



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION | AUGUSTA, MAINE 04333-0017
DEPARTMENT ORDER

Eagle Point Energy Center, LLC
Penobscot County
Orrington, Maine
A-355-77-3-A

Departmental
Findings of Fact and Order
Air Emission License
NSR #3

Findings of Fact

After review of the air emission license 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 (the Department) finds the following facts:

I. Registration

A. Introduction

Facility	Eagle Point Energy Center, LLC
License Type	06-096 C.M.R. ch. 115, Minor Modification
NAICS Codes	562213
Nature of Business	Municipal Waste Combustion and Materials Recovery
Facility Location	29 Industrial Way, Orrington, Maine

This license completes the processing of the application with submission number 603522 as assigned by the Department (accepted 06/01/2026).

B. NSR License Description

Eagle Point Energy Center, LLC (EPEC) has requested a New Source Review (NSR) license to add two portable heating/blowing units.

C. Emission Equipment

The following new equipment is addressed in this NSR license:

Fuel Burning Equipment

Equipment	Maximum Capacity	Maximum Firing Rate	Fuel Type	Install. Date	Stack #
Backup Heat #1	1.0 MMBtu/hr	5.0 gal/hr ^A	Distillate Fuel	2026	PS1
Backup Heat #2	1.0 MMBtu/hr	6.51 gal/hr ^A	Distillate Fuel	2026	PS2

^A Both heaters were listed with 1.0 MMBtu/hr. The discrepancy between the firing rates and the maximum heat input capacities is due to manufacturer supplied information.

Generators/Engines

Equipment	Max. Heat Input Capacity	Max. Firing Rate	Output	Fuel Type	Manuf. Date	Install. Date
Kubota D1005	0.17 MMBtu/hr	1.2 gal/hr	9.0 kW	Distillate Fuel	Post-2018	2026
Yanmar 3TNM74F-SAAY	0.17 MMBtu/hr ^A	1.2 gal/hr ^A	19 HP	Distillate Fuel	Post-2019	2026

^A The exact specifications of Yanmar 3TNM74F-SAAY were unknown, so the facility proposed using the same inputs as the larger Kubota engine.

D. 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.

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.

E. Project Description

Addition of two portable heating units with integrated engines. The first model has an engine which produces power to operate a blower and act as a power supply. The second model has an engine used primarily to drive a fan using a clutch system.

These portable heating units will be used to provide building heat, as needed, when the principal source of heat, the municipal waste combustors (MWCs), are undergoing maintenance and repair or otherwise not in operation.

F. Application Classification

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

The application for addition of two portable, heating/blowing units does not violate any applicable federal or state requirements and does not reduce monitoring, reporting, testing, or recordkeeping requirements.

The modification of a major source is considered a major or minor modification based on whether or not expected emissions increases exceed the "Significant Emission Increase" levels as given in *Definitions Regulation*, 06-096 Code of Maine Rules (C.M.R.) ch. 100. For a major stationary source, the expected emissions increase from each new, modified, or affected unit may be calculated as equal to the difference between the post-modification projected actual emissions and the baseline actual emissions for each NSR regulated pollutant.

1. Baseline Actual Emissions

Baseline actual emissions (BAE) for existing affected emission units are equal to the average annual emissions from any consecutive 24-month period within the ten years prior to submittal of a complete license application. The selected 24-month baseline period can differ on a pollutant-by-pollutant basis. However, there are no existing emission units which are considered "affected" by this project.

The only equipment addressed by this NSR license are new emission units. Baseline actual emissions for new equipment are considered to be zero for all pollutants; therefore, the selection of a baseline year is unnecessary.

2. Projected Actual Emissions

New emission units must use potential to emit (PTE) emissions for projected actual emissions (PAE). Those emissions are presented in the following table.

Projected Actual Emissions

Equipment	PM (tpy)	PM ₁₀ (tpy)	PM _{2.5} (tpy)	SO ₂ (tpy)	NO _x (tpy)	CO (tpy)	VOC (tpy)
Backup Heat #1	-	-	-	-	0.6	0.2	-
Backup Heat #2	-	-	-	-	0.6	0.2	-
Kubota D1005	0.2	0.2	0.2	-	3.3	0.7	0.3
Yanmar 3TNM74F-SAAY	0.2	0.2	0.2	-	3.3	0.7	0.3
Total	0.4	0.4	0.4	-	7.8	1.8	0.6

3. Emissions Increases

Emissions increases are calculated by subtracting BAE from the PAE. The emission increase is then compared to the significant emissions increase levels.

Pollutant	Baseline Actual Emissions (ton/year)	Projected Actual Emissions (ton/year)	Emissions Increase (ton/year)	Significant Emissions Increase Levels (ton/year)
PM	0	0.4	0.4	25
PM ₁₀	0	0.4	0.4	15
PM _{2.5}	0	0.4	0.4	10
SO ₂	0	0	0	40
NO _x	0	7.8	7.8	40
CO	0	1.8	1.8	100
VOC	0	0.6	0.6	40

4. Classification

Since emissions increases do not exceed significant emissions increase levels, this NSR license is determined to be a minor modification under *Minor and Major Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115.

This NSR license is not licensing a new major stationary source of an NSR pollutant that is not greenhouse gases (GHG) nor is it authorizing a major modification for an NSR pollutant to an existing major stationary source.

Therefore, greenhouse gases are not considered subject to regulation in this NSR license pursuant to 40 C.F.R. §§ 51.166(b)(48)(iii - iv).

EPEC has submitted an application to incorporate the requirements of this NSR license into the facility's Part 70 air emission license.

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 as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in 06-096 C.M.R. ch. 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental, and energy impacts.

B. Backup Heaters #1 and #2

EPEC is licensing two portable, heating/blowing units. Each of these units consists of a distillate fuel-fired heater and an engine. The engine on Backup Heater #1 is used to power a generator which powers a fan and can supply auxiliary power for use as a portable generator. Backup Heater #2 has an engine used primarily to drive a clutch, which controls the fan speed for the blower on the unit.

The burners on Backup Heaters #1 and #2 are each rated at 1.0 MMBtu/hr and fire distillate fuel. The units will be kept permanently onsite as portable heaters starting in 2026.

1. BACT Findings

The following is a summary of the BACT analysis provided by EPEC and the Department's determination of BACT for control of emissions from Backup Heaters #1 and #2.

a. Particulate Matter (PM, PM₁₀, PM_{2.5})

EPEC has proposed to fire only distillate fuel, a low ash fuel, in Backup Heaters #1 and #2. Additional add-on pollution controls are not economically feasible for heaters of this size and anticipated duration of annual usage.

The Department has determined BACT for PM/PM₁₀/PM_{2.5} emissions from Backup Heaters #1 and #2 is the use of distillate fuel.

b. Sulfur Dioxide (SO₂)

EPEC has proposed to fire only ultra-low-sulfur distillate fuel. The use of this fuel results in minimal emissions of SO₂; additional add-on pollution controls are not economically feasible.

The Department has determined BACT for SO₂ emissions from Backup Heaters #1 and #2 is the use of ultra-low-sulfur distillate fuel.

c. Nitrogen Oxides (NO_x), Carbon Monoxide (CO), and Volatile Organic Compounds (VOC)

EPEC considered additional control strategies for the control of NO_x, CO, and VOC. Due to the size and compact design of these units, any additional controls would be economically or technically infeasible.

The Department has determined BACT for NO_x, CO, and VOC emissions from Backup Heaters #1 and #2 is the use of good combustion practices and the emission limits listed in the table below.

d. Emission Limits

The BACT emission limits for Backup Heaters #1 and #2 were based on the following (using the Residential Furnace data from AP-42):

PM/PM₁₀/PM_{2.5} – 0.4 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
SO₂ – based on firing distillate fuel with a maximum sulfur content of 0.0015% by weight
NO_x – 18 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 – 0.713 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
Visible – 06-096 C.M.R. ch. 101
Emissions

The BACT emission limits for Backup Heaters #1 and #2 are the following:

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)
Backup Heater #1	-	-	-	-	0.13	0.04	0.01
Backup Heater #2	-	-	-	-	0.13	0.04	0.01

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

2. Periodic Monitoring

Periodic monitoring for Backup Heaters #1 and #2 shall include record keeping to document fuel use (by tracking operating hours) both on a monthly and calendar year total basis for 06-096 C.M.R. ch. 137 emissions inventory tracking purposes. Documentation shall include operating hours, the type of fuel used, and sulfur content of the fuel.

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

Because the units do not generate steam, Backup Heaters #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 JJJJJJ

Because the units do not generate steam, Backup Heaters #1 and #2 are not subject to *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 C.F.R. Part 63, Subpart JJJJJJ.

C. Kubota D1005 and Yanmar 3TNM74F-SAAY Engines

The engine on Backup Heater #1, Kubota D1005, is used to power a generator, which powers a fan and can supply auxiliary power for use as a portable generator. The engine on Backup Heater #2, Yanmar 3TNM74F-SAAY, is used primarily to drive a clutch, which controls the fan speed for the blower on the unit.

The engines are both below the 06-096 C.M.R. ch. 115, Appendix B, § (B)(3) threshold of inclusion in a license for a stationary reciprocating internal combustion engine. However, the applicant proposed the following BACT analysis:

1. BACT Findings

a. Particulate Matter (PM, PM₁₀, PM_{2.5})

EPEC has proposed to fire only distillate fuel, a low ash fuel, in Kubota D1005 and Yanmar 3TNM74F-SAAY. Additional add-on pollution controls are not economically feasible for engines of this size and anticipated duration of annual usage.

The Department has determined BACT for PM/PM₁₀/PM_{2.5} emissions from Kubota D1005 and Yanmar 3TNM74F-SAAY is the use of distillate fuel.

b. Sulfur Dioxide (SO₂)

EPEC has proposed to fire only ultra-low-sulfur distillate fuel. The use of this fuel results in minimal emissions of SO₂ and additional add-on pollution controls are not economically feasible.

The Department has determined BACT for SO₂ emissions from Kubota D1005 and Yanmar 3TNM74F-SAAY is the use of ultra-low-sulfur distillate fuel.

c. Nitrogen Oxides (NO_x), Carbon Monoxide (CO), and Volatile Organic Compounds (VOC)

EPEC considered additional control strategies for the control of NO_x, CO, and VOC. Due to the size of these engines, any additional controls would be economically or technically infeasible.

The Department has determined BACT for NO_x, CO, and VOC emissions from Kubota D1005 and Yanmar 3TNM74F-SAAY is the use of good combustion practices.

d. Emission Limits

Because these engines are below Chapter 115 licensing thresholds, there are no mass emission limits applicable to them.

Visible emissions from each of Kubota D1005 and Yanmar 3TNM74F-SAAY shall not exceed 20% opacity on a six-minute block average basis.

EPEC shall maintain records of all maintenance, both routine and non-routine, conducted on Kubota D1005 and Yanmar 3TNM74F-SAAY.

EPEC shall maintain records of hours of operation for Kubota D1005 and for Yanmar 3TNM74F-SAAY for emissions inventory purposes.

2. Periodic Monitoring

Periodic monitoring for Kubota D1005 and Yanmar 3TNM74F-SAAY shall include recordkeeping to document fuel use (by tracking operating hours) both on a monthly and calendar year total basis for 06-096 C.M.R. ch. 137 emissions inventory tracking purposes. Documentation shall include the type of fuel used and sulfur content of the fuel.

3. Chapter 169

Kubota D1005 and Yanmar 3TNM74F-SAAY are portable engines and are therefore exempt from *Stationary Generators*, 06-096 C.M.R. ch. 169 pursuant to section 1 of the rule.

4. New Source Performance Standards (NSPS) and
National Emission Standards for Hazardous Air Pollutants (NESHAP)

Kubota D1005 and Yanmar 3TNM74F-SAAY are not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart IIII.

Kubota D1005 and Yanmar 3TNM74F-SAAY are not subject to *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. Part 63, Subpart ZZZZ.

The definition in 40 C.F.R. § 1068.30 states that a non-road engine is an internal combustion engine that meets certain criteria, including: "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." The regulation further states at 40 C.F.R. § 1068.30 that an engine is not a non-road 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 engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 60.4200]

Kubota D1005 and Yanmar 3TNM74F-SAAY are considered non-road engines, as opposed to stationary engines, since Kubota D1005 and Yanmar 3TNM74F-SAAY are portable and will be moved to various locations as part of the portable heating units.

D. Incorporation Into the Part 70 Air Emission License

Pursuant to *Part 70 Air Emission License Regulations*, 06-096 C.M.R. ch. 140, § 1(C)(8), for a modification at the facility that has undergone NSR requirements or been processed through 06-096 C.M.R. ch. 115, the source must apply for an amendment to their Part 70 license within one year of commencing the proposed operations, as provided in 40 C.F.R. Part 70.5. An application to incorporate the

requirements of this NSR license into the Part 70 air emission license has been submitted to the Department.

E. 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. 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:

- 8,760 hours/year of operation of MWC #1 and MWC #2 at their combined lb/hour limits;
- Operating Emergency Generator, Fire Pump, and Emergency Feedwater Pump Engine for 100 hr/yr each of non-emergency operation; and
- Operating Backup Heaters #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, previously issued NSR licenses, and the facility's Part 70 license and amendments to that license.

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

(used to calculate the annual license fee)

	PM	PM₁₀	PM_{2.5}	SO₂	NO_x	CO	VOC
MWC #1 and MWC #2 (combined emissions)	31.5	31.5	31.5	105.1	599.2	314.9	63.1
Emergency Generator, Fire Pump, and Feedwater Pump Engine	0.1	0.1	0.1	0.1	1.0	0.2	0.1
Backup Heater #1	-	-	-	-	0.6	0.2	-
Backup Heater #2	-	-	-	-	0.6	0.2	-
Total TPY	31.6	31.6	31.6	105.2	601.4	315.5	63.2

Pollutant	Tons/year
Single HAP	9.9
Total HAP	24.9

III. Ambient Air Quality Analysis

EPEC previously submitted an ambient air quality impact analysis outlined in air emission license A-355-72-A-N (dated February 26, 1986) demonstrating that emissions from the facility, in conjunction with all other sources, do not violate ambient air quality standards (AAQS). An additional ambient air quality impact analysis is not required for this NSR license.

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,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants New Source Review License A-355-77-3-A pursuant to the preconstruction licensing requirements of 06-096 C.M.R. ch. 115 and subject to the specific conditions below.

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.

Specific Conditions

(1) Backup Heaters #1 and #2

- A. Backup Heaters #1 and #2 are licensed to fire distillate fuel. [06-096 C.M.R. ch.115, BACT]
- B. The fuel sulfur content for Backup Heaters #1 and #2 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 tank containing fuel to be fired. [06-096 C.M.R. ch. 115, BACT]

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

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)
Backup Heater #1	-	-	-	-	0.13	0.04	0.01
Backup Heater #2	-	-	-	-	0.13	0.04	0.01

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

E. EPEC shall keep track of operating hours for Backup Heaters #1 and #2, each, on a monthly and calendar year total basis. [06-096 C.M.R. ch. 115, BACT]

(2) **Kubota D1005 and Yanmar 3TNM74F-SAAY**

A. Kubota D1005 and Yanmar 3TNM74F-SAAY are licensed to fire distillate fuel. [06-096 C.M.R. ch. 115, BACT]

B. The fuel sulfur content for Kubota D1005 and Yanmar 3TNM74F-SAAY 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 tank containing fuel to be fired. [06-096 C.M.R. ch. 115, BACT]

C. Visible Emissions

Visible emissions from Kubota D1005 and Yanmar 3TNM74F-SAAY shall each not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(4)]

D. EPEC shall keep records of all maintenance conducted on Kubota D1005 and Yanmar 3TNM74F-SAAY. [06-096 C.M.R. ch. 115, BACT]

E. EPEC shall keep records of operating hours for Kubota D1005 and Yanmar 3TNM74F-SAAY, each, on a monthly and calendar year total basis. [06-096 C.M.R. ch. 115, BACT]

Eagle Point Energy Center, LLC
Penobscot County
Orrington, Maine
A-355-77-3-A

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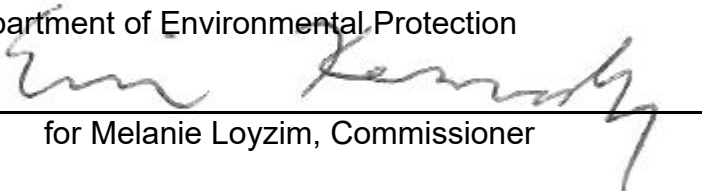
Departmental
Findings of Fact and Order
Air Emission License
NSR #3

(3) **Additional Information**

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, EPEC may be required to submit additional information. Upon written request from the Department, EPEC 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 10th day of JULY, 2026.

Department of Environmental Protection

BY: 

for Melanie Loyzim, Commissioner

Please note attached sheet for guidance on appeal procedures.

Date of initial receipt of application: May 29, 2026

Date of application acceptance: June 1, 2026

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