



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

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COMMISSIONER

**Nestle Waters North America Inc.  
York County  
Hollis, Maine  
A-769-71-E-R (SM)**

**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

Nestle Waters North America Inc. (Nestle) has applied to renew their Air Emission License permitting the operation of emission sources associated with their Poland Spring Bottling Company water bottling facility.

The equipment addressed in this license is located at 400 Killick Pond Road, Hollis Center, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

**Boilers**

<b>Equipment</b>	<b>Maximum Capacity (MMBtu/hr)</b>	<b>Maximum Firing Rate (gal/hr)</b>	<b>Fuel Type, % sulfur</b>	<b>Install. Date</b>	<b>Stack #</b>
Boiler #1	24.5	175	#2 Oil ASTM D396	2000	1
Boiler #2	3.1	22.1	#2 Oil ASTM D396	2000	1
Boiler #3	2.2	24.3	Propane	2000	3
Boiler #4	9.5	67.9	#2 Oil ASTM D396	2007	5

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17 STATE HOUSE STATION  
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RAY BLDG., HOSPITAL ST.

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106 HOGAN ROAD, SUITE 6  
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PORTLAND  
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PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04679-2094  
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**Generator and Fire Pump**

<u>Equipment</u>	<u>MMBtu/hr</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Install. Date</u>	<u>Stack #</u>
Emergency Generator	4.0	29.2	Diesel (0.05%)	2000	4
Back-Up Fire Pump	1.8	13.1	Diesel (0.05%)	2000	2

**C. Application Classification**

The application for Nestle 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). Nestle will keep their annual fuel limit in order to avoid air dispersion modeling requirements. With the fuel limit on boilers #1, #2, and #4 and the operating hours restriction on the emergency generator and fire pump, Nestle 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 (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.

Before proceeding with the control requirements for each unit, a general process description is provided to identify where the equipment fits into the process.

### Process Description

Nestle produces spring water pumped from the water supply into the Poland Spring Bottling Company facility. Various production lines run throughout the building depending on the size and kind of bottle being filled.

The plastic bottles are made by Nestle from small plastic tubes called "preforms". The preforms are heated, placed in molds, and blown to shape using high pressure air.

The bottles are filled with the filtered water, capped, and labeled. The majority of the labels are affixed to the bottle using hot melt adhesive; although some are self sticking. Each bottle and box of bottles is identified by an etched date code or with inks to distinguish batches, dates, and times.

The bottles or cartons are placed into cardboard cases and heat-wrapped with film. The cases are then conveyed to pallet wrapping units where the cases are arranged on pallets and film wrapped. After packaging, the bottled water is temporarily stored until it is shipped for distribution.

#### B. Boiler # 1

Nestle operates Boiler #1 for heat and hot water. The boiler is rated at 24.5 MMBtu/hr and fires #2 fuel oil. The boiler was installed in 2000 and exhausts through a common stack with Boiler #2.

Due to the size and year of installation, the boiler is 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.

#### BACT/BPT Findings

The BACT/BPT emission limits for the boiler were based on the following:

- PM/PM<sub>10</sub> – 0.031b/MMBtu (based on manufacturer's data); 0.75 lb/hr
- SO<sub>2</sub> –based on firing ASTM D396 #2 fuel oil; 12.34 lb/hr
- NO<sub>x</sub> – low NO<sub>x</sub> burners and fuel gas recirculation, 0.15 lb/MMBtu  
(based manufacturer's data); 3.68 lb/hr
- CO – good combustion, 3.68 lb/hr (based on manufacturer's data)
- VOC – good combustion, 0.37 lb/hr (based on manufacturer's data)

Opacity – Visible emissions from Stack #1 with Boiler #1 operating: shall not exceed 20% opacity on a 6 minute block average, except for no more than one (1) six (6) minute block average in a 3 hour period.

Boiler #1 is part of the 950,000 gal/year limit of #2 fuel oil for Boilers #1, #2, and #4, based on a 12 month rolling total. This fuel limit was requested by Nestle with their addition of Boiler #4 in 2007 in order to stay under the thresholds for requiring an air dispersion modeling analysis.

Until December 31, 2015, the #2 fuel oil fired in Boiler #1 shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm).

#### *Periodic Monitoring*

Periodic monitoring for the boiler shall include recordkeeping to document fuel use both on a monthly and 12 month rolling total basis. Documentation shall include the type, sulfur content, and amount of fuel used.

#### C. Boiler # 2

Nestle operates Boiler #2 for heat and hot water. The boiler is rated at 3.1 MMBtu/hr and fires #2 fuel oil. The boiler was installed in 2000 and exhausts through a common stack with Boiler #1.

Due to the size, the boiler is 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.

#### BACT/BPT Findings

The BACT/BPT emission limits for the boiler were based on the following:

- PM/PM<sub>10</sub> – 0.03 lb/MMBtu (based on manufacturer's data); 0.09 lb/hr
- SO<sub>2</sub> – based on firing ASTM D396 #2 fuel oil; 1.56 lb/hr
- NO<sub>x</sub> – good combustion practices and a limit of 0.47 lb/hr, (based on manufacturer's data)
- CO – good combustion practices and a limit of 0.47 lb/hr (based on manufacturer's data);

VOC – good combustion practices and a limit of 0.05 lb/hr (based on manufacturer's data)

Opacity – visible emissions from the boiler shall not exceed 20% opacity on a 6 minute block average, except for no more than one (1) six (6) minute block average in a 3 hour period.

Boiler #2 is part of the 950,000 gal/year limit of #2 fuel oil for Boilers #1, #2, and #4, based on a 12 month rolling total.

Until December 31, 2015, the fuel oil fired in Boiler #2 shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm).

#### *Periodic Monitoring*

Periodic monitoring for the boiler shall include recordkeeping to document fuel use both on a monthly and 12 month rolling total basis. Documentation shall include the type, sulfur content, and amount of fuel used.

#### D. Boiler # 3

Nestle operates Boiler #3 for heat. The boiler is rated at 2.2 MMBtu/hr and fires propane. The boiler was installed in 2000 and exhausts through its own stack.

#### BACT/BPT Findings

The BACT/BPT emission limits for the boiler were based on the following:

PM/PM<sub>10</sub> – 0.01 lb/hr (based on manufacturer's data)

SO<sub>2</sub> – use of propane fuel with an inherently low sulfur content

NO<sub>x</sub> – good combustion practices and a limit of 0.19 lb/hr (based on manufacturer's data)

CO – good combustion practices and a limit of 0.06 lb/hr (based on manufacturer's data)

VOC – good combustion practices and a limit of 0.01 lb/hr (based on manufacturer's data)

Opacity – Visible emissions from the boiler shall not exceed 10% opacity on a 6 minute block average.

*Periodic Monitoring*

Periodic monitoring for the boiler shall include recordkeeping to document fuel use both on a monthly and 12 month rolling total basis. Documentation shall include the type, sulfur content, and amount of fuel used.

E. Boiler # 4

Nestle operates Boiler #4 for steam. The boiler is rated at 9.5 MMBtu/hr and fires #2 fuel oil. The boiler was installed in 2007 and exhausts through its own stack.

Due to the size, the boiler is 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.

BACT/BPT Findings

The BACT/BPT emission limits for the boiler were based on the following:

PM/PM<sub>10</sub> – 0.08 lb/MMBtu based on previous license; 0.76 lb/hr  
SO<sub>2</sub> –based on firing ASTM D396 #2 fuel oil; 4.78 lb/hr;  
NO<sub>x</sub> – 0.3 lb/MMBtu based on previous license; 3.35 lb/hr  
CO – 5 lb/1000 gal, AP-42, Table 1.3-1, dated 5/10; 0.34 lb/hr  
VOC – 0.34 lb/1000 gal, AP-42, Table 1.3-3, dated 5/10; 0.02 lb/hr  
Opacity – Visible emissions from the boiler shall not exceed 20% opacity on a 6 minute block average, except for no more than one (1) six (6) minute block average in a 3 hour period.

Boiler #4 is part of the 950,000 gal/year limit of #2 fuel oil for Boilers #1, #2, and #4, based on a 12 month rolling total.

Until December 31, 2015, the fuel oil fired in Boiler #1 shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm).

*Periodic Monitoring*

Periodic monitoring for the boiler shall include recordkeeping to document fuel use both on a monthly and 12 month rolling total basis. Documentation shall include the type, sulfur content, and amount of fuel used.

F. 40 CFR Part 63 Subpart JJJJJ

Boilers #1, #2, #3, and #4 may be subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63 Subpart JJJJJ). Boilers #1, #2, and #4 are considered existing oil boilers. Boiler #3 is considered an existing propane boiler.

For informational purposes, a summary of the current applicable federal 40 CFR Part 63 Subpart JJJJJ requirements is listed below. At this time, the Maine Department of Environmental Protection has not taken delegation of this area source MACT (Maximum Achievable Control Technology) rule promulgated by EPA, however Nestle is still subject to the requirements. Notification forms and additional rule information can be found on the following website: <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

a. Compliance Dates, Notifications, and Work Practice Requirements

i. Initial Notification of Compliance

An Initial Notification submittal to EPA was due on September 17, 2011. [40 CFR Part 63.11225(a)(2)]

ii. Boiler Tune-Up Program – Initial and Biennial

(a) A boiler tune-up program shall be implemented to include the tune-up of applicable boilers by March 21, 2012. [40 CFR Part 63.11196(a)(1)]

(b) The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:

1. As applicable, inspect the burner, and clean or replace 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)]
2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 CFR Part 63.11223(b)(2)]
3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. [40 CFR Part 63.11223(b)(3)]
4. Optimize total emissions of CO, consistent with manufacturer's specifications. [40 CFR Part 63.11223(b)(4)]

5. Measure the 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)]
  6. 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)]
- (c) 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) and 40 CFR Part 63.11214(b)]
- (d) The facility shall implement a biennial boiler tune-up program after the initial tune-up and initial compliance report has been submitted.
1. Each biennial tune-up shall be conducted no more than 25 months after the previous tune-up. [40 CFR Part 63.11223(a)]
  2. The biennial report shall be maintained onsite and submitted to EPA, if requested. The report shall contain the concentration of CO in the effluent stream (ppmv) and oxygen in volume percent, measured before and after the boiler tune-up, a description of any corrective actions taken as part of the tune-up of the boiler, and the type and amount of fuel used over the 12 months prior to the biennial tune-up of the boiler. [40 CFR Part 63.11223(b)(6)] The biennial compliance report shall also include the company name and address; a compliance statement signed by a responsible official certifying truth, accuracy, and completeness; and a description of any deviations and corrective actions. [40 CFR Part 63.11225(b)]

b. Recordkeeping

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 notifications and reports with supporting compliance documentation; 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. Records shall be in a form suitable and readily available for expeditious review.

G. Emergency Generator and Back-up Fire Pump

Nestle operates an emergency generator and a back-up fire pump. The emergency generator is rated at 4.0 MMBtu/hr and the back-up fire pump is rated at 1.8 MMBtu/hr. The emergency generator and the back-up fire pump were manufactured in 2000 and both fire diesel.

1. BACT/BPT Findings

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

Diesel

- PM/PM<sub>10</sub> – 0.12 lb/MMBtu (based on 06-096 CMR 103, as amended)
- SO<sub>2</sub> – based on firing 0.05% sulfur, 0.05 lb/MMBtu;
- NO<sub>x</sub> – 11.4 lb/hr (based on manufacturer's data)
- CO – 3.3 lb/hr (based on manufacturer's data)
- VOC – 0.4 lb/hr (based on manufacturer's data)
- Opacity – Visible emissions from each of the diesel emergency generators 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.

The BACT/BPT emission limits for the Back-up Fire Pump are based on the following:

Diesel

- PM/PM<sub>10</sub> – 0.30 lb/hr (based on manufacturer's data)
- SO<sub>2</sub> – based on firing 0.05% sulfur, 0.05 lb/MMBtu
- NO<sub>x</sub> – limit of 3.1 lb/hr (based on manufacturer's data)
- CO – limit of 1.0 lb/hr (based on manufacturer's data)
- VOC – limit of 0.2 lb/hr (based on manufacturer's data)
- Opacity – Visible emissions from each of the diesel emergency generators 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)
Emergency Generator (4.0 MMBtu/hr) Diesel	0.48	0.48	0.21	11.40	3.3	0.4
Back-up Fire Pump (1.8 MMBtu/hr) Diesel	0.3	0.3	0.09	3.1	1.0	0.2

The emergency generator and back-up fire pump shall each be limited to 500 hours of operation a year, based on a 12 month rolling total. Nestle shall keep records of the hours of operation for each unit.

2. 40 CFR Part 63, Subpart ZZZZ

The federal regulation 40 CFR Part 63, Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines* is applicable to the emergency generators listed above. The units are considered existing, emergency stationary reciprocating internal combustion engines at an area HAP source and are not subject to New Source Performance Standards regulations. EPA's August 9, 2010 memo specifically does not exempt these units from the federal requirements.

Emergency Definition:

Emergency stationary reciprocating internal combustion engine (RICE) is defined in 40 CFR Part 63, Subpart ZZZZ as any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary RICE 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 RICE used to pump water in the case of fire or flood, etc. Stationary RICE used for peak shaving are not considered emergency stationary RICE. Stationary RICE used to supply power to an electric grid or that supply non-emergency power as part of a financial arrangement with another entity are not considered to be emergency engines, except as permitted under §63.6640(f).

§63.6640(f) limits maintenance checks and readiness testing of the units to 100 hours per year. Emergency stationary RICE may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency

condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph, as long as the power provided by the financial arrangement is limited to emergency power.

40 CFR Part 63, Subpart ZZZZ Requirements:

	<b>Compliance Dates</b>	<b>Operating Limitations* (40 CFR §63.6603(a) and Table 2(d))</b>
Compression ignition (diesel) units: Emergency Generator and Fire Pump	No later than May 3, 2013	<ul style="list-style-type: none"><li>- Change oil and filter every 500 hours of operation or annually, whichever comes first;</li><li>- Inspect the air cleaner every 1000 hours of operation or annually, whichever comes first;</li><li>- Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary</li></ul>

\* Note: Due to the 500 hour operation limit on each generator, the inspections and oil/filter changes shall be performed annually to meet the requirements of 40 CFR Part 63, Subpart ZZZZ.

The generator and fire pump shall be operated and maintained according to the manufacturer's emission-related written instructions or Nestle shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR §63.6625(e)]

A non-resettable hour meter shall be installed and operated on each generator. [40 CFR §63.6625(f)]

The generator and fire pump shall each 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). A maximum of 15 hours per year (of the 50 hours/year) may be used as part of a demand response program. [40 CFR §63.6640(f)(1)]

Nestle shall keep records that include maintenance conducted on the generator and fire pump and the hours of operation of each engine

recorded through the non-resettable hour meter. Documentation shall include the hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency. If the generators are used for demand response operation, Nestle must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response. [40 CFR §63.6655(e) and (f)]

H. 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 not applicable to the emergency generators listed above since the units were ordered before July 11, 2005 and manufactured before April 1, 2006.

I. Process Equipment

There are several packaging operations at the Nestle site that have the potential to emit volatile organic compounds and hazardous air pollutants. These operations include bottle production, labeling, and ink coding. These processes are found to be insignificant activities as explained below.

1. Bottle Production – Injection molding and blow molding using PET is considered categorically exempt under 06-096 CMR 115, Appendix B, Section A, #48.
2. Label Adhesive – The VOC emissions from the label adhesive are determined to be insignificant based on manufacturer information.
3. Ink Jet Printing – Records of ink usage and engineering estimates show potential HAP and VOC emissions from ink applications to be less than 1 TPY, therefore making ink application an insignificant activity based on size or production rate as described in 06-096 CMR 115, Appendix B. Nestle will continue to maintain records of ink usage in order to demonstrate compliance.

J. Annual Emissions

Nestle shall be restricted to the following annual emissions, based on a 12 month rolling total. The tons per year limits were calculated based on a combined fuel use limit of 950,000gal/year of #2 fuel oil for Boiler #1, Boiler #2, and Boiler #4. The Generator and Fire Pump are each limited to 500 hrs of operation a year.

**Total Licensed Annual Emissions for the Facility**  
**Tons/year**  
(used to calculate the annual license fee)

<b>Equipment Name</b>	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Boilers #1, #2, & #4*	4.08	4.08	33.49	16.21	9.98	1.0
Boiler #3	0.05	0.05	0.01	0.85	0.27	0.05
Emergency Generator	0.12	0.12	0.05	2.85	0.83	0.11
Back-up Fire Pump	0.07	0.07	0.02	0.77	0.25	0.05
<b>Total TPY</b>	<b>4.32</b>	<b>4.32</b>	<b>23.48</b>	<b>20.68</b>	<b>11.33</b>	<b>1.21</b>

\* The combined licensed annual emissions for Boilers #1, #2, & #4 were based on firing the maximum amount of fuel in the boiler with the highest emission factor in order to get the highest potential emissions. PM, PM<sub>10</sub>, and NO<sub>x</sub> were calculated with the maximum possible fuel fired in Boiler #4 (594,453 gal) and the remainder fired in either Boiler #1 or #2 (355,547 gal) each having the same emission factors. SO<sub>2</sub>, CO, and VOC were calculated with the total fuel limit (950,000 gal) being fired in Boiler #1 or #2, each having the same and highest emission factor.

**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:

<b><u>Pollutant</u></b>	<b><u>Tons/Year</u></b>
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, Nestle 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-769-71-E-R subject the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

### STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-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) **Boilers #1-4**

A. Fuel

- 1. Total fuel use for Boilers #1, #2, and #4 shall not exceed 950,000 gal/yr of #2 fuel oil, based on a 12 month rolling total basis.

2. Until December 31, 2015, the #2 fuel oil fired in the boiler shall be ASTM D396 compliant (max. sulfur content of 0.5% by weight). [06-096 CMR 115, BPT]
3. Beginning January 1, 2016, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm). [38 MRSA §603-A(2)(A)(3)]
4. Beginning January 1, 2018, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [38 MRSA §603-A(2)(A)(3)]
5. Compliance shall be demonstrated by fuel records from the supplier showing the quantity, type, and the percent sulfur of the fuel delivered. Records of annual fuel use shall be kept on a monthly and 12-month rolling total basis. [06-096 CMR 115, BPT]

B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1	PM	0.03	Manufacturer's Data
Boiler #2	PM	0.03	Manufacturer's Data
Boiler #4	PM	0.08	MEDEP Chapter 115, BACT

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

Emission 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)
Boiler #1	0.75	0.75	12.34	3.68	3.68	0.37
Boiler #2	0.09	0.09	1.56	0.47	0.47	0.05
Boiler #3	0.01	0.01	negl	0.19	0.06	0.01
Boiler #4	0.76	0.76	4.78	2.85	0.34	0.02

- D. Visible emissions from Boilers #1, #2, 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 averages in a continuous 3-hour period. [06-096 CMR 101]
- E. Visible emissions from Boilers #3 shall not exceed 10% opacity on a six (6) minute block average basis.
- F. Nestle shall comply with all applicable requirements of 40 CFR Part 60, Subpart Dc for Boiler #1.

(17) **Emergency Generator and Back-up Fire Pump**

- A. The Emergency Generator and Back-up Fire Pump are each 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. The fuel oil sulfur content for the Emergency Generator and the Back-Up Fire Pump shall be limited to 0.05% sulfur. Compliance shall be demonstrated by fuel records from the supplier documenting the type of fuel delivered and the sulfur content of the fuel. [06-096 CMR 115, BPT]
- C. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

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)
Emergency Generator (4.0 MMBtu/hr) Diesel	0.48	0.48	0.21	11.40	3.32	0.44
Back-up Fire Pump (1.8 MMBtu/hr) Diesel	0.30	0.30	0.09	3.10	0.99	0.20

D. Visible Emissions

Visible emissions from the diesel generator and fire pump 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. [06-096 CMR 101]

- E. The Emergency Generator and Back-up Fire Pump shall meet the applicable requirements of 40 CFR Part 63, Subpart ZZZZ, including the following:
  - 1. No later than May 3, 2013, Nestle shall meet the following operational limitations for the compression ignition emergency generator and fire pump:
    - a. Change the oil and filter annually,
    - b. Inspect the air cleaner annually, and
    - c. Inspect the houses and belts annually and replace as necessary.

A log shall be maintained documenting compliance with the operational limitations.

[40 CFR §63.6603(a) and Table 2(d); and 06-096 CMR 115]

2. A non-resettable hour meter shall be installed and operated on the generator and fire pump. [40 CFR §63.6625(f)]
3. Maintenance, Testing, and Non-Emergency Operating Situations
  - a. The generator and fire pump shall each 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). A maximum of 15 hours per year (of the 50 hours/year) may be used as part of a demand response program. 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 §63.6640(f)(1) and 06-096 CMR 115]
  - b. Nestle shall keep records that include maintenance conducted on the generator and fire pump and the hours of operation of each engine recorded through the non-resettable hour meter. Documentation shall include the hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency. If the generators are used for demand response operation, Nestle must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response. [40 CFR §63.6655(e) and (f)]
4. The generator and fire pump shall be operated and maintained according to the manufacturer's emission-related written instructions or Nestle shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR §63.6625(e)]

(18) **Annual Emission Statement**

If Nestle exceeds the thresholds for HAPs listed in Appendix A of MEDEP Chapter 137 in an inventory year, in accordance with *Emission Statements*, 06-096 CMR 137 (as amended), 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.

Nestle Waters North America Inc.  
York County  
Hollis, Maine  
A-769-71-E-R (SM)

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Departmental  
Findings of Fact and Order  
Air Emission License

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

Questions on the Air Toxics emissions inventory portion should be directed to:

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

Phone: 207-287-2437

- (19) Nestle 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 28<sup>th</sup> DAY OF February, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Patricia W. Aho*  
PATRICIA W. AHO, 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: 5/27/2010

Date of application acceptance: 6/1/2010

Date filed with the Board of Environmental Protection:

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

