



Form No.	A-L-0093
Effective Date	2/10/2022
Revision No.	01
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## Implementation of Maine's Approved Clean Air Act Section 176A Petition Frequently Asked Questions

### **What is the Ozone Transport Region?**

The Ozone Transport Region (OTR) was established under Clean Air Act (CAA) Section 184. In accordance with State and Federal regulations, areas located within the OTR are subject to more stringent control requirements for pollutants that form ozone, even if those areas meet the ozone standards. The specific pollutants of concern are nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC).

### **What is the Clean Air Act Section 176A Petition?**

In February 2020, the State of Maine requested a portion of the state be removed from the Ozone Transport Region (OTR). This request was submitted to the US Environmental Protection Agency (EPA) pursuant to the requirements CAA Section 176A(a)(2).

On February 3, 2022, EPA granted the State's petition. This approval was published in the Federal Register on February 10, 2022, and becomes effective on March 14, 2022.

### **What does EPA's approval of the Section 176A Petition do or change?**

EPA's approval of Maine's Section 176A Petition removes all areas of the state from the OTR with the exception of 111 cities and towns.

The Department's rule *Definition Regulation*, 06-096 C.M.R. ch. 100, defines terms used in regulating air emission sources, including "major stationary source," "major modification," and "significant emissions."

These terms identify the major source threshold for VOC as 50 ton/year for facilities located within the OTR and 100 ton/year for facilities not located in the OTR. Therefore, approval of the Section 176A Petition will increase the VOC major source threshold in areas of the state removed from the OTR from 50 ton/year to 100 ton/year. There is no impact on the major source threshold for any other regulated pollutant.

The Department's rules *Major and Minor Source Air Emission License Regulation*, 06-096 C.M.R. ch. 115, and *Growth Offset Regulation*, 06-096 C.M.R. ch. 113, contain more stringent licensing requirements for facilities located in the OTR when applying for a new major source or major modification as part of New Source Review (NSR) licensing. As described in more detail below, these more stringent requirements will no longer apply to facilities located in areas that have been removed from the OTR.



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**What areas of the state will remain part of the OTR?**

The cities and towns listed in the following table will remain part of the OTR. All other areas of the State of Maine have been removed from the OTR.

**Maine Towns and Cities Remaining in the Ozone Transport Region**

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

**My facility is located (or I wish to build a new facility) in an area that will remain part of the OTR. What will change for my facility?**

If your facility is located in one of the cities or towns listed in the table above, the approval of Maine’s Section 176A Petition makes no changes to your existing air emission license and makes no changes to future application requirements.



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**My facility is located (or I wish to build a new facility) in an area that has been removed from the OTR. What will change for my facility?**

If your facility is not located in one of the cities or towns listed in the table above, the approval of Maine’s Section 176A Petition makes no changes to your existing air emission license. However, NSR license application requirements for new major sources or major modifications will be different.

- These application types (new major sources and major modifications) will no longer be required to obtain offsets, i.e., the need to purchase emission reduction credits from an upwind area to “offset” emissions increases; and
- Cost-effectiveness criteria can be considered when evaluating appropriate emission controls i.e., facilities may submit a Best Available Control Technology (BACT) analysis instead of a Lowest Achievable Emission Rate (LAER) analysis for major emissions or major increases in emissions of NO<sub>x</sub> and VOC).

**My facility is a major source located in an area that has been removed from the OTR. Can my facility be considered a minor source?**

Your facility may be eligible to become a minor source if all of the following criteria are met:

- Your facility is located in an area of the state which is no longer part of the OTR;
- Licensed emissions for all criteria pollutants, including VOC, are less than 100 ton/year each; and
- Licensed emissions of hazardous air pollutants (HAP) are less than 10 ton/year for any single HAP and less than 25 ton/year for all HAP combined.

The change in facility classification is not automatic, and you must continue to comply with your Part 70 (Title V) license until a license revision is processed. Please contact your Air Licensing project manager or Jane Gilbert for further information.

**Where can I find more information?**

[EPA’s website with information on Maine’s Section 176A Petition](#)

[Federal Register Posting of Petition Approval](#)

[Department of Environmental Protection Regulations](#)

For questions on Maine’s Section 176A Petition approval or how it may affect your facility, please contact Lynn Muzzey (207-287-2229, [lynn.muzzey@maine.gov](mailto:lynn.muzzey@maine.gov)) or Jane Gilbert (207-530-0554, [jane.gilbert@maine.gov](mailto:jane.gilbert@maine.gov)).