



DEPARTMENT ORDER

Sprague Operating Resources LLC
Waldo County
Searsport, Maine
A-97-71-P-M

Departmental
Findings of Fact and Order
Air Emission License
Amendment #5

FINDINGS OF FACT

After review of the air emission license 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

Sprague Operating Resources LLC (Sprague) was issued Air Emission License A-97-71-J-R/A on May 21, 2013, for the operation of emission sources associated with their petroleum storage/distribution and bulk materials handling facility. The license was subsequently amended on May 22, 2015 (A-97-71-L-A), July 21, 2015 (A-97-71-M-M), July 22, 2020 (A-97-71-N-A), and December 2, 2020 (A-97-71-O-A).

Sprague has requested a minor revision to their license in order to incorporate requirements from the Consent Decree between the United States Environmental Protection Agency (EPA) and Sprague (Civil Action No. 1:20-cv-11026-LTS, D. Me., 2021).

The equipment addressed in this license amendment is located on Trundy Road in Searsport, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license amendment:

Bulk Storage Equipment

Tank Number	Capacity (gallons)	Product Stored	Tank Type	Install Date
1	3,927,756	#6 Fuel Oil	Heated, Insulated,	1949
2	3,949,890	Asphalt	Fixed Roof	

C. Definitions

Heated Bulk Storage Tank means a bulk storage tank, capable of being heated, with a capacity greater than 210,000 gallons containing either #6 fuel oil or asphalt. Pursuant to this definition, Tanks 7, 201, 202, 208, 209, and 215 are heated bulk storage tanks.

D. Revision Description

Sprague entered into a Consent Decree (Civil Action No. 1:20-cv-11026-LTS, D. Me., 2021) with EPA that became effective on January 15, 2021. Although the Consent Decree applies to several Sprague facilities throughout New England, Appendix F addresses requirements specific to the Searsport facility. The Consent Decree required Sprague to apply to amend its air emission license within 60 days of the effective date to incorporate conditions at least as stringent as those set forth in paragraphs 1 and 2 of Appendix F of the Consent Decree. Those requirements are:

1. Sprague shall operate no more than three (3) heated bulk storage tanks containing either #6 fuel oil or asphalt. Of those three tanks, no more than two (2) shall contain #6 fuel oil at any one time.

Note: At this time, Sprague only has two heated bulk storage tanks licensed to store either #6 fuel oil or asphalt.

2. Sprague shall not exceed a throughput of 40 million gallons per year (gpy) for #6 fuel oil and 90 million gpy of asphalt, both on a 12-month rolling total basis.

These conditions will be incorporated into Sprague's air emission license.

E. 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.

A "modification" is defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100 as any physical change or change in the method of operation of a source that would result in the emission increase of any regulated pollutant. (Some noted exceptions are also included in the definition.) The operational limits imposed by the Consent Decree, although less stringent than the State license, do not absolve Sprague of the previously licensed requirement to limit facility-wide emissions of VOC to 39.9 tpy. The proposed license changes are points of clarification and not physical changes or changes in the method of operation of the source. None of the changes proposed in this amendment meet the definition of modification, and therefore, this amendment is determined to be a minor revision and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115.

F. Facility Classification

With the annual operating limits on the facility's boilers and generators and the facility-wide annual VOC emission limit, the facility is licensed as follows:

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

G. Annual Emissions

This license amendment will not change the facility's licensed annual emissions.

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 Amendment A-97-71-P-M subject to the conditions found in Air Emission License A-97-71-J-R/A, in amendments A-97-71-L-A, A-97-71-M-M, A-97-71-N-A, and A-97-71-O-A, and the following conditions.

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

SPECIFIC CONDITIONS

The following are New Conditions:

(27) EPA Consent Decree

The following Conditions are incorporated under 06-096 C.M.R. ch. 115, BPT pursuant to the requirements of Sprague's Consent Decree (Civil Action No. 1:20-cv-11026-LTS, D. Me., 2021) with EPA which became effective on January 15, 2021:

- A. Sprague shall have no more than three (3) heated bulk storage tanks containing either #6 fuel oil or asphalt. Of those three tanks, no more than two (2) shall contain #6 fuel oil at any one time.
- B. Sprague shall not exceed a throughput of 40 million gallons per year (gpy) for #6 fuel oil and 90 million gpy of asphalt, both on a 12-month rolling total basis.

(28) Consent Decree Recordkeeping

Records documenting compliance with the requirements of the Consent Decree listed in Condition (27) shall be maintained and made available to the Department and/or EPA upon request. [06-096 C.M.R. ch. 115, BPT]

DONE AND DATED IN AUGUSTA, MAINE THIS 29th DAY OF JUNE, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this amendment shall be concurrent with the term of Air Emission License A-97-71-J-R/A.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 3/10/2021

Date of application acceptance: 3/11/2021

Date filed with the Board of Environmental Protection:

This Order prepared by Lynn Muzzey, Bureau of Air Quality.

