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Chapter 149, General Permit for Non-Metallic Mineral Processing Plants Frequently Asked Questions

What is Chapter 149?

MEDEP Chapter 149 (06-096 CMR 149) is a rule outlining the requirements for obtaining and maintaining a general permit to operate a non-metallic mineral processing plant (rock crusher). Owners/Operators of rock crushers may obtain a general permit in lieu of applying for a traditional air emission license per Maine Department of Environmental Protection (MEDEP) Chapter 115.

Where can I get a copy of Chapter 149?

A copy of the rule, as well as all application forms and instructions, can be found online here: <http://www.maine.gov/dep/air/permits/rkcrusher.html>

Who can apply for a general permit under Chapter 149?

Owners/Operators can apply for a general permit if they meet the following criteria:

1. Any power plant (engine or gen-set) which powers the rock crusher is smaller than 5.0 MMBtu/hr (approximately 500 kW or 725 Hp), and
2. Any power plant (engine or gen-set) which powers the rock crusher is a portable non-road engine, and
3. The aggregate of all stationary fuel burning equipment located at the facility, under control of the Operator, fires less than 65,000 gallons of diesel, #2, #4, or #6 fuel oil, or equivalent natural gas/propane (combined) in a calendar year, and
4. Emissions from the rock crusher are controlled by water sprays or carry over from up-stream water sprays, and
5. The Owner and/or Operator of the rock crusher does not owe any past-due fees to the Department from previous air related licenses, permits, or consent agreements.

What if I am unable to meet the criteria to be eligible for a general permit?

Rock crushers which do not meet the criteria listed above are required to obtain an air emission license per Chapter 115 of the Department's rules. Please contact the Air Bureau, Licensing Section at (207) 287-7688 for information on how to apply for a Chapter 115 license.



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I currently have a Chapter 115 air emission license. Do I have to obtain a Chapter 149 general permit also?

No. If you currently have a Chapter 115 air emission license, you are not required to also obtain a Chapter 149 general permit. You can continue to maintain your license as usual. However, if you would like to operate under a general permit rather than a Chapter 115 air emission license, you may apply for a general permit at any time and subsequently surrender your Chapter 115 air emission license. Please contact a member of the Air Bureau Licensing Section for information on surrendering your Chapter 115 license.

What are some of the advantages of having a Chapter 149 general permit compared to the traditional Chapter 115 air emission license?

There are several advantages to the Chapter 149 general permit compared to a traditional air emission license including:

1. A general permit is quicker to obtain. Due to mandatory comment periods a traditional air emission license takes a minimum of 20 days to process. A general permit can typically be processed in less than half that time.
2. Because the application forms are specific only to rock crushers, they are much shorter and straight forward to understand.
3. A general permit separates and defines the responsibilities of the crusher Owner and the crusher Operator. This is especially beneficial in the case of rented equipment.
4. A general permit does not need to be renewed every ten years. The general permit stays in effect until surrendered.

How do I apply for a general permit under Chapter 149?

The rock crusher Owner must first apply for a General Permit Number. The Owner fills out an application provided by the Department which identifies the Owner name (as registered with the Secretary of State), contact and billing information, and information about the crusher such as the size, age, and type.

On the application form the Owner is also given the option of supplying a Unique ID for the rock crusher. Chapter 149 requires that all crushers have an identifier permanently affixed to them. This number can be the General Permit Number supplied by the Department or another unique identifier such as a serial number. If the Owner would like to use a number other than the General Permit Number as the equipment's identification number, it must be entered in this field on the application form.



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The Owner submits to the Department the General Permit Number application form and a check to cover the first year's annual fee. Please make checks payable to "Treasurer, State of Maine".

If the equipment Operator will be different than the equipment Owner, the Operator must submit a separate Notice of Intent to Comply (NOITC) form. This application identifies the Operator's legal name (as registered with the Secretary of State), contact information, and the physical location where the crusher will be located. The original NOITC form is submitted to the Department and a copy must be mailed to the municipality in which the equipment is to be operated.

If you are both the Owner and the Operator of the rock crusher, you are not required to submit a separate NOITC application. You may check the box on the bottom of page 3 of the General Permit Number application form stating the equipment addressed in the application will be operated by the Owner and fill out the additional signatory requirement on page 4. A copy of the form must then be mailed to the municipality in which the equipment is to be operated.

When can I start crushing?

The NOITC (either in the form of the General Permit Application if the Owner and Operator are the same entity, or the separate NOITC form if they are not) must be submitted to the Department at least two business days prior to commencing operation.

Where can I get application forms?

Application forms are available online at:

<http://www.maine.gov/dep/air/permits/rkcrusher.html>

If you do not have internet access, application forms can also be obtained from the Department by calling (207) 287-7688. Please ask to speak with someone in the Air Licensing Section regarding a rock crusher general permit.

Can I put more than one rock crusher on the General Permit Number application form?

No. A separate General Permit Number application form must be submitted for each rock crusher.

Can I put more than one rock crusher on the NOITC application form?

No. A separate NOITC form must be submitted for each rock crusher.



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What if my company is not registered with the Secretary of State?

Owners and Operators are required to use their company names as registered with the Maine Secretary of State (SOS) or as registered to do business in another state. If an Owner or Operator is not registered to do business in Maine or another state, the business name cannot be used. In that case, an Owner or Operator may apply under an individual's name as a Sole Proprietorship. The individual must supply their full legal name and be the one to sign the application. This individual takes full legal responsibility for complying with the conditions of the general permit.

What are the requirements for Owners?

Owners are subject to the conditions listed in Section 4 of Chapter 149 (beginning on page 6 of the rule).

What are the requirements for Operators?

Operators are subject to the conditions listed in Section 5 of Chapter 149 (beginning on page 7 of the rule).