



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

**Lewiston Mill Redevelopment  
Corporation – Bates Mill Complex  
Androscoggin County  
Lewiston, Maine  
A-147-71-R-R**

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

After review of the air emissions license renewal application, staff investigation reports and other documents in the applicant’s file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., §344 and §590, the Department finds the following facts:

**I. REGISTRATION**

A. Introduction

Lewiston Mill Redevelopment Corporation (Bates Mill Complex) of Lewiston, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their mixed use commercial, office and retail space.

B. Emission Equipment

The following equipment is addressed in this air emission license:

**Boilers**

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Boiler #1	29.3	209 gal/hr	#2 Fuel Oil, 0.3% S	1
		28447 scf/hr	Natural Gas	
Boiler #2	29.3	209 gal/hr	#2 Fuel Oil, 0.3% S	1
		28447 scf/hr	Natural Gas	

C. Application Classification

The application for Bates Mill Complex 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 current licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005).

AUGUSTA

17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

## 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 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

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

Boilers #1 and #2 are 700 HP Cleaver Brooks fire tube boilers, each capable of firing #2 fuel or natural gas. Each boiler's rated capacity is 29.3 MMBtu/hr, and each was manufactured in 1994, thereby making each subject to the New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, for units greater than 10 MMBtu/hr manufactured after June 9, 1989.

Both boilers are equipped with Low-NOx Burners (LNB) and Flue Gas Recirculation (FGR) to reduce NOx emissions and meet the requirements of BPT.

A summary of the BPT (or BACT) analysis for Boilers #1 and #2 (29.3 MMBtu/hr each) is the following:

1. The total fuel use for the facility shall not exceed 400,000,000 scf/year of natural gas and 1,000,000 gal/year of ASTM D396 #2 fuel oil with a maximum sulfur content not to exceed 0.5% by weight. Both fuel limits are based on a 12-month rolling total.
2. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended June 9, 1999) regulates fuel sulfur content, however in this case a more stringent limit of 0.5% is appropriate and shall be used.

3. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits. The PM limits were determined to be 0.03 lb/MMBtu firing #2 fuel oil and 0.01 lb/MMBtu firing natural gas in the initial BACT analysis, and are more stringent than the Chapter 103 limits.
4. The previous BACT analysis established NO<sub>x</sub>, CO and VOC emission limits based on the size, age and level of combustion control for the boilers. The BACT limits are as follows:

	Firing #2 Fuel Oil	Firing Natural Gas
NO <sub>x</sub>	0.18 lb/MMBtu	0.04 lb/MMBtu
CO	0.07 lb/MMBtu	0.15 lb/MMBtu
VOC	0.03 lb/MMBtu	0.02 lb/MMBtu

5. Visible emissions from the boilers shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average in a continuous 3-hour period.

C. Annual Emissions

Bates Mill Complex shall be restricted to the following annual emissions, based on a 12-month rolling total:

**Total Licensed Annual Emissions for the Facility**  
**Tons/year**  
 (Used to calculate the annual license fee)

	PM	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Boilers - Fuel Oil	2.1	2.1	21.15	12.6	4.9	2.10
Boilers - Natural Gas	2.06	2.06	0.12	8.24	30.9	4.12
<b>Total TPY</b>	<b>4.2</b>	<b>4.2</b>	<b>21.3</b>	<b>20.8</b>	<b>35.8</b>	<b>6.2</b>

**III. AMBIENT AIR QUALITY ANALYSIS**

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling and monitoring are not required for a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>Tons/Year</u>
PM	25
PM <sub>10</sub>	25
SO <sub>2</sub>	50
NO <sub>x</sub>	100
CO	250

Based on the total facility licensed emissions, Bates Mill Complex is below the emissions level required for modeling and monitoring.

### 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 Air Emission License A-147-71-R-R subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License 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.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 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 CMR 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 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 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 CMR 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 CMR 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 CMR 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 CMR 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR 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 CFR 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 CMR 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 such test results, 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 CFR 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 CMR 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 Part 70 license requirement. [06-096 CMR 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 emission 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 CMR 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 CMR 115]

#### **SPECIFIC CONDITIONS**

(16) **Boilers #1 and #2**

- A. Total fuel use for Boilers #1 and #2 shall not exceed 1,000,000 gal/yr of ASTM D396 #2 fuel oil with a maximum sulfur content not to exceed 0.50% by weight. Compliance shall be demonstrated by fuel receipts from the supplier showing the quantity of fuel delivered and the percent sulfur content of the fuel. Records of annual fuel use shall be kept on a 12-month rolling total basis. [06-096 CMR 115, BPT]
- B. Total fuel use for Boilers #1 and #2 shall not exceed 400,000,000 scf/year of natural gas on a 12-month rolling total basis. Compliance shall be demonstrated by a fuel flow monitor.
- C. Emissions shall not exceed the following [BACT established in A-147-72-O-A]:

**Boilers #1 and#2 Emission Limits – Firing #2 Fuel Oil**  
(Per boiler)

	PM	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
lb/hr	0.88	0.88	14.7	5.27	2.05	0.88
lb/MMBtu	0.03	--	--	0.18	--	--

**Boilers #1 and#2 Emission Limits – Firing Natural Gas**  
(Per boiler)

	PM	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
lb/hr	0.29	0.29	0.02	1.17	4.4	.59
lb/MMBtu	0.03	--	--	0.04	--	--

- D. Visible emissions from Boiler #1 shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

**(17) New Source Performance Standards for Dc Boilers**

Boilers #1 and #2 are subject to Federal New Source Performance Standards, Subpart Dc. Bates Mill Complex shall comply with all requirements of 40 CFR Part 60, Subpart Dc including, but not limited to, the following:

- A. Bates Mill Complex shall record and maintain records of the amounts of each fuel combusted during each day.
- B. Bates Mill Complex shall submit to EPA and the Department semi-annual reports. These reports shall include the calendar dates covered in the reporting period and records of fuel supplier certifications. The semi-annual reports are due within 30 days of the end of each 6-month period.
- C. The following address for EPA shall be used for any reports or notifications required to be copied to them:

Compliance Clerk  
USEPA Region 1  
1 Congress Street  
Suite 1100  
Boston, MA 02114-2023

Lewiston Mill Redevelopment  
Corporation – Bates Mill Complex  
Androscoggin County  
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- (18) Bates Mill Complex 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.A. §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 30th DAY OF March, 2009.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Little  
DAVID P. LITTELL, COMMISSIONER

**The term of this license shall be five (5) years from the signature date above.**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: Oct. 20, 2008  
Date of application acceptance: Nov. 17, 2008

Date filed with the Board of Environmental Protection: \_\_\_\_\_

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.

