| | | |
|---|---|---|
| **North End Composites** | **)** | **Department** |
| **Knox County** | **)** | **Findings of Fact and Order** |
| **Rockland, Maine** | **)** | **Part 70 Air Emission License** |
| **A-658-70-B-R** | **)** | |

After review of the Part 70 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, Section 344 and Section 590, the Department finds the following facts:

## I. Registration

A. Introduction

| | |
|---|---|
| FACILITY | North End Composites (NEC) |
| LICENSE NUMBER | A-658-70-B-R |
| LICENSE TYPE | Part 70 License Renewal |
| NAICS CODES | 3261, 336612 |
| NATURE OF BUSINESS | Composite Fabrication |
| FACILITY LOCATION | Rockland, Maine |
| DATE OF LICENSE ISSUANCE | |
| LICENSE EXPIRATION DATE | |

B. Emission Equipment

The following emission units are addressed by this Part 70 License:

| EMISSION UNIT ID | UNIT CAPACITY | UNIT TYPE |
|---|---|---|
| Composite Fabrication | Fugitive VOC | Process Equipment |
| Jackson & Church #1 | 3.12 MMBtu/hr | Boiler |
| Jackson & Church #2 | 3.12 MMBtu/hr | Boiler |

C. Insignificant Activities

All other furnaces and generators at the facility have a maximum design heat input capacity less than 3.0 MMBtu/hr each, firing #2 fuel oil with a sulfur content less than 0.35% or diesel fuel with a sulfur content less than 0.05%. Under the rules of Chapter 140 of the Department's regulations, these emission

units are considered "insignificant activities" per Chapter 140, Appendix B, Section B(6), due to the relatively small size of each one.

North End Composites has additional insignificant activities which do not need to be listed in the emission equipment table above. These insignificant activities must meet any applicable regulations.

D. Application Classification

The application for NEC does not include the licensing of increased actual or licensed allowed emissions. This renewal does, however, incorporate the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing (MEDEP Chapter 144 and 40 CFR, Part 63, Subpart VVVV). This application does not include the installation of new or modified equipment, therefore the license is considered to be a renewal of a Part 70 License issued under Chapter 140 for a Part 70 source. NEC emits more than 10 tons per year of a single hazardous air pollutant and is therefore classified as a major source. NEC's manufacturing process flow has been modified over the past five years; the process description in this license has been updated to reflect these changes.

E. Compliance Assurance Monitoring (CAM)

40 CFR Part 64 requires that a major source required to obtain a Part 70 Air License submit a Compliance Assurance Monitoring plan for each unit at the source subject to an emission limit that uses a control device to achieve compliance with the emission limit and that has potential to emit the pollutant prior to control at or above major source levels. There are no units at NEC that are applicable to CAM; therefore the facility is not subject to the requirements of 40 CFR Part 64.

F. General Facility Requirements

NEC is subject to the regulations listed below, in addition to the regulations listed for specific units as described in Section II of this license.

| CITATION | REQUIREMENT SUMMARY |
|---|---|
| Chapter 101 | Visible Emissions Regulation |
| Chapter 105 | General Process Source Particulate Emission Standard |
| Chapter 106 | Low Sulfur Fuel |
| Chapter 109 | Emergency Episode Regulation |
| Chapter 110 | Ambient Air Quality Standard |

| | |
|---|---|
| Chapter 114 | Classification of Air Quality Control Regions |
| Chapter 116 | Prohibited Dispersion Techniques |
| Chapter 137 | Emission Statements |
| Chapter 140 | Part 70 Air Emission License Regulations |

## II. EMISSION UNIT DESCRIPTION

### A. Process Description

NEC's current manufacturing process can be described as consisting of six production areas. The production areas are:

- Large Part Lamination
- Small Part Lamination
- Cutting/Grinding Room
- Assembly Area
- Woodshop
- Varnish Room

The emissions from NEC's manufacturing processes are considered fugitive, as there are no specific vents or stacks associated with any phase. The following is a brief description of each current production area.

*Large Part Lamination*

The large part lamination area includes the production of hull and deck components for NEC's Sabre division (42-foot and 52-foot boat designs) and Back Cove division (26-foot and 29-foot boat designs), using unsaturated polyester resins and gelcoats. The lamination includes the gelcoat application, skin out coat, core materials build out, and final lamination and wet out. The application of gel coat and skin coat utilizes HVLP spray guns. The balance of resin and putty application in the lamination process is completed manually. The unsaturated polyester resins contain a styrene monomer as the linking agent, which partially volatilizes during spraying, roll out, and curing process.

*Small Parts Lamination*

Adjacent to the Back Cove lamination area is the small parts lamination room. Typically, any small fiberglass reinforced plastic part is produced in this room. Fugitive emissions result from the volatilization of VOCs during the spraying, roll out, and curing process of small part construction.

*Cutting/Grinding Room*

Flanges are trimmed off in the Cutting and Grinding room, as well as other cut and grind procedures. Production of parts does not occur in the Cutting and Grinding room. The Cutting and Grinding room contains internally exhausted dust collection equipment.

*Assembly Area*

NEC's assembly building consists of two separate assembly and completion lines where the installation of the various components of the boat is completed. Following installation of all interior/cabin furnishings and equipment, the deck is attached to the hull in the assembly phase. Various adhesives, paints, putty, resins, and solvents are used in relatively small amounts. In addition minor cutting, grinding, and repairs may be performed in this phase. There are minor volatile organic compounds (VOC) and hazardous air pollutant (HAP) emissions associated with this phase from the use of resins, varnishes, putties, sealers, adhesives, and solvents.

*Woodshop*

Applications of cleanup, patching, or adhesive materials occur in the woodshop. These activities will result in fugitive VOC and HAP emissions. The woodshop will contain internally exhausted dust collection equipment.

*Varnish Room*

The varnish room allows NEC to varnish components that are to be installed on the boats. All varnishes will be brushed on manually. Some of the wood to be varnished is fixed on the boats and as such is varnished in place at various stages in the assembly process. There are fugitive VOC and HAP emissions associated with the varnish room.

## B. VOC and HAP Emission Sources / BPT for VOC Control and HAP Control

NEC was issued Air Emission License A-658-74-A-N on June 4, 1996 which incorporated requirements of Best Available Control Technology (BACT). The VOC BACT findings in Air Emission License, A-658-74-A-N, will be incorporated as a VOC BPT analysis into this Part 70 license renewal.

NEC has Magnum Venus low pressure, low emissions spray guns for the application of gelcoat and resin. The Magnum Venus guns use Fluid Impingement Technology

(FIT) and were designed for application efficiency and emissions reduction. The spray guns used for resin and chop application are internal mixing units while the spray guns used for gelcoat application are external mixing units. The Magnum Venus spray guns meet the Department's BPT requirement.

The Fiberglass Department is responsible for the majority of VOC emissions and hazardous air pollutants (HAP). Styrene emissions, considered a HAP, are attributed to evaporation of resin or gelcoat overspray and vaporization from the applied resin or gelcoat prior to polymerization. NEC is classified as a major source and subject to Part 70 due to emitting a "single" HAP, styrene emissions, over 10 tons per year.

Due to polymerization of the styrene monomer, not all of the VOC/HAP as delivered is volatilized or emitted. NEC will calculate styrene emissions from resin and gelcoat application processes using the Unified Emission Factor (UEF) estimation models for open molding of composites which is based on a compilation of research conducted by the Composites Fabricators Association (CFA), the National Marine Manufacturing Association (NMMA), and the United States Environmental Protection Agency (USEPA). For the purpose of this VOC BPT, the styrene emissions from resin and gelcoat application processes shall be estimated as noted in Condition (15).

NEC is subject to MEDEP Chapter 144 and 40 CFR, Part 63, Subpart VVVV, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing. NEC has chosen to meet the requirements of Chapter 144 and Subpart VVVV by using the emissions averaging option outlined in 40 CFR §63.5704.

The following determinations meet BPT for this Part 70 license renewal:

- Limit VOC emissions to 48 tons per year, based on a rolling 12 month total. Emissions will be estimated by mass balance for all processes with the exception of emissions from resin, gelcoat, and putties, which will be estimated based on United Emission Factor (UEF) model for open molding.
- To meet the requirements of Chapter 144 and Subpart VVVV, NEC will maintain an emission tracking system to demonstrate compliance with the emissions averaging option outlined in 40 CFR, §63.5704.
- NEC shall continue research and manufacturing test trials of pollution prevention technologies and low emission raw materials.
- NEC shall continue to use HVLP spray guns for the application of gelcoat and use of HVLP spray guns or manual methods for resin application.

## C. Periodic Monitoring for VOC and HAP

To determine compliance with the BPT findings in this Part 70 license renewal, NEC shall record on a monthly basis raw material purchases containing VOC and HAPs. Due to NEC's short inventory turnover period, resulting in a relatively constant inventory level, raw materials will be considered used during the month they are purchased. With the exception of styrene emissions from gelcoats, resins, and putties, the following equations will be used to calculate VOC emissions on a twelve-month rolling total basis:

VOC Emissions = (Monthly Product Purchases x %VOC) – (Monthly Hazardous Waste Removed from Site x %VOC)

HAP emissions shall be calculated using the MACT model point values equation (eq. 1) detailed in 40 CFR, §63.5710.

Styrene emissions from the application of gelcoats, resins, and putties will be estimated on a twelve month rolling total basis using the aforementioned UEF model for open molding of composites.

## D. Boat Manufacturing NESHAP (MACT)

On August 22, 2001 the EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing. The NESHAP requires all major sources of Hazardous Air Pollutants HAPs to meet emission standards that reflect Maximum Achievable Control Technology (MACT). The final NESHAP for Boat Manufacturing regulates (HAP) from major sources that manufacture aluminum recreational boats and all types of fiberglass boats. The NESHAP applies to fiberglass boat manufacturers making all sizes and types of fiberglass boats using the operations listed below:

- All open molding operations, including pigmented gel coat, clear gel coat, production resin, tooling resin, and tooling gel coat.
- All closed molding resin operations. (If a resin application operation meets the definition of closed molding specified in the boat manufacturing MACT rule, there is no requirement to reduce emissions further from that operation.)
- All resin and gel coat application equipment cleaning.
- All resin and gel coat mixing operations.

- All carpet and fabric adhesive operations.

NEC's potential to emit is greater than 10 tons per year for any single HAP and 25 tons per year for all HAPs combined, and is therefore defined as a major source for HAPs. NEC tracks facility wide emissions through purchase records and does not estimate emissions from specific activities or departments.

NEC has complied with the boat manufacturing MACT by the regulatory deadline of August 23, 2004 and will continue to meet the applicable requirements. The MACT regulates the total organic HAP content in the materials used in each regulated operation; it does not set limits for individual species of HAP. The HAP emitted by boat manufacturing facilities typically include: Styrene, Methyl Methacrylate, Toluene, Xylenes, and Methyl Chloroform. However, the total organic HAP content limit includes all organic HAP listed in section 112(b) of the CAA. The MACT has various formats for the different operations being regulated. For open molding resin and gel coat operations, compliance with a HAP emission limit that is calculated for a facility uses MACT model point value equations. Compliance can be demonstrated by a facility with the HAP emission limit either by:

- Averaging emissions with the MACT model point value equations,
- Using HAP compliant materials for each type of open molding operation, or
- Using an add-on control device.

Averaging may be used for all open molding operations or only for some of them. For those operations not included in the emissions average, compliance must be demonstrated with one of the alternative provisions. For resin operations, different HAP content limits apply to atomized and nonatomized resin application methods. NEC will comply with the MACT by emissions averaging. Compliance with the emissions limits in the MACT is based on a 12-month rolling average. At the end of every month, NEC will determine compliance for each operation based on the HAP content and material consumption data collected over the past 12 months.

## E. Operational Flexibility

Chapter 140 incorporates provisions to ensure that companies in Maine have the maximum operational flexibility to take advantage of changing market conditions. NEC's process is continually adapting to meet customer demands and a flexible Chapter 140 permit is necessary to ensure a competitive market position.

NEC's "significant" process emissions are/will be generated in the large part lamination area, small part lamination area, cutting/grinding room, assembly area, woodshop, and varnish room. NEC proposes to address state and applicable requirements by limiting total VOC emissions to 48 TPY and maintaining facility wide record keeping that is not broken down by manufacturing phase or activity. Given NEC's manufacturing process, combining all operations and facility wide license conditions has proven to be the most effective strategy. The following terms for reasonably anticipated alternative operating scenarios will be included in this Part 70 license:

1) NEC maintains the flexibility to substitute and add resin and gelcoat application equipment as necessary without triggering notification to the Department or license revisions provided that the BPT and MACT provisions are met.
2) The products/chemicals and emissions associated with each phase of the boat manufacturing included in this application are based on NEC's 2004 usage. These products are representative of NEC's chemical usage but not comprise a complete list of all potential products required by NEC for the manufacturing of boats. Products can be interchanged as necessary without triggering reporting or additional licensing as long as all State and Applicable requirements are met.

In addition, Chapter 140 states that insignificant activities and modifications to insignificant activities that remain insignificant will not require notification to the Department. NEC has identified all current insignificant activities in section VII of the Part 70 license renewal application, however, it is reasonable to assume that NEC may add additional insignificant activities in the future. In compliance with Chapter 140, NEC will notify the Department of these changes.

## F. Facility Emissions

The total facility emissions from North End Composites of Rockland consist of the process VOC and HAP emissions from the composites fabrication operations, as well as emissions from two boilers (Units 3 and 4).

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

| **Pollutant** | **TPY** |
|---|---|
| PM | 3.3 |
| $PM_{10}$ | 3.3 |
| $SO_2$ | 9.6 |
| $NO_x$ | 8.2 |
| CO | 1.0 |
| VOC | 48.0 |

Note: All other boilers, generators, and other processes are considered insignificant due to their size.

## III. AIR QUALITY ANALYSIS

According to Chapter 140 of the Department's regulations, an existing Part 70 source shall be exempt from an impact analysis with respect to a regulated pollutant whose allowable emissions do not exceed the following:

| Pollutant | Tons/year |
|---|---|
| PM | 25 |
| $PM_{10}$ | 25 |
| $SO_2$ | 100 |
| $NO_X$ | 100 |
| CO | 250 |

Based on facility license allowed emissions, NEC is below the emissions level required for modeling.

## ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that emissions from this sources:

- will receive Best Practical Treatment;
- will not violate applicable emissions standards
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants the Part 70 License Renewal A-658-70-B-R pursuant to MEDEP Chapter 140 and the preconstruction permitting requirements of MEDEP Chapter 115 and subject to the standard and special conditions below.

All federally enforceable and State-only enforceable conditions in existing air licenses previously issued to NEC pursuant to the Department's preconstruction permitting requirements in Chapters 108 or 115 have been incorporated into this Part 70 license, except for such conditions that MEDEP has determined are obsolete, extraneous or otherwise environmentally insignificant, as explained in the findings of fact accompanying this permit. As such the conditions in this license supersede all previously issued air license conditions.

Federally enforceable conditions in this Part 70 license must be changed pursuant to the applicable requirements in Chapter 115 for making such changes and pursuant to the applicable requirements in Chapter 140.

For each standard and special condition which is state enforceable only, state-only enforceability is designated with the following statement: **Enforceable by State-only**.

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 STATEMENTS**

(1) 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; [MEDEP Chapter 140]

(2) The Part 70 license does not convey any property rights of any sort, or any exclusive privilege; [MEDEP Chapter 140]

(3) All terms and conditions are enforceable by EPA and citizens under the CAA unless specifically designated as state enforceable. [MEDEP Chapter 140]

(4) 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; [MEDEP Chapter 140]

(5) Notwithstanding any other provision 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. [MEDEP Chapter 140]

(6) Compliance with the conditions of this Part 70 license shall be deemed compliance with any Applicable requirement as of the date of license issuance and is deemed a permit shield, provided that:

A. Such Applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or

B. The Department, in acting on the Part 70 license application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 license includes the determination or a concise summary, thereof.

Nothing in this section or any Part 70 license shall alter or effect the provisions of Section 303 of the CAA (emergency orders), including the authority of EPA under Section 303; the liability of an owner or operator of a source for any violation of Applicable requirements prior to or at the time of permit issuance; or the ability of EPA to obtain information from a source pursuant to Section 114 of the CAA.

Permit Shield for Non-Applicable Requirements
The following requirements have been specifically identified as not applicable based upon information submitted by the licensee.

| SOURCE | CITATION | DESCRIPTION | BASIS FOR DETERMINATION |
|---|---|---|---|
| Boilers | 40 CFR Part 60 Subpart Dc | Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units | All boilers at NEC are below a maximum design heat input capacity of 10 MMBtu/hr. |
| Facility | 40 CFR Part 63, Subpart II | NESHAP for Shipbuilding and Ship Repair | This facility manufactures pleasure crafts and is therefore not considered a "ship builder" as defined by 40 CFR § 63.782 |
| Facility | 40 CFR Part 63, Subpart JJ | NESHAP for Wood Manufacturing | NEC is not primarily engaged in the manufacture of wood furniture and uses no more than 100 gallons per month of finishing material or adhesives in the manufacturing of wood furniture components. |
| Facility | Chapter 129 | Surface Coating Facilities | NEC does not surface coat cans, fabric, vinyl, metal furniture, or miscellaneous metal parts. |
| Facility | Chapter 134 | VOC RACT | Facility was subject to a BACT determination for VOC which was at least as stringent as Chapter 134 VOC RACT. |
| Facility | Chapter 138 | $NO_X$ RACT | Facility, at full load, does not have the potential to emit more than 99.9 tons of NOx per year. |

[MEDEP Chapter 140]

(7) The Part 70 license shall be reopened for cause by the Department or EPA, prior to the expiration of the Part 70 license, if:

A. Additional Applicable requirements under the CAA become applicable to a Part 70 major source with a remaining Part 70 license term of 3 or more years. However, no opening is required if the effective date of the requirement is later than the date on which the Part 70 license is due to expire, unless the original Part 70 license or any of its terms and conditions has been extended pursuant to Chapter 140;

B. Additional requirements (including excess emissions requirements) become applicable to a Title IV source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the Part 70 license;

C. The Department or EPA determines that the Part 70 license contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Part 70 license; or

D. The Department or EPA determines that the Part 70 license must be revised or revoked to assure compliance with the Applicable requirements.

The licensee shall furnish to the Department within a reasonable time any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 license or to determine compliance with the Part 70 license.

[MEDEP Chapter 140]

(8) No license revision or amendment shall be required, under any approved economic incentives, marketable licenses, emissions trading and other similar programs or processes for changes that are provided for in the Part 70 license. [MEDEP Chapter 140]

**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 and this license (Title 38 MRSA §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 140; [MEDEP Chapter 140]

(3) 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; [MEDEP Chapter 140]
**Enforceable by State-only**

(4) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.

(5) The licensee shall maintain and operate all emission units and air pollution control systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions; [MEDEP Chapter 140]
**Enforceable by State-only**

(6) The licensee shall retain records of all required monitoring data and support information for a period of at least six (6) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Part 70 license. The records shall be submitted to the Department upon written request or in accordance with other provisions of this license; [MEDEP Chapter 140]

(7) The licensee shall comply with all terms and conditions of the air emission license. The submission of notice of intent to reopen for cause by the Department, 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 the renewal of a Part 70 license or amendment shall not stay any condition of the Part 70 license. [MEDEP Chapter 140]

(8) 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 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;

2. to demonstrate compliance with the applicable emission standards; or

3. 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.

[MEDEP Chapter 140]
*Enforceable by State-only*

(9) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicates 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.

[MEDEP Chapter 140]
**Enforceable by State-only**

(10) The licensee shall maintain records of all deviations from license requirements. Such deviations shall include, but are not limited to malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emission unit itself that is not consistent with the terms and conditions of the air emission license.

A. The licensee shall notify the Commissioner within 48 hours of a violation of any emission standard and/or a malfunction or breakdown in any component part that causes a violation of any emission standard, and shall report the probable cause, corrective action, and any excess emissions in the units of the applicable emission limitation;

B. The licensee shall submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component part causes a violation of any emission standard, together with any exemption requests.

Pursuant to 38 MRSA § 349(9), the Commissioner may exempt from civil penalty an air emission in excess of license limitations if the emission occurs during start-up or shutdown or results exclusively from an unavoidable malfunction entirely beyond the control of the licensee and the licensee has taken all reasonable steps to minimize or prevent any emission and takes corrective action as soon as possible. There may be no exemption if the malfunction is caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition or preventable equipment breakdown. The burden of proof is on the licensee seeking the exemption under this subsection.

C. All other deviations shall be reported to the Department in the facility's semiannual report.

[MEDEP Chapter 140]

(11) Upon the written request of 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 manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 140]

(12) The licensee shall submit semiannual reports of any required periodic monitoring. All instances of deviations from Part 70 license requirements must be clearly

identified in such reports. All required reports must be certified by a responsible official. [MEDEP Chapter 140]

(13) The licensee shall submit a compliance certification to the Department and EPA at least annually, or more frequently if specified in the applicable requirement or by the Department. The compliance certification shall include the following:

(a) The identification of each term or condition of the Part 70 license that is the basis of the certification;

(b) The compliance status;

(c) Whether compliance was continuous or intermittent;

(d) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and

(e) Such other facts as the Department may require to determine the compliance status of the source;

[MEDEP Chapter 140]

**SPECIAL CONDITIONS**

(14) Emissions from each of the 3.12 MMBtu/hr boilers shall not exceed the following:

| Pollutant | lb/MMBtu | lb/hr |
|---|---|---|
| PM | 0.12 | 0.37 |
| $PM_{10}$ | - | 0.37 |
| $SO_2$ | - | 1.10 |
| $NO_X$ | - | 1.09 |
| CO | - | 0.11 |
| VOC | - | 0.03 |

(15) VOC Process Emissions [MEDEP Chapter 140, BPT]

NEC shall not emit more than 48 tons/year, on a 12 month rolling total basis, of combined VOC emissions from all of the departments that make up the composites fabrication process, based on the UEF model and the following mass balance equation:

VOC Emissions = (Monthly Product Purchases * %VOC) – (Monthly Hazardous Waste Removed from Site * %VOC)

Purchase records of VOC containing resins, gelcoats, and putties shall be kept on

a 12 month rolling total for compliance purposes.

(16) HAP Process Emissions [MEDEP Chapter 144, 40 CFR, Part 63, Subpart VVVV]

NEC is subject to MEDEP Chapter 144 and 40 CFR, Part 63, Subpart VVVV, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Boat Manufacturing. NEC has chosen to meet the requirements of Chapter 144 and Subpart VVVV by using the emissions averaging option outlined in 40 CFR §63.5704.

HAP emissions shall be calculated using the MACT model point values equation (eq. 1) detailed in 40 CFR, §63.5710 to demonstrate compliance with MEDEP Chapter 144 and 40 CFR, Part 63, Subpart VVVV.

(17) New Technology
NEC shall continue research and manufacturing test trials of pollution prevention technologies (low styrene resins, closed mold system, etc.) for VOC control. An annual report shall be sent to the Department by January 31st documenting the research and test trial results for the previous year. [MEDEP Chapter 140, BPT]

(18) NEC shall develop and implement a procedure to promote "good housekeeping" practices (close lids, proper storage of open containers, etc.) and ensure that all VOC materials are handled properly to minimize emissions. NEC shall ensure that all VOC containers are properly sealed when not in immediate use, and that all VOC containers are handled in a manner to reduce the chance of spills. NEC shall conduct self-inspections of each area as needed to minimize emissions and provide this log upon request of the Department. [MEDEP Chapter 140]

(19) NEC shall install particulate filters on all forced ventilation points that are located adjacent or above the sanding, cutting and finishing operations. NEC shall properly maintain all dust collection equipment in the facility and make repairs as necessary to prevent system leakage. NEC shall conduct self-inspections of each area as needed to minimize emissions. The facility will meet the requirements of Chapter 101 "Visible Emissions Regulation" by maintaining opacity to below 20% on a six minute block average basis for all general process fugitive emissions.
[MEDEP Chapter 140 & MEDEP Chapter 101]

(20) NEC is subject to 40 CFR Part 63 Boat Manufacturing MACT. The compliance date for existing boat manufacturing sources was August 23, 2004. NEC shall comply with all applicable requirements of this regulation, including the specific coating limits and recordkeeping/reporting requirements. [40 CFR Part 63]

(21) **Semiannual Reporting**

The licensee shall submit semiannual reports every six months to the Bureau of Air Quality. The semiannual reports are due on July 31st and Jan 31st of each year. The facility's designated responsible official must sign this report.

The semiannual report shall be considered on-time if the postmark of the submittal is before the due date or if the report is received by the DEP within seven calendar days of the due date.

A. Each semiannual report shall include a summary of the periodic monitoring required by this license.
B. All instances of deviations from license requirements and the corrective action taken must be clearly identified and provided to the Department in summary form for each six-month interval.
[MEDEP Chapter 140]

(22) **Annual Compliance Certification**

NEC shall submit an annual compliance certification to the Department in accordance with Standard Condition (13) of this license. The annual compliance certification is due January 31 of each year. The facility's designated responsible official must sign this report.

The annual compliance certification shall be considered on-time if the postmark of the submittal is before the due date or if the report is received by the DEP within seven calendar days of the due date. Certification of compliance is to be based on the stack testing or monitoring data required by this license. Where the license does not require such data, or the license requires such data upon request of the Department and the Department has not requested the testing or monitoring, compliance may be certified based upon other reasonably available information such as the design of the equipment or applicable emission factors. [MEDEP Chapter 140]

(23) **Air Toxics Emissions Statement**

If NEC exceeds the thresholds for HAPs listed in Appendix A of MEDEP Chapter 137 in an inventory year, in accordance with MEDEP Chapter 137 the licensee shall report, no later than July 1 every three years (2005, 2008, 2011, etc.) or as otherwise stated in Chapter 137, the information necessary to accurately update the State's toxic air pollutants emission inventory by means of a computer program supplied by the Department or a written emission statement containing the information required in MEDEP Chapter 137.

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 [MEDEP Chapter 137]

(24) **General Applicable State Regulations**

The licensee is subject to the State regulations listed below.

| Origin and Authority | Requirement Summary | Enforceability |
|---|---|---|
| Chapter 102 | Open Burning | - |
| Chapter 109 | Emergency Episode Regulation | - |
| Chapter 110 | Ambient Air Quality Standard | - |
| Chapter 116 | Prohibited Dispersion Techniques | - |
| 38 M.R.S.A. §585-B, sub-§5 | Mercury Emission Limit | Enforceable by State-only |

(25) **Units Containing Ozone Depleting Substances**

When repairing or disposing of units containing ozone depleting substances, the licensee shall comply with the standards for recycling and emission reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioning units in Subpart B. An example of such units include refrigerators and any size air conditioner that contain CFCs.
[40 CFR, Part 82, Subpart F]

(26) **Asbestos Abatement**

When undertaking Asbestos abatement activities, NEC shall comply with the Standard for Asbestos Demolition and Renovation 40 CFR Part 61, Subpart M.
[40 CFR Part 61, Subpart M]

(27) **Expiration of a Part 70 license**

NEC shall submit a complete Part 70 renewal application at least 6 months prior, but no more than 18-months prior, to the expiration of this air license. Pursuant to Title 5 MRSA §10002, all terms and conditions of the Part 70 license shall remain in effect until the Department takes final action on the renewal of the Part 70 license. [MEDEP Chapter 140]

(28) **New Source Review**

NEC is subject to all previous New Source Review (NSR) requirements summarized in this Part 70 air emissions license and remain in effect even if this Chapter 140 Air Emissions License, A-658-70-B-R, expires.

(29) **Annual Fee**

NEC shall pay the annual air emission license fee within 30 days of **June 30th** of each year. Pursuant to Title 38-353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under section 341-D, subsection 3.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2006.

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: February 15, 2005
Date of application acceptance: February 25, 2005
Date filed with the Board of Environmental Protection: _____

This Order prepared by Edwin Cousins, Bureau of Air Quality