



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

Central Maine Commerce Center, LP)
Kennebec County)
Augusta, Maine)
A-558-71-R-N/A)

Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact

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

Central Maine Commerce Center, LP (CMCC) located on Civic Center Drive in Augusta, ME has applied after-the-fact to renew their Air Emission License permitting the operation of emission sources associated with their office complex.

CMCC has also requested to add two emergency generators to their License.

B. Emission Equipment

CMCC is authorized to operate the following equipment:

Fuel Burning Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Boiler #1	8.4	56	#2 fuel oil, 0.5%	1
Boiler #2	8.4	56	#2 fuel oil, 0.5%	2

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17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
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106 HOGAN ROAD, SUITE 6
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Emergency Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel</u>	<u>Stack #</u>
Emergency Generator #3	1.1	7.8	Diesel, 15 ppm S	3
Emergency Generator #4	2.8	21.8	Diesel, 15 ppm S	4
Emergency Generator #5	7.6	58.9	Diesel, 15 ppm S	5
Emergency Fire Pump #6	1.3	9.4	Diesel, 15 ppm S	6
Emergency Fire Pump #7	1.3	9.4	Diesel, 15 ppm S	7
Emergency Generator #8	7.6	58.9	Diesel, 15 ppm S	8
*Emergency Generator #9	0.84	6.1	Diesel, 15 ppm S	9
*Emergency Generator #10	0.45	4.8	Propane	10

* New equipment; however, generator #10 is considered insignificant and is listed for informational purposes only.

C. Application Classification

The previous air emission license for CMCC expired on February 25, 2010 . A complete application was not submitted on time, therefore CMCC is considered to be an existing source applying for an after-the-fact renewal and a minor modification. The Department has determined the facility is a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005).

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 Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis per 06-096 CMR 115.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in *Definitions Regulation*, 06-096 CMR 100 (last amended December 24, 2005). BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Boiler #1 and #2

Boilers #1 and #2 are primarily used to heat the facility. Boilers #1 and #2 are 8.4 MMBtu/hr units that fire #2 fuel oil which meets the criteria in ASTM D396. Boilers #1 and #2 are therefore not 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.

A BACT summary for Boilers #1 and #2 follows:

1. *Low Sulfur Fuel*, 06-096 CMR 106 (as amended) 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 BACT.
2. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (as amended) regulates PM emission limits. However, a PM emission limit of 0.08 is more stringent and shall be considered BACT. PM₁₀ limits are derived from the PM limits.
3. NO_x, CO and VOC emission limits are based on emission data taken from AP-42, dated 9/98 for the combustion of fuel oil.
4. Visible emissions from the common stack serving Boilers #1 and #2 (stack #2) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1), six (6) minute block average in a three hour period.
5. Pursuant to 40 CFR Part 63 Subpart JJJJJ, CMCC shall implement a boiler tune-up program for Boilers #1 and #2.

The boilers are subject to *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63 Subpart JJJJJ). The units are each rated under 10 MMBtu/hr and are thus not subject to PM, CO, or Mercury emission limits from 40 CFR Part 63 Subpart JJJJJ.

For informational purposes, a summary of the applicable federal 40 CFR Part 63 Subpart JJJJJ requirements are listed below. The Maine Department of Environmental Protection has not taken delegation of this area source MACT (Maximum Achievable Control Technology) rule promulgated by EPA, however CMCC is still subject to the requirements.

- An initial notification must be submitted to EPA no later than September 17, 2011. [40 CFR Part 63.11225(a)(2)]
- A boiler tune-up program shall be implemented to include the tune-up of the boilers by March 21, 2012. [40 CFR Part 63.11196(a)(1)]

- A Notification of Compliance Status shall be submitted to EPA no later than 120 days after conducting the initial boiler tune-up. [40 CFR Part 63.11225(a)(4)] The Notification of Compliance Status form developed by EPA may be used to submit the required information.
- After the initial tune-up and initial compliance report has been submitted, the facility shall implement a biennial boiler tune-up program and submit biennial compliance reports. The following are requirements of the boiler tune-up program:
 - Each biennial tune-up shall be conducted no more than 25 months after the previous tune-up. [40 CFR Part 63.11223(a)]
 - Each biennial tune-up shall include the following, as applicable:
 - Inspection of the burner, cleaning/replacing any component of the burner, as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted; however, the burner must be inspected at least once every 36 months. [40 CFR Part 63.11223(b)(1)]
 - Inspection of the flame pattern, and adjustment of the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 CFR Part 63.11223(b)(2)]
 - Inspection of the system controlling the air-to-fuel ratio, to ensure proper calibration and that it is functioning properly. [40 CFR Part 63.11223(b)(3)]
 - Optimization of total emissions of CO, consistent with manufacturer's specifications. [40 CFR Part 63.11223(b)(4)]
 - Measurement of concentration in the effluent stream of CO in parts per million (ppm), by volume, and oxygen in volume percent, before and after adjustments are made. [40 CFR Part 63.11223(b)(5)]
 - If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within one week of start-up. [40 CFR Part 63.11223(b)(7)]
- Records shall be maintained consistent with the requirements of 40 CFR Part 63 Subpart JJJJJ including the following [40 CFR Part 63.11225(c)]: copies of compliance reports; 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; documentation of fuel type(s) used monthly by each boiler; the occurrence and duration of each malfunction of the boiler; and actions taken during periods of malfunction to minimize emissions and actions taken to restore the malfunctioning boiler to its usual manner of operation.

C. Emergency Engines #3, #4, #5, #6, #7, #8
 Generators #3, #4, #5, and #8, and fire pumps #6 and #7 were all manufactured prior to 2006 and are considered existing emergency units at an area source of Hazardous Air Pollutants. They are therefore not subject to either the New Source Performance Standards 40 CFR Part 60 Subpart IIII, or the National Emission Standards for Hazardous Air Pollutants 40 CFR Part 63 Subpart ZZZZ.

Back-up 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. Back-up generators are not to be used for prime power or peak shaving when reliable offsite power is available or for any demand response program.

A summary of the BPT analysis for the emergency engines is the following:

1. 06-096 CMR 106 (as amended) regulates fuel sulfur content. However, the use of diesel fuel with a sulfur content of 15 ppm or propane is more stringent and shall be considered BACT.
2. The back-up generators shall each be limited to 500 hr/yr of operation based on a 12 month rolling total. An hour meter shall be installed and operated, and an operating log shall be kept for compliance purposes.
3. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (as amended) regulates PM emission limits for generators #5 and #8. A PM emission limit of 0.12 lb/MMBtu shall be considered BACT for all diesel fired emergency engines. A PM emission limit of 0.05 lb/MMBtu shall be considered BACT for generator #10. PM₁₀ limits are derived from PM limits.
4. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96 for diesel fired units.
5. Visible emissions from each diesel fired emergency engine 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.

D. Emergency Engine #9

Generator #9 was manufactured in 2010 and is therefore subject to New Source Performance Standards 40 CFR Part 60 Subpart IIII, and the National Emission Standards for Hazardous Air Pollutants 40 CFR Part 63 Subpart ZZZZ. By meeting the requirements of Subpart IIII, Generator #9 also meets the requirements of Subpart ZZZZ.

Back-up 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. Back-up generators are not to be used for prime power or

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peak shaving when reliable offsite power is available or for any demand response program.

A summary of the BACT analysis for the generator #9 is the following:

1. Generator #9 shall fire only diesel fuel with a sulfur content not to exceed 15 ppm.
2. Generator #9 shall be limited to 100 hr/yr of operation for maintenance checks and readiness testing. Generator #9 shall be limited to 500 hours per year of total operation. Both of these limits are based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours.
3. Generator #9 shall be equipped with a non-resettable hour meter.
4. A PM emission limit of 0.12 lb/MMBtu shall be considered BACT. The PM₁₀ limits are derived from the PM limits.
5. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
6. CMCC shall operate and maintain Generator #9 in accordance with the manufacturer's written instructions. CMCC shall not change settings that are not approved in writing by the manufacturer.
7. Visible emissions from generator #9 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.

E. Annual Emissions

1. Boilers #1 and #2 shall be limited to 150,000 gallons of #2 fuel oil which meets the criteria in ASTM D396 on a 12 month rolling total.
2. Each emergency engine with 500 hours of operation on a 12 month rolling total.
3. Emergency engines #3, #4, #5, #6, #7, #8, and #9 shall fire diesel fuel with a sulfur content not to exceed 15 ppm. Generator #10 shall fire only propane.

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4. CMCC 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 Unit	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Boilers #1 and #2	0.84	0.84	5.29	1.50	0.38	0.04
Emergency Generator #3	0.03	0.03	0.01	1.18	0.25	0.09
Emergency Generator #4	0.09	0.09	0.01	3.30	0.71	0.26
Emergency Generator #5	0.24	0.24	0.08	6.46	1.71	0.18
Emergency Fire Pump #6	0.04	0.04	0.01	1.42	0.31	0.11
Emergency Fire Pump #7	0.04	0.04	0.01	1.42	0.31	0.11
Emergency Generator #8	0.24	0.24	0.08	6.46	1.71	0.18
Emergency Generator #9	0.03	0.03	0.01	0.93	0.20	0.07
Total	1.55	1.55	5.50	22.67	5.58	1.04

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 above total facility emissions, CMCC 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 therefore grants the Air Emission License A-558-71-R-N/A 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

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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. Boilers #1 and #2 shall not exceed 150,000 gallons/yr of #2 fuel oil which meet the criteria in ASTM D396. Compliance shall be demonstrated by fuel records from the supplier showing the quantity of fuel delivered and type of fuel delivered. Records of annual fuel use shall be kept on a 12-month rolling total basis. [06-096 CMR 115, BACT]
- B. Emissions from boilers #1 and #2 shall not exceed the following [06-096 CMR 115, 06-096 CMR 103, BACT]:

Emission Unit		PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Boiler #1	lb/MMBtu	0.08	-	-	-	-	-
	lb/hr	0.67	0.67	4.23	1.20	0.30	0.03
Boiler #2	lb/MMBtu	0.08	-	-	-	-	-
	lb/hr	0.67	0.67	4.23	1.20	0.30	0.03

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- C. Visible emissions from boilers #1 and #2 shall each not exceed 10% opacity on a six (6) minute block average, except for one (1), six (6) minute block average in any three (3) hour period. [06-096 CMR 101]

(17) **Emergency Engines #3, #4, #5, #6, #7, #8**

- A. Each emergency engine is limited to 500 hours per year of operation, based on a 12 month rolling total. An hour meter shall be maintained and operated and a log kept documenting the hours of operation for compliance purposes. [06-096 CMR 115, BACT]
- B. Each emergency engine shall only be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The generators shall not be used for prime power when reliable offsite power is available or for any demand response program. A log shall be maintained documenting the date, time, and reason for operation. [06-096 CMR 115, BACT]
- C. Engines #3, #4, #5, #6, #7, and #8 shall fire diesel fuel with a sulfur limit not to exceed 15 ppm. Compliance shall be based on fuel records from the supplier documenting the type of fuel delivered. [06-096 CMR 115, BACT]
- D. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #5	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
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)
Generator #3	0.13	0.13	0.01	4.85	1.05	0.39
Generator #4	0.34	0.34	0.01	12.35	2.66	0.98
Generator #5	0.91	0.91	0.01	24.32	6.46	0.68
Fire Pump #6	0.16	0.16	0.01	5.73	1.24	0.46
Fire Pump #7	0.16	0.16	0.01	5.73	1.24	0.46
Generator #8	0.91	0.91	0.01	24.32	6.46	0.68

- F. Visible emissions from the emergency engines shall each 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]

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(18) **Emergency Generator #9**

- A. Generator #9 shall fire only diesel fuel with a maximum sulfur content not to exceed 15 ppm. [40 CFR 60.4207(b)]
- B. Compliance with the sulfur content limits shall be based on fuel records from the supplier showing the type of fuel delivered and the sulfur content of the fuel. [06-096 CMR 115, BACT]
- C. Generator #9 shall be limited to 100 hr/yr of operation for maintenance checks and readiness testing. Generator #9 shall be limited to 500 hours per year of total operation. Both of these limits are based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours. [40 CFR 60.4211(E) and 06-096 CMR 115, BACT]
- D. Generator #9 shall be equipped with a non-resettable hour meter. [40 CFR 60.4209(a)]
- E. Emissions shall not exceed the following [06-096 CMR 115, BACT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #9	0.10	0.10	0.01	3.70	0.80	0.29

- F. Generator #9 is subject to PM, CO, and NO_x + VOC emission requirements set forth in 40 CFR 60, Subpart III. Compliance with these emission requirements shall be demonstrated by certification from the manufacturer that this engine class meets the appropriate Tier standards. [40 CFR 60, Subpart III]
- G. CMCC shall operate and maintain Generator #9 in accordance with the manufacturer's written instructions. CMCC shall not change settings that are not approved in writing by the manufacturer. [40 CFR 60.4211(a)]
- H. Visible emissions from the generator #9 shall not exceed 10% opacity on a six (6) minute block average, except for no more than one (1), six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

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- (19) CMCC 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 MRSA §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 13th DAY OF June, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie L. Brooks for
JAMES P. BROOKS, ACTING 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: 4/30/2010

Date of application acceptance: 5/11/2010

Date filed with the Board of Environmental Protection:

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



