



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Maine Department of Corrections)
Charleston Correctional Facility) Departmental
Penobscot County) Findings of Fact and Order
Charleston, Maine) Air Emission License
A-267-71-I-R/M)

After review of the air emissions license 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., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Maine Department of Corrections - Charleston Correctional Facility/Mountain View Youth Development Center (CCF/MVYDC) of Charleston, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their correctional facility.

CCF/MVYDC has requested a minor revision to their License in order to redefine the term "emergency" as it pertains to the operation of the facility's three emergency generators.

B. Emission Equipment

CCF/MVYDC is authorized to operate the following equipment:

Fuel Burning Equipment

<u>Equipment</u>	<u>Date of Construction</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type</u>	<u>Stack #</u>
Boiler #1	1951	4.4	-	wood, 40% moisture	1
Boiler #2	1951	4.4	-	wood, 40% moisture	1
Boiler #3	1951	4.4	30	#2 fuel oil	1
Boiler #4	1960	4.4	30	#2 fuel oil	1
Boiler #5	2000	6.7	47.5	#2 fuel oil	2
Boiler #6	2000	6.7	47.5	#2 fuel oil	2
Emergency Generator #7	2001	7.0	49.7	#2 fuel oil	3
Emergency Generator #8	2001	7.0	49.7	#2 fuel oil	4

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Emergency Generator #9	1997	2.3	16.6	Diesel, 0.05%	5
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Note: CCF/MVYDC also operates an emergency diesel generator rated at 30 kW power output which is less than 1.0 MMBtu/hr heat input and is listed for inventory purposes only.

C. Application Classification

The application for CCF/MVYDC 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.

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

CCF/MVYDC operates Boilers #1 and #2 which have maximum design heat input capacities of 4.4 MMBtu/hr each, firing wood at 40% moisture. Boilers #1 and #2 were manufactured before June 9, 1989 and are therefore not subject to NSPS 40 CFR Part 60, Subpart Dc.

A summary of the BPT analysis for each of the pollutants is discussed below:

1. The total fuel use for the facility shall not exceed 3,000 ton/year (12-month rolling total) of wood based on a moisture content of 40%, or equivalent.

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2. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
3. SO₂, NO_x, CO and VOC emission rates are based upon AP-42 data dated 9/03 for wood combustion.
4. Visible emissions from each boiler shall not exceed 30% opacity on a six-minute block average basis, except for no more than two (2), six (6) minute block averages in a three hour period.

C. Boilers #3 and #4

CCF/MVYDC operates Boilers #3 and #4 which have maximum design heat input capacities of 4.4 MMBtu/hr each. Boilers #3 and #4 were manufactured before June 9, 1989 and are therefore not subject to NSPS 40 CFR Part 60, Subpart Dc.

A summary of the BPT analysis for each of the pollutants is discussed below:

1. 06-096 CMR 103 regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
2. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended June 9, 1999) regulates fuel sulfur content. However the use of #2 fuel oil which meets the criteria in ASTM D396 is more stringent and shall be considered BPT.
3. NO_x, CO and VOC emission rates are based upon AP-42 data dated 9/98 for fuel oil combustion in boilers rated less than 100 MMBtu/hr.
4. Visible emissions from each boiler shall not exceed 20% opacity on a six-minute block average basis, except for no more than one (1), six (6) minute block average in a three-hour period.

D. Boilers #5 and #6

CCF/MVYDC operates Boilers #5 and #6, which have maximum design heat input capacities of 6.7 MMBtu/hr each. Boilers #5 and #6 have heat input capacities less than 10 MMBtu/hr and are therefore not subject to NSPS 40 CFR Part 60, Subpart Dc. Emergency Generators #7 and #8 share a fuel tank with Boilers #5 and #6.

A summary of the BPT analysis for each of the pollutants is discussed below:

1. 06-096 CMR 103 regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
2. 06-096 CMR 106 regulates fuel sulfur content. However the use of #2 fuel oil which meets the criteria in ASTM D396 is more stringent and shall be considered BPT.
3. NO_x, CO and VOC emission rates are based upon AP-42 data dated 9/98 for fuel oil combustion in boilers rated less than 100 MMBtu/hr.

4. Visible emissions from each boiler shall not exceed 20% opacity on a six-minute block average basis, except for no more than one (1), six (6) minute block average in a three-hour period.

E. OP-4 Emergencies

Due to the potential for tight electricity supplies, ISO New England has taken several precautionary steps to ensure the reliability of the region-wide bulk power system. One of those steps is the implementation of the Demand Response Program. This program offers financial incentives to customers, such as CCF/MVYDC, to reduce electricity demand during peak periods. This program can significantly improve the reliability of the region-wide bulk power system and allow ISO New England to avoid drastic measures, such as brown outs.

In order for CCF/MVYDC to participate in the Demand Response Program, they need to start their generators and run them prior to, or in lieu of, loss of off-site power. CCF/MVYDC will only operate in this manner if there is a documented request from ISO New England under their emergency OP-4 procedures. ISO New England's OP-4 is a procedure which establishes criteria and guidelines for actions during capacity deficiencies. OP-4 is implemented when there is determined to be a serious threat to the integrity of the bulk power system. Therefore, the Department has agreed to redefine the term "emergency" as it applies to CCF/MVYDC generators to include ISO New England OP-4 emergencies.

Therefore "Emergency Generator", as it applies to CCF/MVYDC, is defined as any stationary internal combustion engine whose operation is limited to emergency situations, required testing and maintenance, and ISO New England OP-4 emergencies. Examples include stationary engines used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary engines used to pump water in the case of fire or flood.

Additionally, CCF/MVYDC shall only be permitted to operate their generators in response to an OP-4 emergency for a total of no more than 50 hours on a 12 month rolling total.

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F. Emergency Generators #7 and #8

Emergency generators #7 and #8 are each rated at 7.0 MMBtu/hr.

In addition to section E above, BPT for Emergency Generators #7 and #8 shall consist of the following:

1. Emergency Generators #7 and #8 shall each be limited to 250 hours of operation based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours.
2. 06-096 CMR 103 regulates PM emission limits. The PM₁₀ limits are derived from the PM limits.
3. 06-096 CMR 106 regulates fuel sulfur content. Emergency Generators #7 and #8 share a fuel tank with Boilers #5 and #6. The #2 fuel oil in this shared tank meets the criteria in ASTM D396 and is more stringent than 06-096 CMR 106. Therefore, BPT for Emergency Generators #7 and #8 shall be the sharing of a fuel tank with Boilers #5 and #6.
4. NO_x, CO and VOC emission rates are based upon AP-42 data dated 10/96.
5. Visible emissions from each emergency generator shall not exceed 20% opacity on a six-minute block average basis, except for no more than two (2), six (6) minute block averages in a three-hour period.

G. Emergency Generator #9

Emergency Generator #9 is rated at 2.3 MMBtu/hr and fires Diesel Fuel with a sulfur content not to exceed 0.05%.

In addition to section E above, BPT for Emergency Generator #9 shall consist of the following:

1. Emergency Generator #9 shall be limited to 500 hours of operation based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours.
2. A PM emission limit of 0.12 lb/MMBtu shall be considered BPT. The PM₁₀ limits are derived from the PM limits.
3. 06-096 CMR 106 regulates fuel sulfur content. However the use of diesel fuel with a sulfur content not to exceed 0.05% is more stringent and shall be considered BPT.
4. NO_x, CO and VOC emission rates are based upon AP-42 data dated 10/96.
5. Visible emissions from the emergency generator shall not exceed 20% opacity on a six-minute block average basis, except for no more than two (2), six (6) minute block averages in a three-hour period.

H. Annual Emission Restrictions and Fuel Limits

1. Boilers #1 and #2 shall not fire in excess of 3000 ton/yr of wood.
2. Boilers #3 and #4 shall not fire in excess of 200,000 gal/yr of #2 fuel oil.
3. Boilers #5 and #6 and emergency generators #7 and #8 shall not fire in excess of 360,000 gal/yr of #2 fuel oil.
4. Emergency Generators #7 and #8 shall each be limited to 250 hr/yr of operation.
5. Emergency Generator #9 shall be limited to 500 hr/yr of operation.
6. CCF/MVYDC shall be restricted to the following annual emissions, based on a 12 month rolling total:

Total Allowable Annual Emission for the Facility
(used to calculate the annual license fee)

Tons/year						
Emission Units	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Boilers #1, #2	11.99	11.99	0.41	3.56	9.72	0.28
Boilers #3, #4	2.80	2.80	7.05	2.00	0.50	0.06
Boilers #5, #6	2.82	2.82	11.85	3.36	0.84	0.09
Generator #7	0.11	0.11	0.44	2.78	0.74	0.08
Generator #8	0.11	0.11	0.44	2.78	0.74	0.08
Generator #9	0.07	0.07	0.03	2.51	0.54	0.20
Total	17.90	17.90	20.22	16.99	13.08	0.79

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. Based on the total facility emissions, CCF/MVYDC 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.

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The Department hereby grants Air Emission License A-267-71-I-R/M subject 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]

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- (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:

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- 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. Facility fuel use shall not exceed 3,000 tons/yr of wood at 40% moisture (or equivalent), based on a 12 month rolling total. Fuel use for each boiler shall be documented by log to be kept on site at all times. Fuel use records shall be maintained on a monthly basis, in addition to the 12 month rolling total. [06-096 CMR 115, BPT]
- B. Visible emissions from Boiler #1 and #2 shall each not exceed 30% opacity on a six-minute block average basis, except for no more than two (2), six (6) minute block averages in a three-hour period. [06-096 CMR 101]
- C. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1	PM	0.74	06-096 CMR 103(2)(B)(1)(a)
Boiler #2	PM	0.74	06-096 CMR 103(2)(B)(1)(a)

- D. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	3.26	3.26	0.11	0.97	2.64	0.07
Boiler #2	3.26	3.26	0.11	0.97	2.64	0.07

(17) Boilers #3 and #4

- A. Boiler #3 and #4 shall not exceed 200,000 gallons/yr of #2 fuel oil on a 12 month rolling total, which meets the criteria in ASTM D396. Fuel records from the supplier documenting quantity and type of fuel received shall be kept for compliance purposes. [06-096 CMR 115, BPT]
- B. Visible emissions from Boilers #3 and #4 shall each not exceed 20% opacity on a six-minute block average basis, except for no more than one (1), six (6) minute block average in a three-hour period. [06-096 CMR 101]

C. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #3	PM	0.20	06-096 CMR 103(2)(B)(1)(a)
Boiler #4	PM	0.20	06-096 CMR 103(2)(B)(1)(a)

D. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #3	0.88	0.88	2.22	0.63	0.16	0.02
Boiler #4	0.88	0.88	2.22	0.63	0.16	0.02

(18) Boilers #5 and #6

- A. Total fuel use for boilers #5 and #6 combined with emergency generators #7 and #8 shall not exceed 360,000 gallons/yr of #2 fuel oil on a 12 month rolling total, which meets the criteria in ASTM D396. Fuel records from the supplier documenting quantity and type of fuel received shall be kept for compliance purposes. [06-096 CMR 115, BPT]
- B. Visible emissions from Boilers #5 and #6 shall each not exceed 20% opacity on a six-minute block average basis, except for no more than one, six-minute block average in a three-hour period. [06-096 CMR 101]
- C. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #5	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Boiler #6	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

D. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #5	0.80	0.80	3.35	0.95	0.24	0.03
Boiler #6	0.80	0.80	3.35	0.95	0.24	0.03

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(19) Emergency Generators #7 and #8

- A. Emergency generators #7 and #8 shall each be limited to 250 hours of operation on a 12 month rolling total. An operating log shall be maintained and an hour meter shall be operated and maintained for compliance purposes. [06-096 CMR 115, BPT]
- B. Emergency generators #7 and #8 are permitted to share a fuel tank with Boilers #5 and #6. [06-096 CMR 115, BPT]
- C. Visible emissions from emergency generators #7 and #8 shall each not exceed 20% opacity on a six-minute block average basis, except for no more than two (2), six (6) minute block averages in a three-hour period. [06-096 CMR 101]
- D. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Emergency Generator #7	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Emergency Generator #8	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

- E. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Emergency Generator #7	0.84	0.84	3.50	22.27	5.92	0.63
Emergency Generator #8	0.84	0.84	3.50	22.27	5.92	0.63

(20) Emergency Generator #9

- A. Emergency generator #9 shall be limited to 500 hours of operation on a 12 month rolling total. An operating log shall be maintained and an hour meter shall be operated for compliance purposes. [06-096 CMR 115, BPT]
- B. Emergency Generator #9 shall fire diesel fuel with a sulfur content not to exceed 0.05%. Fuel records from the supplier documenting sulfur content shall be kept for compliance purposes. [06-096 CMR 115, BPT]
- C. Visible emissions from emergency generator #9 shall not exceed 20% opacity on a six-minute block average basis, except for no more than two (2), six (6) minute block averages in a three-hour period. [06-096 CMR 101]

D. Emissions shall not exceed the following: [06-096 CMR 115, BPT]

Equipment	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Emergency Generator #9	0.27	0.27	0.12	10.05	2.17	0.80

(21) OP-4 Emergencies

- A. CCF/MVYDC shall only operate the emergency generators for periods of maintenance and readiness testing, emergencies when off-site power is unavailable, and ISO New England OP-4 emergencies.
[06-096 CMR 115, BPT]
- B. CCF/MVYDC shall keep records for OP-4 emergencies which include the date, which generators were operated, start time and stop time for each generator, and documentation that CCF/MVYDC was contacted by ISO New England and asked to reduce consumption as part of an OP-4 event.
[06-096 CMR 115, BPT]
- C. CCF/MVYDC shall not operate the emergency generators for more than 50 hours on a 12 month rolling total in response to an OP-4 emergency.
[06-096 CMR 115, BPT]

(22) Annual Emission Statement

In accordance with *Emission Statements*, 06-096 CMR 137 (last amended November 8, 2008), the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

- 1) A computer program and accompanying instructions supplied by the Department; or
- 2) A written emission statement containing the information required in 06-096 CMR 137.

The emission statement must be submitted as specified by the date in 06-096 CMR 137.

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- (23) CCF/MVYDC 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 (Title 38 MRSA §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 12th DAY OF January, 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Brookings
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: 8/21/2009

Date of application acceptance: 10/2/2009

Date filed with the Board of Environmental Protection: _____

This Order prepared by Jonathan Voisine, Bureau of Air Quality.

