

**Heritage Acquisition Corp.
d/b/a Burnham and Morrill Company
Cumberland County
Portland, Maine
A-77-71-K-R (SM)**

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

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., § 344 and § 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Heritage Acquisition Corp., d/b/a Burnham and Morrill Company (B&M) located in Portland, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their food products facility.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Fuel Burning Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Date of Manufacture / Installation</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Boiler #1	39.0	1956 / 1956	#6 fuel oil, 0.5% natural gas, negligible	1
Boiler #3	29.4 (oil) 31.4 (NG)	1997 / 2002	#6 fuel oil, 0.5% natural gas, negligible	2
Boiler #4	29.4 (oil) 31.4 (NG)	1997 / 2002	#6 fuel oil, 0.5% natural gas, negligible	2
Water Heater #1*	1.9	unknown	natural gas	5

* Water Heater #1 is new to this license.

Electrical Generation Equipment

<u>Equipment</u>	<u>Power Output (kW)</u>	<u>Maximum Heat Input (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>
Generator #1	75	0.73	5.3	diesel fuel, 0.05%
Generator #2	230	2.24	16.4	diesel fuel, 0.05%

C. Application Classification

This license is considered to be a renewal of current licensed emission units and has been processed through Major and Minor Source Air Emission License Regulations, 06-096 CMR 115 (last amended December 1, 2005). With the fuel limit on the boilers and the restriction on operating hours for the emergency generators, the facility is licensed below the major source thresholds and is considered a synthetic minor.

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 1, 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 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 1, 2005). BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

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. Boiler #1

Boiler #1 is not routinely run and is maintained for back-up purposes. B&M operates a smoke density monitor on the breaching of Boiler #1 as a boiler operator tool. This boiler exhausts to a 150-foot stack.

Boiler #1 was manufactured and installed in 1956 and is therefore not subject to the New Source Performance Standards (NSPS) Subpart Dc for steam generating units greater than 10 MMBtu/hr manufactured after June 9, 1989.

A summary of the BPT analysis for Boiler #1 (39.0 MMBtu/hr) is the following:

1. The total fuel oil use for the facility shall not exceed 1,000,000 gal/year of #6 fuel oil, based on a 12 month rolling total, with a maximum sulfur content not to exceed 0.5% by weight.
2. Total natural gas use for the facility shall not exceed 600 MMscf/year based on a 12 month rolling total.
3. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended June 9, 1999) regulates fuel sulfur content, however in this case it was determined a more stringent limit of 0.5% was appropriate and shall be used.
4. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended September 26, 1990) regulates PM emission limits. For natural gas firing, a more stringent limit of 0.05 lb/MMBtu was determined to be more appropriate and shall be used. The PM₁₀ limits are derived from the PM limits.
5. NO_x emission limits are based on data from similar #6 fuel oil and natural gas fired boilers of this size and age.
6. CO and VOC emission limits are based upon AP-42 data dated 9/98 and 7/98.
7. Visible emissions from Boiler #1 shall not exceed 30% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block average in a continuous 3-hour period.

C. Boilers #3 and #4

Boilers #3 and #4 are used for primary process steam and facility heating needs. Boilers #3 and #4 exhaust to a common 100-foot stack.

These boilers each originally had a maximum heat input rating of 31.4 MMBtu/hr firing either #6 fuel oil or natural gas. B&M proposed physically reducing the heat input capacities (derating) Boilers #3 and #4 by changing the oil nozzles, blower wheel, and air inlet cone on each boiler. These proposed changes were approved as a derating strategy by USEPA in a letter dated September 17, 2002. The derated maximum heat input for Boilers #3 and #4 firing #6 fuel oil is 29.4 MMBtu/hr. Each boiler still maintains the ability to fire natural gas up to a maximum heat input of 31.4 MMBtu/hr.

Boilers #3 and #4 are subject to NSPS Subpart Dc. However, they are exempt from Sections 60.43c and 60.47c, PM standards and monitoring for boilers greater than 30 MMBtu/hr that fire fuel oil.

A summary of the BPT analysis for Boilers #3 and #4 is the following:

1. The total fuel oil use for the facility shall not exceed 1,000,000 gal/year of #6 fuel oil, based on a 12 month rolling total, with a maximum sulfur content not to exceed 0.5% by weight.
2. Total natural gas use for the facility shall not exceed 600 MMscf/year based on a 12 month rolling total.
3. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended June 9, 1999) regulates fuel sulfur content, however in this case it was determined a more stringent limit of 0.5% was appropriate and shall be used.
4. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended September 26, 1990) regulates PM emission limits. For natural gas firing, a more stringent limit of 0.05 lb/MMBtu was determined to be more appropriate and shall be used. The PM₁₀ limits are derived from the PM limits.
5. NO_x emission limits are based on data from similar #6 fuel oil and natural gas fired boilers of this size and age.
6. CO and VOC emission limits are based upon AP-42 data dated 9/98 and 7/98.
7. Visible emissions from the common stack for Boilers #3 and #4 shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average of no more than 27% opacity in a continuous 1-hour period.

D. Water Heater #1

B&M operates a small natural gas fired water heater.

Water Heater #1 has a maximum heat input of 1.89 MMBtu/hr, and is therefore not subject to the New Source Performance Standards (NSPS) Subpart Dc for steam generating units greater than 10 MMBtu/hr manufactured after June 9, 1989.

A summary of the BACT analysis for Water Heater #1 (1.89 MMBtu/hr) is the following:

1. Total natural gas use for the facility shall not exceed 600 MMscf/year based on a 12 month rolling total.
2. PM and PM₁₀ emission limits are based on data from similar natural gas fired boilers of this size and age.
3. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 7/98.
4. Visible emissions from Water Heater #1 shall not exceed 10% 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.

E. Back-up Generators

B&M operates two back-up diesel generators.

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 when reliable offsite power is available.

A summary of the BPT analysis for Generator #1 (75 kW) and Generator #2 (230 kW) is the following:

1. The back-up generators shall fire only diesel fuel with a maximum sulfur content not to exceed 0.05% by weight.
2. The back-up generators shall each be limited to 500 hr/yr of operation based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours.
3. 06-096 CMR 106 regulates fuel sulfur content, however in this case a BPT analysis for SO₂ determined a more stringent limit of 0.05% was appropriate and shall be used.
4. The PM and PM₁₀ limits are derived from 06-096 CMR 103.
5. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
6. Visible emissions from the back-up generators 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.

F. Degreaser Unit

B&M operates several degreasers/parts washers of various sizes. B&M is subject to and shall comply with *Solvent Cleaners*, 06-096 CMR 130 (last amended June 17, 2004).

G. Annual Emissions

B&M 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	PM₁₀	SO₂	NO_x	CO	VOC
#6 fuel oil	15.0	15.0	39.4	37.5	2.5	0.1
Natural Gas	15.5	15.5	0.2	30.0	25.2	1.7
Generator #1	0.1	0.1	0.1	0.8	0.2	0.1
Generator #2	0.1	0.1	0.1	2.5	0.5	0.2
Total TPY	30.7	30.7	39.8	70.8	28.4	2.1

Based on:

- Firing 1,000,000 gallons of 0.5% sulfur #6 fuel oil in any combination of Boilers #1, #3, and #4.
- Firing 600 million scf of natural gas in any combination of Boilers #1, #3, #4 and Water Heater #1.
- Firing Generators #1 and #2 each for 500 hours per year.

III. AMBIENT AIR QUALITY ANALYSIS

B&M previously submitted an ambient air quality analysis demonstrating that emissions from the facility, in conjunction with all other sources, do not violate ambient air quality standards. An additional ambient air quality analysis is not required for this renewal.

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-77-71-K-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) Boiler #1

- A. Boiler #1 shall fire only natural gas or #6 fuel oil with a sulfur content not to exceed 0.5% sulfur by weight. [06-096 CMR 115, BPT]
- B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1 (firing oil)	PM	0.20	06-096 CMR 103(2)(A)(1)
Boiler #1 (firing NG)	PM	0.05	06-096 CMR 115, BPT

- C. 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 #1 (oil)	7.80	7.80	20.49	19.50	1.30	0.07
Boiler #1 (NG)	1.95	1.95	0.02	3.79	3.18	0.21

- D. Visible emissions from Boiler #1 shall not exceed 30% 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) Boilers #3 and #4

- A. Boilers #3 and #4 shall fire only natural gas or #6 fuel oil with a sulfur content not to exceed 0.5% sulfur by weight. [06-096 CMR 115, BPT]
- B. Boilers #3 and #4 shall be operated with oil nozzles, blower wheels, and air inlet cones such that the heat input of each boiler firing #6 fuel oil shall not exceed 29.4 MMBtu/hr. [06-096 CMR 115, BPT]

C. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #3 (firing oil)	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Boiler #3 (firing NG)	PM	0.05	06-096 CMR 115, BPT
Boiler #4 (firing oil)	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Boiler #4 (firing NG)	PM	0.05	06-096 CMR 115, BPT

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 (oil)	3.53	3.53	15.44	8.82	0.98	0.05
Boiler #3 (NG)	1.47	1.47	0.02	2.85	2.40	0.16
Boiler #4 (oil)	3.53	3.53	15.44	8.82	0.98	0.05
Boiler #4 (NG)	1.47	1.47	0.02	2.85	2.40	0.16

E. Visible emissions from the common stack for Boilers #3 and #4 shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average of not more than 27% opacity in a continuous 1-hour period. [40 CFR Part 60, Subpart Dc]

(18) **NSPS Requirements**

Boilers #3 and #4 are subject to Federal New Source Performance Standards, Subpart Dc. B&M shall comply with all requirements of 40 CFR Part 60, Subpart Dc including, but not limited to, the following:

- A. B&M shall record and maintain records of the amount of fuel oil combusted during each day.
- B. B&M shall record and maintain records of the amount of natural gas combusted on a monthly basis.

- C. B&M shall submit to EPA and the Department a Fuel Oil Sulfur Content report semi-annually. These reports are due within 30 days of the end of the 6-month period. The Fuel Oil Sulfur Content report shall contain the following information:
- i. Calendar dates covered in the reporting period;
 - ii. Records of fuel supplier certification;
 - iii. A certified statement, signed by a responsible official, that the records of fuel supplier certifications submitted represent all of the fuel oil combusted during the reporting period.
- D. 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

(19) **Water Heater #1**

- A. Water Heater #1 shall fire only natural gas. [06-096 CMR 115, BACT]
- B. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Water Heater #1	0.09	0.09	0.18	0.15	0.01

- C. Visible emissions from Water Heater #1 shall not exceed 10% 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. [06-096 CMR 101]

(20) **Fuel Limits**

- A. Total fuel oil use for the facility shall not exceed 1,000,000 gal/year of #6 fuel oil based on a 12-month rolling total basis. Fuel records, including gallons fired and percent sulfur, shall be maintained on a monthly basis. [06-096 CMR 115, BPT]
- B. Total natural gas use for the facility shall not exceed 600 MMscf/year based on a 12-month rolling total. Fuel records, including scf fired, shall be maintained on a monthly basis. [06-096 CMR 115, BPT]

(21) **Generators #1 and #2**

- A. B&M shall limit Generators #1 and #2 each to 500 hr/yr of operation (based on a 12-month rolling total). An hour meter shall be maintained and operated on Generators #1 and #2. [06-096 CMR 115, BPT]
- B. Generators #1 and #2 shall only be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Generators #1 and #2 shall not be used for prime power when reliable offsite power is available. A log shall be maintained documenting the date, time, and reason for operation. [06-096 CMR 115, BPT]
- C. Generators #1 and #2 shall fire diesel fuel with a sulfur limit not to exceed 0.05% by weight. Compliance shall be based on fuel records from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. [06-096 CMR 115, BPT]
- D. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #1	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Generator #2	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 #1	0.09	0.09	0.04	3.22	0.69	0.26
Generator #2	0.27	0.27	0.12	9.88	2.13	0.78

- F. Visible emissions from Generators #1 and #2 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]

(22) **Parts Washer**

Parts washers at B&M are subject to *Solvent Cleaners*, 06-096 CMR 130 (last amended June 17, 2004).

- A. B&M shall keep records of the amount of solvent added to each parts washer. [06-096 CMR 115, BPT]

- B. The following are exempt from the requirements of 06-096 CMR 130 [06-096 CMR 130]:
1. Solvent cleaners using less than two liters (68 oz) of cleaning solvent with a vapor pressure of 1.00 mmHg, or less, at 20° C (68° F);
 2. Wipe cleaning; and,
 3. Cold cleaning machines using solvents containing less than or equal to 5% VOC by weight.
- C. The following standards apply to remote reservoir cold cleaning machines that are applicable sources under Chapter 130.
1. B&M shall attach a permanent conspicuous label to each unit summarizing the following operational standards [06-096 CMR 130]:
 - (i) Waste solvent shall be collected and stored in closed containers.
 - (ii) Cleaned parts shall be drained of solvent directly back to the cold cleaning machine by tipping or rotating the part for at least 15 seconds or until dripping ceases, whichever is longer.
 - (iii) Flushing of parts shall be performed with a solid solvent spray that is a solid fluid stream (not a fine, atomized or shower type spray) at a pressure that does not exceed 10 psig. Flushing shall be performed only within the freeboard area of the cold cleaning machine.
 - (iv) The cold cleaning machine shall not be exposed to drafts greater than 40 meters per minute when the cover is open.
 - (v) Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the degreaser.
 - (vi) When a pump-agitated solvent bath is used, the agitator shall be operated to produce no observable splashing of the solvent against the tank walls or the parts being cleaned. Air agitated solvent baths may not be used.
 - (vii) Spills during solvent transfer shall be cleaned immediately. Sorbent material shall be immediately stored in covered containers.
 - (viii) Work area fans shall not blow across the opening of the degreaser unit.
 - (ix) The solvent level shall not exceed the fill line.
 2. The remote reservoir cold cleaning machine shall be equipped with a perforated drain with a diameter of not more than six inches. [06-096 CMR 130]
- (23) B&M 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).

(24) Annual Emission Statement

In accordance with *Emission Statements*, 06-096 CMR 137 (last amended June 17, 2004), 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.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

The emission statement must be submitted by July 1 or as otherwise specified in 06-096 CMR 137.

(25) Air Toxics Emission Statement

If B&M exceeds the thresholds for HAPs listed in Appendix A of 06-096 CMR 137 in an inventory year, in accordance with 06-096 CMR 137 the licensee shall report, no later than July 1 every three years (2005, 2008, 2011, etc.) or as otherwise stated in 06-096 CMR 137, the information necessary to accurately update the State's toxic air pollutants emission inventory in a format prescribed by the Department containing the information required in 06-096 CMR 137.

NOTE: Based on AP-42 emission factors for fuel burning equipment, B&M will most likely exceed the 06-096 CMR 137 thresholds of HAPs based on fuel burning alone should the facility exceed the firing of 236,686 gallons of #6 fuel oil in a calendar year.

Heritage Acquisition Corp.
d/b/a Burnham and Morrill Company
Cumberland County
Portland, Maine
A-77-71-K-R

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Departmental
Findings of Fact and Order
Air Emission License

Reports and questions should be directed to:

Attn: HAP Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

[06-096 CMR 137]

(26) **Payment of Annual License Fee**

B&M shall pay the annual air emission license fee within 30 days of July 31st of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 M.R.S.A. §341-D, §§ 3.

DONE AND DATED IN AUGUSTA, MAINE THIS _____ DAY OF _____ 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
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: 5/22/07

Date of application acceptance: 5/25/07

Date filed with the Board of Environmental Protection: _____

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