



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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City of Presque Isle
Aroostook County
Presque Isle, Maine
A-997-71-B-R

Departmental
Findings of Fact and Order
Air Emission License
Renewal

FINDINGS OF FACT

After review of the air emissions license 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 Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

The City of Presque Isle (PISWF) has applied to renew their Air Emission License permitting the operation of emission sources associated with their solid waste landfill.

The equipment addressed in this license is located at 202 Lathrop Road, Presque Isle, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

EMISSION UNIT ID	UNIT CAPACITY
Solid Waste Landfill	1.53 million cubic meters
Flare	9.0 MMBTU/hr

C. Application Classification

The application for PISWF 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 only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended).

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Solid Waste Landfill and Flare

PISWF operates and maintains a municipal solid waste landfill with a maximum permitted design capacity of approximately 1.0 million cubic yards (0.76 million cubic meters). PISWF plans a future expansion of the landfill to a maximum permitted size of 2.2 million cubic yards (1.53 million cubic meters). PISWF is therefore not subject to New Source Performance Standards (NSPS) Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills which applies to landfills greater than 2.5 million cubic meters.

Uncontrolled emissions of VOCs from the landfill are estimated to be approximately 10.5 ton/year. BACT for the control of VOCs and HAPs from the landfill was determined to be the installation and operation of a gas collection and control system. The control device used is a 9.0 MMBtu/hr landfill flare.

Since PISWF is not subject to 40 CFR Part 60, Subpart WWW and uncontrolled emissions of VOC are less than the licensing threshold in 06-096 CMR 115 of 10 lb/hr or 100 lb/day, PISWF may elect to discontinue use of the flare at any time. At such point, PISWF may no longer require an air emission license and should contact the Department about potentially surrendering their license.

In 2011 and 2012 PISWF performed sampling and testing of the landfill gas for NMOC (Non-Methane Organic Compounds) which confirmed emissions of NMOC/VOC were below licensed limits.

PISWF also continues to perform landfill gas testing for total reduced sulfur (TRS) twice per year. Reported concentrations of TRS confirm emissions of SO₂ are below the licensed limit.

C. Annual Emissions

1. Total Annual Emissions

PISWF shall be restricted to the following annual emissions, based on a calendar year.

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

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC	HAP total
Flare	0.7	0.7	7.9	2.7	14.6	--	--
Facility Wide Limit	--	--	--	--	--	3.0	3.0
Total TPY	0.7	0.7	7.9	2.7	14.6	3.0	3.0

2. Greenhouse Gases

Greenhouse gases are considered regulated pollutants as of January 2, 2011, through 'Tailoring' revisions made to EPA's *Approval and Promulgation of Implementation Plans*, 40 CFR Part 52, Subpart A, §52.21 Prevention of Significant Deterioration of Air Quality rule. Greenhouse gases, as defined in 06-096 CMR 100 (as amended), are the aggregate group of the following gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. For licensing purposes, greenhouse gases (GHG) are calculated and reported as carbon dioxide equivalents (CO₂e).

Based on the facility's use limits, the worst case emission factors from AP-42, IPCC (Intergovernmental Panel on Climate Change), and *Mandatory Greenhouse Gas Reporting*, 40 CFR Part 98, and the global warming potentials contained in 40 CFR Part 98, PISWF is below the major source threshold of 100,000 tons of CO₂e per year. Therefore, no additional licensing requirements are needed to address GHG emissions at this time.

III. AMBIENT AIR QUALITY ANALYSIS

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

<u>Pollutant</u>	<u>Tons/Year</u>
PM ₁₀	25
SO ₂	50
NO _x	50
CO	250

The total facility licensed emissions 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.

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 A-997-71-B-R subject to the following conditions.

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

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]

- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:

- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
[06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
[06-096 CMR 115]
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect 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 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) **Solid Waste Landfill and Flare**

A. PISWF shall keep readily accessible, on-site records of the following:

1. The design capacity report which demonstrated that the landfill has a design capacity less than 2.5 million megagrams and 2.5 million cubic meters.
2. The current amount of solid waste in-place.

Off site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. [06-096 CFR 115, BPT]

- B. Opacity from the flare and from fugitive emissions from the landfill shall not exceed 10% on a 6-minute block average basis. [06-096 CFR 115, BPT]
- C. PISWF shall test the landfill gas at the flare for TRS twice per calendar year with no less than four months between tests. [06-096 CFR 115, BPT]
- D. If testing demonstrates an emission rate for any pollutant in excess of the emission rates provided for in the application associated with this license, PISWF shall submit an amendment application to address excess emissions within 90 days of the test date. [06-096 CFR 115, BPT]

(17) **Facility Wide Emission Limits**

PISWF shall not exceed the following emission limits on a calendar year basis [06-096 CMR 115, BPT]:

Pollutant	Ton/year
PM/PM ₁₀	0.7
SO ₂	7.9
NO _x	2.7
CO	14.6
VOC	3.0
Total HAP	3.0

(18) **Fugitive Emissions**

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(19) PISWF 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 6 DAY OF November, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

Maure Allen Robert Core for
PATRICIA W. AHO, COMMISSIONER

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 8/9/13
Date of application acceptance: 8/15/13

Date filed with the Board of Environmental Protection:

This Order prepared by Lynn Poland, Bureau of Air Quality.

