernal Pool Guidelines**

The Department of Inland Fisheries and Wildlife has been working on guidelines for activities in or adjacent to vernal pools. The guidelines are intended to suggest methods to protect wildlife in

vernal pool ecosystems. The guidelines are expected to be finalized in September.

### **LURC Regs. Ch. 10, D-PD Subdistrict**

LURC has proposed revisions to its D-PD subdistrict designed to (1) increase the ability of non-standard projects (such as windpower) to obtain approval under this subdistrict, and (2) allow more time for approval of such projects. **The comment deadline is July 19, 2002.** The Council will file comments supporting the proposal.

### **LURC Regs. Ch. 10, Clearing for Development and Miscellaneous Rule Changes**

The changes to Chapter 10 that resulted from the two rulemakings on clearing for development and on miscellaneous rule changes became effective on July 1, 2002.

### **DEP Redesignation for Ozone Nonattainment**

DEP has proposed redesignating York, Cumberland, and Sagadahoc counties for moderate nonattainment with the one-hour ozone National Ambient Air Quality Standard. The redesignation would create an emissions budget for VOCs and NOx in these counties and is necessary in order to avoid bump up to a more severe nonattainment classification that would result in more stringent control requirements. **A public hearing is scheduled for August 1, 2002 and the comment deadline is August 15, 2002.**

### **Federal Rulemaking Proceedings**

#### **Proposed Effluent Limitation Guidelines for Pulp and Paper Industry**

A proposed revision to the effluent limitation guidelines for eight subcategories of the pulp, paper, and paperboard industry sector will not be made final. The guidelines would have addressed conventional pollutants such as biological oxygen demand that are currently being addressed throughout the industry with Best Management

Practices and present low risk to public health and the environment. Work on other subcategories, such as bleached paper grade kraft and soda, will continue to address toxics.

### **Effluent Limitation Guidelines for Construction and Development**

EPA has proposed several options for “effluent limitation guidelines” (ELGs) to control erosion and sedimentation from construction sites during active phases of development. Although none of the options proposed would specify numeric effluent limits, it is expected that the ELGs ultimately adopted would be implemented in any NPDES or MEPDES permit, including general storm water permits, for construction activities. **Five public hearings are scheduled on the proposal throughout the country. The deadline for comments is October 23, 2002.**



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**This Regulatory Bulletin  
can also be found at  
[www.maineforest.org](http://www.maineforest.org)**

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## **Maine Forest Products Council**



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