



DEPARTMENT ORDER

**Lincoln and Sagadahoc Multicounty Jail  
Authority – Two Bridges Regional Jail  
Lincoln County  
Wiscasset, Maine  
A-913-71-E-R**

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

**FINDINGS OF FACT**

After review of the air emission license renewal 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

Lincoln and Sagadahoc Multicounty Jail Authority – Two Bridges Regional Jail (TBRJ) has applied to renew their Air Emission License for the operation of emission sources associated with their correctional facility.

The equipment addressed in this license is located at 522 Bath Road, Wiscasset, 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.	Date of Install.	Stack #
Boiler #1	8.2	58.6	Distillate Fuel	2005	2006	1
Boiler #2	8.2	58.6	Distillate Fuel	2005	2006	2

**Stationary Engines**

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity (kW)	Fuel Type	Firing Rate (gal/hr)	Date of Manuf.	Date of Install.
Generator #1	12.2	1250	Distillate Fuel	87.3	2005	2006

### Liquid Organic Storage Tanks

Tank	Tank Type	Capacity (Gallons)	Material Stored	Year Constructed
Tank #1	Above Ground, double walled, fixed	12,000	Distillate Fuel	2005
Tank #2 *	Above Ground, double walled, fixed	2,000	Distillate Fuel	2005

\* Tank #2 is considered an insignificant activity pursuant to *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115, Appendix B, § B(7) and is listed for completeness only.

#### C. Definitions

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.

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.

The application for TBRJ does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and has been processed through 06-096 C.M.R. ch. 115.

#### E. Facility Classification

With the operating hours restriction on the emergency generator, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because TBRJ is subject to license restrictions that keep facility emissions below major source thresholds for NO<sub>x</sub>; 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 and #2

TBRJ operates Boilers #1 and #2 for facility heating. The boilers are each rated at 8.2 MMBtu/hr and fire distillate fuel. The boilers were installed in 2006 and exhaust through separate stacks, Stack #1 and #2.

Boilers #1 and #2 are licensed to fire distillate fuel. 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 #1 and #2 shall not exceed 0.0015% by weight (15 ppm).

#### 1. BPT Findings

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

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.08 lb/MMBtu, 06-096 C.M.R. ch. 115, BPT
SO <sub>2</sub>	– based on firing distillate fuel with a maximum sulfur content of 0.0015% by weight
NO <sub>x</sub>	– 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
Visible Emissions	– 06-096 C.M.R. ch. 101

The BPT emission limits for the Boilers #1 and #2 are the following:

Unit	Pollutant	lb/MMBtu
Boiler #1	PM	0.08
Boiler #2	PM	0.08

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	0.66	0.66	0.66	0.01	1.17	0.29	0.02
Boiler #2	0.66	0.66	0.66	0.01	1.17	0.29	0.02

2. Visible Emissions

Visible emissions from Boilers #1 and #2 each shall not exceed 20% opacity on a six-minute block average basis.

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

Due to their size, Boilers #1 and #2 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]

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

Boilers #1 and #2 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. The units 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. 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
Existing Oil fired boilers that are not designated as "Boilers with Less Frequent Tune-up Requirements"	Every 2 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. [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. [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 two-year compliance period, TBRJ shall prepare a compliance report by March 1<sup>st</sup> of the following year to document the information below for the two-year 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. Generator #1

TBRJ operates one emergency generator (Generator #1). The emergency generator is a generator set consisting of an engine and an electrical generator. Generator #1 has an engine rated at 12.2 MMBtu/hr which fires distillate fuel. Generator #1 was manufactured in 2005.

1. BPT Findings

The BPT emission limits for Generator #1 are based on the following:

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103
SO <sub>2</sub>	– Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
NO <sub>x</sub>	– 3.2 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
CO	– 0.85 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
VOC	– 0.09 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
Visible Emissions	– 06-096 C.M.R. ch. 101

The BPT emission limits for Generator #1 are the following:

<b>Unit</b>	<b>Pollutant</b>	<b>lb/MMBtu</b>
Generator #1	PM	0.12

<b>Unit</b>	<b>PM (lb/hr)</b>	<b>PM<sub>10</sub> (lb/hr)</b>	<b>PM<sub>2.5</sub> (lb/hr)</b>	<b>SO<sub>2</sub> (lb/hr)</b>	<b>NO<sub>x</sub> (lb/hr)</b>	<b>CO (lb/hr)</b>	<b>VOC (lb/hr)</b>
Generator #1	1.46	1.46	1.46	0.02	39.04	10.37	1.10

Visible emissions from the emergency generator shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time TBRJ 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. TBRJ 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.

The emergency generator shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. There is no limit on emergency operation. The emergency generator shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with the operating hours limit, TBRJ shall keep records of the total hours of operation and the hours of emergency operation for the 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. Chapter 169

Generator #1 was 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.

3. New Source Performance Standards (NSPS)

Due to the date of manufacture of the compression ignition emergency engine listed above, Generator #1 is not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CIICE)*, 40 C.F.R. Part 60, Subpart IIII since the unit was manufactured prior to April 1, 2006. [40 C.F.R. § 60.4200]

4. 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 Generator #1. The unit is considered an existing, emergency stationary reciprocating internal combustion engine at an area HAP source. However, it is considered exempt from the requirements of 40 C.F.R. Part 63, Subpart ZZZZ since it is categorized as a residential, commercial, or institutional emergency engine and it does 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. Tank #1

Tank #1 is a 12,000-gallon, aboveground, fixed-roof, petroleum storage tank which stores distillate fuel used by the facility's boilers. Uncontrolled potential emissions of VOC from Tank #1 are estimated to be less than 0.1 tpy.

1. BPT Findings

TBRJ shall limit the product stored in Tank #1 to only distillate fuel, as defined in this license.

2. 06-096 C.M.R. ch. 111

Tank #1 is not subject to the requirements of *Petroleum Liquid Storage Vapor Control*, 06-096 C.M.R. ch. 111, because it has a capacity less than 39,000 gallons and stores a product with a vapor pressure less than 10.5 kilopascals.

3. 06-096 C.M.R. ch. 118

Tank #1 is not subject to the requirements of *Gasoline Dispensing Facilities Vapor Control*, 06-096 C.M.R. ch. 118, because it does not store gasoline.

4. 06-096 C.M.R. ch. 133

Tank #1 is not subject to the requirements of *Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants*, 06-096 C.M.R. ch. 133, because TBRJ is not a bulk gasoline plant and Tank #1 does not store gasoline.

5. 06-096 C.M.R. ch. 170

Tank #1 is not subject to the requirements of *Degassing of Petroleum Storage Tanks, Marine Vessels, and Transport Vessels*, 06-096 C.M.R. ch. 170, because it has a capacity of less than 39,000 gallons and is not a transport vessel or marine vessel.

6. 06-096 C.M.R. ch. 171

Tank #1 is not subject to the requirements of *Control of Petroleum Storage Facilities*, 06-096 C.M.R. ch. 171, because it has a capacity of less than 39,000 gallons and TBRJ is not a petroleum storage facility as defined by the rule.

7. 40 C.F.R. Part 60, Subpart Kb

Tank #1 is not subject to the requirements of *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023*, 40 C.F.R. Part 60, Subpart Kb, because the true vapor pressure of the product stored is less than 15.0 kilopascals. [40 C.F.R. § 60.110b(b)]

8. 40 C.F.R. Part 60, Subpart Kc

Tank #1 is not subject to the requirements of *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After*

*October 4, 2023*, 40 C.F.R. Part 60, Subpart Kc, because its capacity is less than 20,000 gallons.

**E. General Process Emissions**

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis.

**F. Fugitive Emissions**

TBRJ shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

TBRJ shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

**G. 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 assumptions of operating Generator #1 for 100 hrs/yr of non-emergency operation and operating Boilers #1 and #2 for 8,760 hr/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)

	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Boiler #1	2.9	2.9	2.9	0.1	5.1	1.3	0.1
Boiler #2	2.9	2.9	2.9	0.1	5.1	1.3	0.1
Generator #1	0.1	0.1	0.1	-	2.0	0.5	0.1
<b>Total TPY</b>	<b>5.9</b>	<b>5.9</b>	<b>5.9</b>	<b>0.2</b>	<b>12.2</b>	<b>3.1</b>	<b>0.3</b>

<b>Pollutant</b>	<b>Tons/year</b>
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:

<b>Pollutant</b>	<b>Tons/Year</b>
PM <sub>10</sub>	25
PM <sub>2.5</sub>	15
SO <sub>2</sub>	50
NO <sub>x</sub>	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 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 TBRJ 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-913-71-E-R 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 TBRJ is due by the end of May 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 and #2**

**A. Fuel**

1. 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]
2. Compliance shall be demonstrated by fuel records showing the type and the percent sulfur of the fuel delivered or fuel used. 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, fuel supplier certification, 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:**

<b>Emission Unit</b>	<b>Pollutant</b>	<b>lb/MMBtu</b>	<b>Origin and Authority</b>
Boiler #1	PM	0.08	06-096 C.M.R. ch. 115, BPT
Boiler #2	PM	0.08	

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

<b>Emission Unit</b>	<b>PM (lb/hr)</b>	<b>PM<sub>10</sub> (lb/hr)</b>	<b>PM<sub>2.5</sub> (lb/hr)</b>	<b>SO<sub>2</sub> (lb/hr)</b>	<b>NO<sub>x</sub> (lb/hr)</b>	<b>CO (lb/hr)</b>	<b>VOC (lb/hr)</b>
Boiler #1	0.66	0.66	0.66	0.01	1.17	0.29	0.02
Boiler #2	0.66	0.66	0.66	0.01	1.17	0.29	0.02

**D. Visible emissions from Boilers #1 and #2 each shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(2)]**

**E. TBRJ shall comply with all requirements of 40 C.F.R. Part 63, Subpart JJJJJ applicable to Boilers #1 and #2 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
Existing Oil fired boilers that are not designated as "Boilers with less frequent tune up requirements"	Every 2 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. [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. [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 two-year compliance period, TBRJ shall prepare a compliance report shall be prepared by March 1<sup>st</sup> of the following year to document the information below for the two-year 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 JJJJJJ 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) Generator #1**

- A. Generator #1 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]
- B. TBRJ shall keep records that include maintenance conducted on Generator #1 and the hours of operation of the engine recorded through the non-resettable hour meter. Documentation shall include the number of hours the unit operated for emergency purposes, the number of hours the 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]
- C. The fuel sulfur content for Generators #1 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]
- D. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #1	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 <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	1.46	1.46	1.46	0.02	39.04	10.37	1.10

**F. Visible Emissions**

Visible emissions from the emergency generator shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time TBRJ 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. TBRJ 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. Generator #1 is only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Generator #1 is 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. [06-096 C.M.R. ch. 115, BPT]

(19) **Tank #1**

Tank #1 shall only store distillate fuel. TBRJ shall maintain delivery records showing the type of fuel stored in Tank #1. [06-096 C.M.R. ch. 115, BPT]

(20) **General Process Sources**

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]

(21) **Fugitive Emissions** [06-096 C.M.R. ch. 101, § 4(C)]

- A. TBRJ shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.
- B. TBRJ shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

- (22) 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, TBRJ may be required to submit additional information. Upon written request from the Department, TBRJ 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 25<sup>th</sup> DAY OF JUNE, 2025.

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: May 13, 2025

Date of application acceptance: May 16, 2025

This Order prepared by Zac Hicks, Bureau of Air Quality.