



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

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ACTING COMMISSIONER

**USDA National Cold Water  
Marine Aquaculture Center  
Hancock County  
Franklin, Maine  
A-925-71-B-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**

The U.S. Department of Agriculture National Cold Water Marine Aquaculture Center (USDA) located in Franklin, Maine has applied to renew their Air Emission License permitting the operation of an emission source associated with their Aquaculture facility.

The piece of equipment addressed in this license is located at 25 Salmon Farm Road, Franklin, Maine.

The two boilers on their initial license have been removed from the facility, leaving only an emergency generator. The generator is subject to federal regulation 40 CFR Part 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*. The sulfur content requirement of the diesel fuel oil has changed from 0.05% in the initial license to 0.0015%.

**B. Emission Equipment**

The following piece of equipment is addressed in this air emission license:

<b><u>Equipment</u></b>	<b><u>Kilowatt (KW)</u></b>	<b><u>Firing Rate (gal/hr)</u></b>	<b><u>Fuel Type, % sulfur</u></b>	<b><u>Install. Date</u></b>	<b><u>Stack #</u></b>
Generator #1	800	61.8	0.0015	2007	1

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

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04679-2094  
(207) 764-0477 FAX: (207) 760-3143

C. Application Classification

The application for USDA 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 (as amended).

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 (as amended). 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. Emergency Generator

USDA operates one emergency generator. The emergency generator is rated at 8.47 MMBtu/hr and fires diesel fuel oil. The generator was manufactured on December 8, 2006.

1. BACT/BPT Findings

The BACT/BPT emission limits for the generator are based on the following:

Diesel

- PM/PM<sub>10</sub> – 0.12 lb/MMBtu based on 06-096 CMR 103
- SO<sub>2</sub> – based on firing 0.0015% sulfur, 0.0015 lb/MMBtu
- NO<sub>x</sub> – 3.2 lb/MMBtu, AP-42, Table 3.4-1 (dated 10/96)
- CO – 0.85 lb/MMBtu, AP-42, Table 3.4-1 (dated 10/96)
- VOC – 0.09 lb/MMBtu, AP-42, Table 3.4-1 (dated 10/96)
- Opacity – Visible emissions from the diesel generator shall not exceed 20% opacity on a 6 minute block average, except for no more than two (2) six (6) minute block averages in a 3 hour period.

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator # 1 (8.47 MMBtu/hr) diesel, 0.0015% S	1.02	1.02	0.013	27.1	7.20	0.76

The emergency generator shall be limited to 500 hours of operation a year, based on a 12 month rolling total. USDA shall keep records of the hours of operation.

2. 40 CFR Part 60, Subpart IIII

The federal regulation 40 CFR Part 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* is applicable to the emergency generator listed above since the unit was ordered after July 11, 2005 and manufactured after April 1, 2006. By meeting the requirements of Subpart IIII, the unit also meets the requirements found in the *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 CFR Part 63, Subpart ZZZZ.

Emergency Definition:

Emergency stationary internal combustion engine is defined in 40 CFR Part 60, Subpart IIII as any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE 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 ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

40 CFR Part 60, Subpart IIII Requirements:

The generator shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in 40 CFR §60.4202. [40 CFR §60.4205(b)]

The diesel fuel fired in the generator shall not exceed 15 ppm sulfur (0.0015% sulfur). [40 CFR §60.4207(b)]

A non-resettable hour meter shall be installed and operated on the generator.  
[40 CFR §60.4209(a)]

The generator shall be operated and maintained according to the manufacturer's written instructions or procedures developed by USDA that are approved by the engine manufacturer. USDA may only change those settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]

The generator shall be limited to 100 hours/year for maintenance and testing. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving or generating income or a financial arrangement with another entity). [40 CFR §60.4211(f)]

No initial notification is required for emergency engines. [40 CFR §60.4214(b)]

C. Annual Emissions

USDA shall be restricted to the following annual emissions calculated using the 500 hr/yr generator operational limit and 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
Generator #1	0.3	0.3	0.003	6.8	1.8	0.2
<b>Total TPY</b>	<b>0.3</b>	<b>0.3</b>	<b>0.003</b>	<b>6.8</b>	<b>1.8</b>	<b>0.2</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 is not required for a renewal if the total emissions of any pollutant released do not exceed the following and there are no extenuating circumstances:

<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, USDA is below the emissions level required for modeling.

### 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-925-71-B-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-A. [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) Emergency Generator #1**

- A. The generator is limited to 500 hours per year total operation, based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours. [06-096 CMR 115]

- B. Emissions shall not exceed the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
Generator #1	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

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

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Generator # (8.47 MMBtu/hr) diesel, 0.0015% S	1.02	1.02	0.013	27.10	7.20	0.76

- D. Visible emissions from the diesel generator 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]

- E. The generator shall meet the applicable requirements of 40 CFR Part 60, Subpart IIII, including the following:

1. The generator shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in §60.4202. [40 CFR §60.4205(b)]

2. The diesel fuel fired in the generator shall not exceed 15 ppm sulfur (0.0015% sulfur). Compliance with the fuel sulfur content limit shall be based on fuel records from the supplier documenting the type of fuel delivered and the sulfur content of the fuel. [40 CFR §60.4207(b) and 06-096 CMR 115]
  3. A non-resettable hour meter shall be installed and operated on the generator. [40 CFR §60.4209(a)]
  4. The generator shall be limited to 100 hours/year for maintenance and testing. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving or generating income or a financial arrangement with another entity). 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(f) and 06-096 CMR 115]
  5. The generator shall be operated and maintained according to the manufacturer's written instructions or procedures developed by USDA that are approved by the engine manufacturer. USDA may only change those settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]
- (17) USDA 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 30<sup>th</sup> DAY OF August, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie P. Gifford  
PATRICIA W. AHO, 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: 10/29/2010 (Resubmitted from 5/5/2010)

Date of application acceptance: 11/22/2010

Date filed with the Board of Environmental Protection:

This Order prepared by Kristen M. Colby, Bureau of Air Quality.



