



DEPARTMENT ORDER

Maine Department of Corrections
Penobscot County
Charleston, Maine
A-267-71-K-R/M

Departmental
Findings of Fact and Order
Air Emission License
Renewal and Amendment

FINDINGS OF FACT

After review of the air emission license renewal and amendment application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes (M.R.S.) § 344 and § 590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

Maine Department of Corrections has applied to renew their Air Emission License for the operation of emission sources associated with their correctional facility. Maine Department of Corrections has also requested a minor revision to their license in order to remove Boiler #3 from the license.

The equipment addressed in this license is located at 1202 Dover Road, Charleston, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Boilers

Equipment	Max. Capacity (MMBtu/hr)	Maximum Firing Rate	Fuel Type	Date of Manuf.	Stack #
Boiler #1	4.4	0.4 ton/hr	Wood	1951	1
Boiler #2	4.4	0.4 ton/hr	Wood	1951	1
<i>Boiler #3*</i>	<i>4.4</i>	<i>31.4 gal/hr</i>	<i>Distillate fuel</i>	<i>1951</i>	<i>1</i>
Boiler #4	4.4	31.4 gal/hr	Distillate fuel	1960	1
Boiler #5	6.7	47.5 gal/hr	Distillate fuel	2000	2
Boiler #6	6.7	47.5 gal/hr	Distillate fuel	2000	2

* Removed from license

Stationary Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity (HP)	Fuel Type	Firing Rate (gal/hr)	Date of Manuf.	Date of Install.
Generator #7	6.8	700	Distillate fuel	49.7	2000	2001
Generator #8	6.8	700	Distillate fuel	49.7	2000	2001
Generator #9	2.3	200	Distillate fuel	16.6	1997	1999

Maine Department of Corrections may operate small stationary engines smaller than 0.5 MMBtu/hr. These engines are considered insignificant activities and are not required to be included in this license. However, they are still subject to applicable State and Federal regulations. More information regarding requirements for small stationary engines is available on the Department's website at the link below.

<http://www.maine.gov/dep/air/publications/docs/SmallRICEGuidance.pdf>

Additionally, Maine Department of Corrections may operate portable engines used for maintenance or emergency-only purposes. These engines are considered insignificant activities and are not required to be included in this license. However, they may still be subject to applicable State and Federal regulations.

C. Definitions

Biomass means any biomass-based solid fuel that is not a solid waste. This includes, but is not limited to, wood residue and wood products (*e.g.*, trees, tree stumps, tree limbs, bark, lumber, sawdust, sander dust, chips, scraps, slabs, millings, and shavings). This definition also includes wood chips and processed pellets made from wood or other forest residues. Inclusion in this definition does not constitute a determination that the material is not considered a solid waste. Maine Department of Corrections should consult with the Department before adding any new biomass type to its fuel mix.

Distillate Fuel means the following:

- Fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials (ASTM) in ASTM D396;
- Diesel fuel oil numbers 1 or 2, as defined in ASTM D975;
- Kerosene, as defined in ASTM D3699;
- Biodiesel, as defined in ASTM D6751; or
- Biodiesel blends, as defined in ASTM D7467.

Portable or Non-Road Engine means an internal combustion engine which is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. This definition does NOT include engines which remain or will remain at a location (excluding storage locations) for more than

12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

An engine is not a non-road (portable) engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road (portable) engine and is subject to applicable stationary engine requirements.

Records or Logs mean either hardcopy or electronic records.

D. Application Classification

All rules, regulations, or statutes referenced in this air emission license refer to the amended version in effect as of the date this license was issued.

Maine Department of Corrections has applied to renew currently licensed emission units as well as modify their license as addressed in Section I(A) above. This amendment will not increase licensed emissions of any pollutant. Therefore, this license is considered to be both a renewal and a minor revision and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules C.M.R. ch. 115.

E. Facility Classification

With the annual operating hours restriction on Generators #7, #8, and #9, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Maine Department of Corrections is subject to license restrictions that keep facility emissions below major source thresholds for NO_x; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for HAP.

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Boilers #1, #2, #4, #5, and #6

Maine Department of Corrections operates Boilers #1, #2, #4, #5, and #6 for the facility's heating and hot water needs. Boilers #1 and #2 are each rated at 4.4 MMBtu/hr and fire wood. These boilers were both manufactured in 1951. Boiler #4 is rated at 4.4 MMBtu/hr and fires distillate fuel. Boiler #4 was manufactured in 1960. Boilers #1, #2, and #4 exhaust through a shared stack, Stack #1. Boilers #5 and #6 are each rated at 6.7 MMBtu/hr and fire distillate fuel. Boilers #5 and #6 were both manufactured in 2000. Boilers #5 and #6 exhaust through a shared stack, Stack #2.

State statute directs that, with limited exceptions, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm) pursuant to 38 M.R.S. § 603-A(2)(A)(3). Therefore, the distillate fuel purchased or otherwise obtained for use in Boilers #4, #5, and #6 shall not exceed 0.0015% by weight (15 ppm).

1. BPT Findings

The BPT emission limits for Boilers #1, #2, #4, #5, and #6 were based on the following:

Wood (Boilers #1 and #2)

PM	– 0.3 lb/MMBtu based on 06-096 C.M.R. ch. 103, § B(4)(a)
PM ₁₀	– 0.217 lb/MMBtu based on AP-42 Table 1.6-1 dated 4/22
PM _{2.5}	– 0.137 lb/ MMBtu based on AP-42 Table 1.6-1 dated 4/22
SO ₂	– 0.025 lb/ MMBtu based on AP-42 Table 1.6-2 dated 4/22
NO _x	– 0.22 lb/ MMBtu based on AP-42 Table 1.6-2 dated 4/22
CO	– 0.6 lb/ MMBtu based on AP-42 Table 1.6-2 dated 4/22
VOC	– 0.017 lb/ MMBtu gal based on AP-42 Table 1.6-3 dated 4/22

Distillate Fuel (Boilers #4, #5, and #6)

PM/PM ₁₀ /PM _{2.5}	– 0.08 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
SO ₂	– based on firing distillate fuel with a maximum sulfur content of 0.0015% by weight
NO _x	– 20 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
CO	– 5 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
VOC	– 0.34 lb/1,000 gal based on AP-42 Table 1.3-3 dated 5/10

The BPT emission limits for Boilers #1, #2, #4, #5, and #6 are the following:

Unit	Pollutant	lb/MMBtu
Boiler #1	PM	0.3
Boiler #2	PM	0.3
Boiler #4	PM	0.08
Boiler #5	PM	0.08
Boiler #6	PM	0.08

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	1.32	0.95	0.60	0.11	0.97	2.64	0.07
Boiler #2	1.32	0.95	0.60	0.11	0.97	2.64	0.07
Boiler #4	0.35	0.35	0.35	0.01	0.63	0.16	0.01
Boiler #5	0.54	0.54	0.54	0.01	0.96	0.24	0.01
Boiler #6	0.54	0.54	0.54	0.01	0.96	0.24	0.01

2. Visible Emissions

Boilers #1 and #2

Visible emissions from Stack #1 shall not exceed 30% opacity on a six-minute block average basis when either Boiler #1 or Boiler #2 are operating, except for periods of startup, shutdown, or malfunction during which time Maine Department of Corrections shall either meet the normal operating visible emissions standard or the following alternative visible emissions standard.

During periods of startup, shutdown, or malfunction, visible emissions shall not exceed 40% opacity on a six-minute block average basis. This alternative visible emissions standard shall not be utilized for more than two hours (20 consecutive six-minute block averages) per event. If this alternative visible emissions standard is utilized, Maine Department of Corrections shall keep records of the date, time, and duration of all startup, shutdown, and malfunction events and provide them to the Department upon request.

[06-096 C.M.R. ch. 101, § 4(A)(5)(a)]

Boilers #4, #5, and #6

Visible emissions from Stack #1 when only Boiler #4 is operating and from Stack #2 when either Boiler #5 or Boiler #6 are operating shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(2)]

3. Documentation

Documentation shall include the type of fuel used and sulfur content of the fuel, if applicable.

4. New Source Performance Standards (NSPS): 40 C.F.R. Part 60, Subpart Dc

Due to the sizes of all the boilers and the years of manufacture of Boilers #1, #2, and #4, the boilers are not subject to *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units* 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

5. National Emission Standards for Hazardous Air Pollutants (NESHAP): 40 C.F.R. Part 63, Subpart JJJJJ

Boilers #1, #2, #4, #5, and #6 are subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 C.F.R. Part 63, Subpart JJJJJ. Boilers #1 and #2 are considered existing biomass boilers rated less than 10 MMBtu/hr. Boilers #4, #5, and #6 are considered existing oil boilers rated less than 10 MMBtu/hr. [40 C.F.R. §§ 63.11193 and 63.11195]

Applicable federal 40 C.F.R. Part 63, Subpart JJJJJ requirements include the following. Additional rule information can be found on the following website: <https://www.epa.gov/stationary-sources-air-pollution/compliance-industrial-commercial-and-institutional-area-source>.

a. Compliance Dates, Notifications, and Work Practice Requirements

(1) Boiler Tune-Up Program

- (i) A boiler tune-up program shall be implemented. [40 C.F.R. § 63.11223]
- (ii) Tune-ups shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. See chart below:

Boiler Category	Tune-Up Frequency
Boilers #1, #2, #5, and #6	Every 2 years
Boiler #4	Every 5 years

[40 C.F.R. § 63.11223(a) and Table 2]

(iii) The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:

1. As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection for Boilers #1, #2, #5, and #6. Delay of the burner inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for Boiler #4. [40 C.F.R. § 63.11223(b)(1)]
2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 C.F.R. § 63.11223(b)(2)]
3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. Delay of the inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection for Boilers #1, #2, #5, and #6. Delay of the inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for Boiler #4. [40 C.F.R. § 63.11223(b)(3)]
4. Optimize total emissions of CO, consistent with manufacturer's specifications. [40 C.F.R. § 63.11223(b)(4)]
5. Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer. [40 C.F.R. § 63.11223(b)(5)]
6. If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up. [40 C.F.R. § 63.11223(b)(7)]

(iv) Tune-Up Report: A tune-up report shall be maintained onsite and, submitted to the Department and/or EPA upon request. The report shall contain the following information:

1. The concentration of CO in the effluent stream (ppmv) and oxygen (volume percent) measured at high fire or typical operating load both **before** and **after** the boiler tune-up;
2. A description of any corrective actions taken as part of the tune-up of the boiler; and

3. The types and amounts of fuels used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit. [40 C.F.R. § 63.11223(b)(6)]

(2) Compliance Report

For every compliance period, two years for Boilers #1, #2, #5, and #6 and five years for Boiler #4. Maine Department of Corrections shall prepare a compliance report by March 1st of the following year to document the information below for the applicable compliance period. The report shall be maintained by the source and submitted to the Department and/or to the EPA upon request. The report must include the items contained in §§ 63.11225(b)(1) and (2), including the following: [40 C.F.R. § 63.11225(b)]

- (i) Company name and address;
- (ii) A statement of whether the source has complied with all the relevant requirements of this Subpart;
- (iii) A statement certifying truth, accuracy, and completeness of the notification and signed by a responsible official and containing the official's name, title, phone number, email address, and signature;
- (iv) The following certifications, as applicable:
 1. "This facility complies with the requirements in 40 C.F.R. § 63.11223 to conduct tune-ups of each boiler in accordance with the frequency specified in this Subpart."
 2. "No secondary materials that are solid waste were combusted in any affected unit."
 3. "This facility complies with the requirement in §§ 63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."

b. Recordkeeping

- (1) Records shall be maintained consistent with the requirements of 40 C.F.R. Part 63, Subpart JJJJJ including the following [40 C.F.R. § 63.11225(c)]:
 - (i) Copies of notifications and reports with supporting compliance documentation;
 - (ii) Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
 - (iii) Records of the occurrence and duration of each malfunction of each applicable boiler; and

(iv) Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.

(2) Records shall be in a form suitable and readily available for expeditious review. Each record must be kept for 5 years following the date of each recorded action. Each record must be kept on-site or be accessible from a central location by computer or other means that instantly provides access at the site for at least 2 years after the date of each recorded action. The records may be maintained off-site for the remaining 3 years. [40 C.F.R. § 63.11225(d)] Note: Standard Condition (8) of this license requires all records be retained for six years; therefore, the five-year record retention requirement of Subpart JJJJJ shall be streamlined to the more stringent six-year requirement.

C. Generators #7, #8, and #9

Maine Department of Corrections operates three emergency generators, Generators #7, #8, and #9. The emergency generators are generator sets with each gen set consisting of an engine and an electrical generator. Generators #7, #8, and #9 have engines rated at 6.8 MMBtu/hr, 6.8 MMBtu/hr, and 2.3 MMBtu/hr, respectively, which fire distillate fuel. Generators #7 and #8 were each manufactured in 2001 and installed in 2001. Generator #9 was manufactured in 1997 and installed in 1999.

1. BPT Findings

The BPT emission limits for Generators #7, #8, and #9 are based on the following:

- PM/PM₁₀/PM_{2.5} – 0.12 lb/MMBtu from
06-096 C.M.R. ch. 103, § (2)(B)(1)(a) for Generators #7 and #8;
06-096 C.M.R. ch. 115, BPT for Generator #9
- SO₂ – Combustion of distillate fuel with a maximum sulfur content
not to exceed 15 ppm (0.0015% sulfur by weight)
- NO_x – 3.2 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 for
Generators #7 and #8
4.41 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96 for
Generator #9
- CO – 0.85 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 for
Generators #7 and #8
0.95 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96 for
Generator #9
- VOC – 0.09 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 for
Generators #7 and #8
0.36 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96 for
Generator #9

The BPT emission limits for Generators #7, #8, and #9 are the following:

Unit	Pollutant	lb/MMBtu
Generator #7	PM	0.12
Generator #8	PM	0.12

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #7	0.82	0.82	0.82	0.01	21.76	5.78	0.61
Generator #8	0.82	0.82	0.82	0.01	21.76	5.78	0.61
Generator #9	0.28	0.28	0.28	0.004	10.14	2.19	0.83

Each of the emergency generators shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. There is no limit on emergency operation. Each emergency generator shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with the operating hours limit, Maine Department of Corrections shall keep records of the total hours of operation and the hours of emergency operation for each unit.

Emergency generators are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Emergency generators are not to be used for prime power when reliable offsite power is available; nor to operate or to be contractually obligated to be available in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity.

2. Visible Emissions

Visible emissions from Generators #7, #8, and #9 shall each not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Maine Department of Corrections shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

- a. The duration of the startup shall not exceed 30 minutes per event;
- b. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
- c. Maine Department of Corrections shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

[06-096 C.M.R. ch. 101, § 4(A)(4)]

3. Chapter 169

Generators #7, #8, and #9 were installed prior to the effective date of *Stationary Generators*, 06-096 C.M.R. ch. 169 and is therefore exempt from this rule pursuant to section 1.

4. New Source Performance Standards (NSPS)

Due to the dates of manufacture of the compression ignition emergency engines listed above, the engines are not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE)*, 40 C.F.R. Part 60, Subpart III since the units were manufactured prior to April 1, 2006. [40 C.F.R. § 60.4200]

5. National Emission Standards for Hazardous Air Pollutants (NESHAP):
40 C.F.R. Part 63, Subpart ZZZZ

National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 C.F.R. Part 63, Subpart ZZZZ is not applicable to the emergency engines listed above. The units are considered existing, emergency stationary reciprocating internal combustion engines at an area HAP source. However, they are considered exempt from the requirements of 40 C.F.R. Part 63, Subpart ZZZZ since they are categorized as residential, commercial, or institutional emergency engines and they do not operate or are not contractually obligated to be available in a demand response program, during a period of deviation from standard voltage or frequency, or for supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in 40 C.F.R. § 63.6640(f)(4)(ii).

Operation of any emergency engine in a demand response program, during a period of deviation from standard voltage or frequency, or for supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in 40 C.F.R. § 63.6640(f)(4)(ii), would cause the engine to be subject to 40 C.F.R. Part 63, Subpart ZZZZ and require compliance with all applicable requirements.

D. Annual Emissions

The table below provides an estimate of facility-wide annual emissions for the purposes of calculating the facility’s annual air license fee and establishing the facility’s potential to emit (PTE). Only licensed equipment is included, i.e., emissions from insignificant activities are excluded. Similarly, unquantifiable fugitive particulate matter emissions are not included except when required by state or federal regulations. Maximum potential emissions were calculated based on the following assumptions:

- Operating Boilers #1, #2, #4, #5, and #6 for 8,760 hr/yr, each; and
- Operating Generators #7, #8, and #9 for 100 hrs/yr, each.

This information does not represent a comprehensive list of license restrictions or permissions. That information is provided in the Order section of this license.

**Total Licensed Annual Emissions for the Facility
 Tons/year**

(used to calculate the annual license fee)

	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	CO	VOC
Boiler #1	5.8	4.2	2.6	0.5	4.2	11.6	0.3
Boiler #2	5.8	4.2	2.6	0.5	4.2	11.6	0.3
Boiler #4	1.5	1.5	1.5	--	2.8	0.7	--
Boiler #5	2.3	2.3	2.3	--	4.2	1.0	--
Boiler #6	2.3	2.3	2.3	--	4.2	1.0	--
Generator #7	--	--	--	--	1.1	0.3	--
Generator #8	--	--	--	--	1.1	0.3	--
Generator #9	--	--	--	--	0.5	0.1	--
Total TPY	17.7	14.5	11.3	1.0	22.3	26.6	0.6

Pollutant	Tons/year
Single HAP	7.9
Total HAP	19.9

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source is determined by the Department on a case-by-case basis. In accordance with 06-096 C.M.R. ch. 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

Pollutant	Tons/Year
PM ₁₀	25
PM _{2.5}	15
SO ₂	50
NO _x	50
CO	250

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Maine Department of Corrections to submit additional information and may require an ambient air quality impact analysis at that time.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-267-71-K-R/M subject to the following conditions.

Severability. The invalidity or unenforceability of any provision of this License or part thereof shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S. § 347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to beginning actual construction of a modification, unless specifically provided for in Chapter 115. [06-096 C.M.R. ch. 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 C.M.R. ch. 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115] Payment of the annual air emission license fee for Maine Department of Corrections is due by the end of February of each year. [38 M.R.S. § 353-A(3)]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 C.M.R. ch. 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 C.M.R. ch. 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 C.M.R. ch. 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated

noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
[06-096 C.M.R. ch. 115]

- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
[06-096 C.M.R. ch. 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 C.F.R. Part 60 or other method approved or required by the Department, the licensee shall:
- A. Perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. Within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. Pursuant to any other requirement of this license to perform stack testing.
 - B. Install or make provisions to install test ports that meet the criteria of 40 C.F.R. Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. Submit a written report to the Department within thirty (30) days from date of test completion.
[06-096 C.M.R. ch. 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. Within thirty (30) days following receipt of the written test report by the Department, or another alternative timeframe approved by the Department, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 C.F.R. Part 60 or other method approved or required by the Department; and
 - B. The days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility

can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

C. The licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 C.M.R. ch. 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or license requirement. [06-096 C.M.R. ch. 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 C.M.R. ch. 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 C.M.R. ch. 115]
- (16) The licensee shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 M.R.S. § 605). [06-096 C.M.R. ch. 115]

SPECIFIC CONDITIONS

(17) **Boilers #1, #2, #4, #5, and #6**

A. Fuel

1. Boilers #1 and #2 are licensed to fire wood. Boilers #4, #5, and #6 are licensed to fire distillate fuel.
2. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm). [06-096 C.M.R. ch. 115, BPT]

3. Fuel sulfur content compliance shall be demonstrated by fuel delivery receipts from the supplier, a statement from the supplier that the fuel delivered meets Maine's fuel sulfur content standards, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1	PM	0.3	06-096 C.M.R. ch. 115, BPT
Boiler #2	PM	0.3	06-096 C.M.R. ch. 115, BPT
Boiler #4	PM	0.08	06-096 C.M.R. ch. 115, BPT
Boiler #5	PM	0.08	06-096 C.M.R. ch. 115, BPT
Boiler #6	PM	0.08	06-096 C.M.R. ch. 115, BPT

C. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	1.32	0.95	0.60	0.11	0.97	2.64	0.07
Boiler #2	1.32	0.95	0.60	0.11	0.97	2.64	0.07
Boiler #4	0.35	0.35	0.35	0.01	0.63	0.16	0.01
Boiler #5	0.54	0.54	0.54	0.01	0.96	0.24	0.01
Boiler #6	0.54	0.54	0.54	0.01	0.96	0.24	0.01

D. Visible Emissions

Boilers #1 and #2

Visible emissions from Stack #1 shall not exceed 30% opacity on a six-minute block average basis when either Boiler #1 or Boiler #2 are operating, except for periods of startup, shutdown, or malfunction during which time Maine Department of Corrections shall either meet the normal operating visible emissions standard or the following alternative visible emissions standard.

During periods of startup, shutdown, or malfunction, visible emissions shall not exceed 40% opacity on a six-minute block average basis. This alternative visible emissions standard shall not be utilized for more than two hours (20 consecutive six-minute block averages) per event. If this alternative visible emissions standard is utilized, Maine Department of Corrections shall keep records of the date, time, and duration of all startup, shutdown, and malfunction events and provide them to the Department upon request.

[06-096 C.M.R. ch. 101, § 4(A)(5)(a)]

Boilers #4, #5, and #6

Visible emissions from Stack #1 when only Boiler #4 is operating and from Stack #2 when either Boiler #5 or Boiler #6 are operating shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(2)]

E. Maine Department of Corrections shall comply with all requirements of 40 C.F.R. Part 63, Subpart JJJJJ applicable to Boilers #1, #2, #4, #5, and #6 including, but not limited to, the following: [incorporated under 06-096 C.M.R. ch. 115, BPT]

1. The facility shall implement a boiler tune-up program. [40 C.F.R. § 63.11223]

a. Each tune-up shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. See chart below:

Boiler Category	Tune-Up Frequency
Boilers #1, #2, #5, and #6	Every 2 years
Boiler #4	Every 5 years

[40 C.F.R. § 63.11223(a) and Table 2]

b. The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:

(1) As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection for Boilers #1, #2, #5, and #6. Delay of the burner inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for Boiler #4. [40 C.F.R. § 63.11223(b)(1)]

(2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 C.F.R. § 63.11223(b)(2)]

(3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. Delay of the inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection for Boilers #1, #2, #5, and #6. Delay of the burner inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for Boiler #4. [40 C.F.R. § 63.11223(b)(3)]

(4) Optimize total emissions of CO, consistent with manufacturer's specifications. [40 C.F.R. § 63.11223(b)(4)]

(5) Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after

adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.

[40 C.F.R. § 63.11223(b)(5)]

- (6) If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up.

[40 C.F.R. § 63.11223(b)(7)]

- c. Tune-Up Report: A tune-up report shall be maintained onsite and submitted to the Department and EPA upon request. The report shall contain the following information:

- (1) The concentration of CO in the effluent stream (ppmv) and oxygen (volume percent) measured at high fire or typical operating load both **before** and **after** the boiler tune-up;
- (2) A description of any corrective actions taken as part of the tune-up of the boiler; and
- (3) The types and amounts of fuels used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit. [40 C.F.R. § 63.11223(b)(6)]

2. Compliance Report

For every compliance period, two years for Boilers #1, #2, #5, and #6 and five years for Boiler #4. Maine Department of Corrections shall prepare a compliance report by March 1st of the following year to document the information below for the applicable compliance period. The report shall be maintained by the source and submitted to the Department and/or to the EPA upon request. The report must include the items contained in §§ 63.11225(b)(1) and (2), including the following: [40 C.F.R. § 63.11225(b)]

- a. Company name and address;
- b. A statement of whether the source has complied with all the relevant requirements of this Subpart;
- c. A statement certifying truth, accuracy, and completeness of the notification and signed by a responsible official and containing the official's name, title, phone number, email address, and signature;
- d. The following certifications, as applicable:
 - (1) "This facility complies with the requirements in 40 C.F.R. § 63.11223 to conduct tune-ups of each boiler in accordance with the frequency specified in this Subpart."
 - (2) "No secondary materials that are solid waste were combusted in any affected unit."
 - (3) "This facility complies with the requirement in §§ 63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and

shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."

3. Recordkeeping

- a. Records shall be maintained consistent with the requirements of 40 C.F.R. Part 63, Subpart JJJJJ including the following [40 C.F.R. § 63.11225(c)]:
 - (1) Copies of notifications and reports with supporting compliance documentation;
 - (2) Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
 - (3) Records of the occurrence and duration of each malfunction of each applicable boiler; and
 - (4) Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.
- b. Records shall be in a form suitable and readily available for expeditious review. Each record must be kept for 5 years following the date of each recorded action. Each record must be kept on-site or be accessible from a central location by computer or other means that instantly provides access at the site for at least 2 years after the date of each recorded action. The records may be maintained off-site for the remaining 3 years. [40 C.F.R. § 63.11225(d)] Note: Standard Condition (8) of this license requires all records be retained for six years; therefore, the five-year record retention requirement of Subpart JJJJJ shall be streamlined to the more stringent six-year requirement.

(18) **Generators #7, #8, and #9**

- A. Generators #7, #8, and #9 are licensed to fire distillate fuel. The fuel sulfur content of the distillate fuel shall be limited to 0.0015% sulfur by weight. Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of the fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]
- B. Each of the emergency generators shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. [06-096 C.M.R. ch. 115, BPT]
- C. Maine Department of Corrections shall keep records that include maintenance conducted on the engines and the hours of operation of each engines recorded through the non-resettable hour meter. Documentation shall include the number of hours each

unit operated for emergency purposes, the number of hours each unit operated for non-emergency purposes, and the reason the engine was in operation during each time. [06-096 C.M.R. ch. 115, BPT]

D. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #7	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)
Generator #8	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

E. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #7	0.82	0.82	0.82	0.01	21.76	5.78	0.61
Generator #8	0.82	0.82	0.82	0.01	21.76	5.78	0.61
Generator #9	0.28	0.28	0.28	0.004	10.14	2.19	0.83

F. Visible Emissions

Visible emissions from each of the emergency generators shall each not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Maine Department of Corrections shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

1. The duration of the startup shall not exceed 30 minutes per event;
2. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
3. Maine Department of Corrections shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

[06-096 C.M.R. ch. 101, § 4(A)(4)]

G. Emergency generators are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Emergency generators are not to be used for prime power when reliable offsite power is available; nor to operate or to be contractually obligated to be available

in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity.

- (19) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Maine Department of Corrections may be required to submit additional information. Upon written request from the Department, Maine Department of Corrections shall provide information necessary to demonstrate AAQS will not be exceeded, potentially including submission of an ambient air quality impact analysis or an application to amend this air emission license to resolve any deficiencies and ensure compliance with AAQS. Submission of this information is due within 60 days of the Department's written request unless otherwise stated in the Department's letter.

[06-096 C.M.R. ch. 115, § 2(O)]

DONE AND DATED IN AUGUSTA, MAINE THIS 26th DAY OF NOVEMBER, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this license shall be ten (10) years from the signature date above.

[Note: If a renewal application, determined as complete by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 M.R.S. § 10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the license renewal application.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 20, 2024

Date of application acceptance: September 24, 2024

This Order prepared by Kendra Nash, Bureau of Air Quality.