



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

Labree's
Penobscot County
Old Town, Maine
A-783-71-G-R

Departmental
Findings of Fact and Order
Air Emission License
Renewal

FINDINGS OF FACT

After review of the air emission license renewal application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes (M.R.S.) § 344 and § 590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

Labree's has applied to renew their Air Emission License for the operation of emission sources associated with their bakery products manufacturing facility.

Labree's has also requested the license be updated to remove a previously licensed boiler, Boiler #1, which has been retired and removed from the facility. Because a smaller boiler, installed to replace Boiler #1, is below licensing threshold levels, the replacement unit is not addressed in this license.

The equipment addressed in this license is located at 169 Gilman Falls Ave, Old Town, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license renewal:

Fuel Burning Equipment

Equipment	Max. Input Capacity (MMBtu/hr)	Fuel Type	Firing Rate (scf/hr)	Date of Manuf.	Date of Install.	Stack #
Oven #1 (OV#1)	9.0	Natural Gas	8,823	2011	2011	OV#1
Oven #2 (OV#2)	9.0		8,823	2008	2008	OV#2
Oven #3 (OV#3)	3.0		2,941	1994	1994	OV#3
Dishwasher #1 (DW#1)	1.1		1,078	2005	2005	DW#1
Dishwasher #2 (DW#2)	1.5		1,470	2005	2005	DW#2
Boiler #1*	3.65		3,476	1994	--	BL#1

* removed from the license

Labree's also operates a donut fryer, basket washer, hot water heaters, and space heaters. They are each below 1 MMBtu/hr input capacity and are considered insignificant activities pursuant to 06-096 Code of Maine Rules (C.M.R.) Chapter 115, Appendix B.

Labree's may operate small stationary engines smaller than 0.5 MMBtu/hr. These engines are considered insignificant activities and are not required to be included in this license. However, they are still subject to applicable State and Federal regulations. More information regarding requirements for small stationary engines is available on the Department's website at the link below.

<http://www.maine.gov/dep/air/publications/docs/SmallRICEGuidance.pdf>

Additionally, Labree's may operate portable engines used for maintenance or emergency-only purposes. These engines are considered insignificant activities and are not required to be included in this license. However, they may still be subject to applicable State and Federal regulations.

C. Definitions

Portable or Non-Road Engine means an internal combustion engine which is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. This definition does NOT include engines which remain or will remain at a location (excluding storage locations) for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

An engine is not a non-road (portable) engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road (portable) engine and is subject to applicable stationary engine requirements.

Records or Logs mean either hardcopy or electronic records.

D. Application Classification

All rules, regulations, or statutes referenced in this air emission license refer to the amended version in effect as of the date this license was issued.

The application for Labree's 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 currently licensed emission units with a minor revision to remove obsolete equipment and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115.

E. Facility Classification

The facility is licensed as follows:

- As a natural minor source of criteria pollutants, because no license restrictions are necessary to keep facility emissions below major source thresholds for criteria pollutants; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for HAP.

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 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

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. Fuel Burning Equipment

Labree's operates Ovens #1-3 for baking and Dishwashers #1 and #2 for washing and rinsing baking equipment. All fuel burning equipment fires natural gas and exhausts through their own stacks. Oven #1 and Oven #2 each have a maximum design heat input capacity of 9.0 MMBtu/hr with a firing rate of 8,823 scf/hr and were manufactured in 2011 and 2008 respectively. Oven #3 has a maximum design heat input capacity of 3.0 MMBtu/hr with a firing rate of 2,941 scf/hr and was manufactured in 1994. The burner in Dishwasher #1 has a maximum design heat input capacity of 1.1 MMBtu/hr with a firing rate of 1,078 scf/hr; the unit was manufactured in 2005. The burner in Dishwasher #2 has a maximum design heat input capacity of 1.5 MMBtu/hr with a firing rate of 1,470 scf/hr; the unit was manufactured in 2005.

1. BPT Findings

The BPT emission limits for all fuel burning equipment were based on the following:

Natural Gas

PM/PM ₁₀ /PM _{2.5}	– 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
SO ₂	– 0.6 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
NO _x	– 100 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
CO	– 84 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
VOC	– 5.5 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
Visible Emissions	– 06-096 C.M.R. ch. 101

The BPT emission limits for fuel burning equipment are the following:

Unit	Pollutant	lb/MMBtu
Ovens #1-3	PM	0.05

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
OV #1	0.45	0.45	0.45	0.01	0.87	0.73	0.05
OV #2	0.45	0.45	0.45	0.01	0.87	0.73	0.05
OV #3	0.15	0.15	0.15	0.01	0.29	0.24	0.02
DW #1	0.06	0.06	0.06	0.01	0.11	0.09	0.01
DW #2	0.08	0.08	0.08	0.01	0.15	0.12	0.01

2. Visible Emissions

Visible emissions from Ovens #1-3, and Dishwashers #1 (each) shall not exceed 10% opacity on a six-minute block average basis.

3. New Source Performance Standards (NSPS): 40 C.F.R. Part 60, Subpart Dc

Due to their sizes, Oven #1, Oven #2, Oven #3, Dishwasher #1, and Dishwasher #2 are not subject to *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units* 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

4. National Emission Standards for Hazardous Air Pollutants (NESHAP): 40 C.F.R. Part 63, Subpart JJJJJ

Oven #1, Oven #2, Oven #3, Dishwasher #1, and Dishwasher #2 are not subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial,*

and Institutional Boilers Area Sources, 40 C.F.R. Part 63, Subpart JJJJJ. Ovens #1-3 and Dishwashers #1&2 are not boilers as defined in 40 C.F.R. Part 63 §11237 and thus are not subject to 40 C.F.R. Part 63, Subpart JJJJJ. [40 C.F.R. §§ 63.11195(e)]

5. VOC Emissions from the Baking Process

LaBree's uses baking powder as a leavening agent in its baking processes, not yeast. Although VOC emissions from baking processes using yeast are subject to air emissions licensing requirements, potential VOC emissions from the use of baking powder in the baking process are negligible or not readily quantifiable. The Department finds that EPA's AP-42 Section 9.9.6, *Bread Baking*, is not applicable. Accordingly, VOC emissions from the baking process are not addressed in the Order of this license.

C. General Process Emissions

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis.

D. Fugitive Emissions

Labree's shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

Labree's shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

E. Annual Emissions

The table below provides an estimate of facility-wide annual emissions for the purposes of calculating the facility's annual air license fee and establishing the facility's potential to emit (PTE). Only licensed equipment is included, i.e., emissions from insignificant activities are excluded. Similarly, unquantifiable fugitive particulate matter emissions are not included except when required by state or federal regulations. Maximum potential emissions were calculated based on operating all fuel burning equipment for 8760 hr/yr.

Total Licensed Annual Emissions for the Facility

Tons/year

(used to calculate the annual license fee)

	PM	PM₁₀	PM_{2.5}	SO₂	NO_x	CO	VOC
Oven #1	2.0	2.0	2.0	0.02	3.9	3.3	0.2
Oven #2	2.0	2.0	2.0	0.02	3.9	3.3	0.2
Oven #3	0.7	0.7	0.7	0.01	1.3	1.1	0.1
Dishwasher #1	0.3	0.3	0.3	--	0.5	0.4	0.1
Dishwasher #2	0.3	0.3	0.3	--	0.6	0.5	0.1
Total TPY	5.3	5.3	5.3	0.1	10.2	8.6	0.7

Pollutant	Tons/year
Single HAP	7.9
Total HAP	19.9

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source is determined by the Department on a case-by-case basis. In accordance with 06-096 C.M.R. ch. 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

Pollutant	Tons/Year
PM ₁₀	25
PM _{2.5}	15
SO ₂	50
NO _x	50
CO	250

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license renewal.

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Labree's to submit additional information and may require an ambient air quality impact analysis at that time.

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, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License Renewal A-783-71-G-R subject to and the following conditions.

Severability. The invalidity or unenforceability of any provision of this License Renewal or part thereof shall not affect the remainder of the provision or any other provisions. This License Renewal 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. § 347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to beginning actual construction of a modification, unless specifically provided for in Chapter 115.
[06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115] Payment of the annual air

emission license fee for Labree's is due by the end of February of each year. [38 M.R.S. § 353-A(3)]

- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 C.F.R. 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 C.F.R. 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 C.M.R. ch. 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 the written test report by the Department, or another alternative timeframe approved by the Department, 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 C.F.R. 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 C.M.R. ch. 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 license requirement. [06-096 C.M.R. ch. 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 emissions 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 C.M.R. ch. 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 C.M.R. ch. 115]

(16) The licensee 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. § 605). [06-096 C.M.R. ch. 115]

SPECIFIC CONDITIONS

(17) **Fuel burning Equipment**

A. Fuel

1. Oven #1, Oven #2, Oven #3, Dishwasher #1, and Dishwasher #2 are licensed to fire natural gas. [06-096 C.M.R. ch. 115, BPT]
2. Compliance shall be demonstrated by fuel records showing the quantity, type, and the percent sulfur of the fuel delivered. Records of annual fuel use for all licensed fuel burning equipment combined shall be kept on a monthly and calendar year basis. [06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Emission Unit	Pollutant	Ib/MMBtu	Origin and Authority
OV #1, OV #2, OV #3	PM	0.05	06-096 C.M.R. ch. 115, BPT

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

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
OV #1	0.45	0.45	0.45	0.01	0.87	0.73	0.05
OV #2	0.45	0.45	0.45	0.01	0.87	0.73	0.05
OV #3	0.15	0.15	0.15	0.01	0.29	0.24	0.02
DW #1	0.06	0.06	0.06	0.01	0.11	0.09	0.01
DW #2	0.08	0.08	0.08	0.01	0.15	0.12	0.01

D. Visible emissions from Ovens #1-3 and Dishwashers #1 (each) shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(3)]

(18) **General Process Sources**

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]

(19) Fugitive Emissions

- A. Labree's shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.
- B. Labree's shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

[06-096 C.M.R. ch. 101, § 4(C)]

(20) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Labree's may be required to submit additional information. Upon written request from the Department, Labree's shall provide information necessary to demonstrate AAQS will not be exceeded, potentially including submission of an ambient air quality impact analysis or an application to amend this air emission license to resolve any deficiencies and ensure compliance with AAQS. Submission of this information is due within 60 days of the Department's written request unless otherwise stated in the Department's letter.

[06-096 C.M.R. ch. 115, § 2(O)]

DONE AND DATED IN AUGUSTA, MAINE THIS 3rd DAY OF OCTOBER, 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____ for _____
MELANIE LOYZIM, COMMISSIONER

The term of this license shall be ten (10) years from the signature date above.

[Note: If a renewal application, determined as complete by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 M.R.S. § 10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the license renewal application.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 8/14/2025
Date of application acceptance: 8/14/2025

This Order prepared by Jack Doran, Bureau of Air Quality.