



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

TO: Board of Environmental Protection
FROM: Peter Carleton, Bureau of Air Quality Control
SUBJECT: Mid-Maine Waste Action Corporation, (MMWAC)
DATE: March 4, 2010

*** **

Statutory and Regulatory References:

Mid-Maine Waste Action Corporation, (MMWAC) operates its Auburn facility under the terms and conditions of Air Emission License A-378-70-A-I (the Air Permit) issued on July 1, 2002. The Air Permit provides for the operation of the facility's two waste burning incinerators and the equipment associated with their operation.

Description:

Stack testing for dioxin/furans emissions required by the Air Permit, 06-096 CMR 121 and 40 CFR Part 60, Subpart BBBB was undertaken on October 28, 2008 on the facility's Unit #1. Results from that stack testing showed that MMWAC exceeded the limit as established in 06-096 CMR 121. Dioxin/Furans testing was undertaken in accordance with EPA Method 23 as required by 06-096 CMR 121 and 40 CFR Part 60, Subpart BBBB. On December 2 and 3, 2008, MMWAC undertook retesting on Unit #1 for Dioxin/Furans emissions. Results from the December retesting showed compliance with the applicable dioxin/furans emission limits. The Department has determined that MMWAC was in violation of 06-096 CMR 121 for a period of 36 days from the failed stack test on October 28, 2008 to the successful retest conducted on December 2, 2008.

Location:

Auburn, Maine

Environmental Issues:

The Department imposes air emission license conditions to ensure that the licensed equipment is operated in a manner consistent with good air pollution control practices and in a manner protective of air quality. Compliance with all air emission license conditions and applicable regulations is essential to the maintenance of good air quality.

Department Recommendation:

Staff recommends approval of the Consent Agreement which requires MMWAC to make payment of civil penalties in the amount of \$18,000.00. The penalty was a negotiated settlement based on the Air Bureau's penalty assessment guideline.

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

IN THE MATTER OF:

MID-MAINE WASTE ACTION CORPORATION)	
ANDROSCOGGIN COUNTY)	ADMINISTRATIVE CONSENT
AUBURN, MAINE)	AGREEMENT
A-378-70-A-I)	(38 M.R.S.A. § 347-A)
2009-123-A)	
AIR QUALITY VIOLATION)	

This Agreement by and among Mid-Maine Waste Action Corporation, the Maine Department of Environmental Protection (the "Department") and the Maine Office of the Attorney General is entered into pursuant to 38 M.R.S.A. § 347-A(1)(A); and in accordance with the Department of Environmental Protection (the "Department") Consent Agreement Policy as amended.

The parties agree as follows:

1. Mid-Maine Waste Action Corporation, (MMWAC) is a Maine non-profit corporation in good standing to conduct business in Maine as a municipal waste combustion with resource recovery facility.
2. MMWAC operates its Auburn facility under the terms and conditions of Air Emission License A-378-70-A-I (the Air Permit) issued on July 1, 2002. The Air Permit provides for the operation of the facility's two waste burning incinerators and the equipment associated with their operation.
3. Maine's Rule, *Emission Limitations and Emission Testing of Resource Recovery Facilities*, 06-96 CMR 121, Section 7(A)(3)(b)(ii), states in relevant part:
 7. **Small Municipal Waste Combustor Class I or Class II Units**
 - A. **Emission Limiting Standards.** An owner or operator may request that compliance with the following applicable emission standards be determined using carbon dioxide measurements corrected to an equivalent of seven (7) percent oxygen.
 - (3) **Cadmium, Lead, Mercury, Nitrogen Oxides, and Dioxin/Furans**
 - (b) **Dioxin/Furans.** The emission limits for dioxin/furans contained in the gases discharged to the atmosphere from a designated unit shall be the following:

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(ii) The emission limit for designated units that do not employ an electrostatic precipitator-based emission control system is 25 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

4. As established in 06-96 CMR 121, MMWAC is subject to an emission limit for dioxin/furans of no greater than 25 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen. Stack testing for dioxin/furans emissions required by the Air Permit, 06-096 CMR 121 and 40 CFR Part 60, Subpart BBBB was undertaken on October 28, 2008 on the facility's Unit #1. Results from that stack testing showed that MMWAC exceeded the limit as established in 06-096 CMR 121. Dioxin/Furans testing was undertaken in accordance with EPA Method 23 as required by 06-096 CMR 121 and 40 CFR Part 60, Subpart BBBB. On December 2 and 3, 2008, MMWAC undertook retesting on Unit #1 for Dioxin/Furans emissions. Results from the December retesting showed compliance with the applicable dioxin/furans emission limits. The Department has determined that MMWAC was in violation of 06-096 CMR 121 for a period of 36 days from the failed stack test on October 28, 2008 to the successful retest conducted on December 2, 2008.
5. A Notice Of Violation (NOV) was issued to MMWAC on March 25, 2009 for the violation of the emissions limits established in 06-96 CMR 121, Section 7(A)(3)(b)(ii) as described in paragraph four (4) above.
6. The Department has regulatory authority over the activities described herein.
7. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection ("Board"), which is a part of the Department.
8. This Agreement shall not become effective unless and until it is approved by the Board and the Maine Office of the Attorney General.
9. To resolve the violations identified in this Agreement, MMWAC agrees to pay the sum of eighteen thousand dollars (\$18,000.00) as a civil monetary penalty immediately upon signature of this Agreement, to the *Treasurer, State of Maine*.
10. The Department and the State of Maine grant MMWAC a release of the causes of action that they have for the specific violation described in paragraph four (4) above in consideration of the requirements called for in paragraph nine (9) above. The release shall not become effective until all requirements of this Agreement are satisfied.

MID-MAINE WASTE ACTION CORPORATION)
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ADMINISTRATIVE CONSENT
AGREEMENT
(38 M.R.S.A. § 347-A)

11. Non-compliance with this Agreement voids the release set forth in paragraph ten (10) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
12. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.
13. The provisions of this Agreement shall apply to, and be binding on, the parties, their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this agreement.

IN WITNESS WHERE OF the parties hereto have executed this agreement of three (3) pages.

MID-MAINE WASTE ACTION CORPORATION

BY: Joseph E. Kazar 1/28/10
NAME, TITLE JOSEPH E. KAZAR DATE
EXECUTIVE DIRECTOR

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____
SUSAN M. LESSARD, CHAIR DATE

SEEN AND AGREED TO, MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____
GERALD D. REID, ASSISTANT ATTORNEY GENERAL DATE