



DEPARTMENT ORDER

AHJRLFLG LLC
Penobscot County
Old Town, Maine
A-1150-71-B-M

**Departmental
Findings of Fact and Order
Air Emission License
Amendment #1**

FINDINGS OF FACT

After review of the air emission license amendment 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

AHJRLFLG LLC (Archaea) was issued Air Emission License A-1150-71-A-N on February 24, 2020, for the operation of emission sources associated with a renewable natural gas processing facility.

Archaea has requested a minor revision to their license in order to extend the deadline to commence construction on the proposed facility.

The equipment addressed in this license will be located at 2828 Bennoch Road, Old Town, Maine.

B. Revision Description

Air emission license A-1150-71-A-N (issued 2/24/2020) approved the construction of the Archaea facility. Archaea's plant will be located on the same property as the Juniper Ridge Landfill (JRL) which is owned by the State of Maine and operated by NEWSME Landfill Operations, LLC (NEWSME). NEWSME maintains an air emission license for JRL and its associated emission units.

JRL will supply Archaea with landfill gas (LFG). Archaea will process the LFG to create a salable renewable natural gas product suitable for injection into the existing natural gas distribution system. As explained in A-1150-71-A-N, the Department has determined that Archaea and JRL are not under common control and may be licensed as separate facilities.

Archaea has requested a minor revision to their license to extend the deadline to commence construction on this project, because it has taken longer than anticipated to break ground on this project. Standard Condition (3) of the air emission license establishes a construction timeframe of 18 months after approval to construct as follows:

- (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]

Archaea's original 18-month timeframe for commencing construction began on 2/24/2020 with the issuance of air emission license A-1150-71-A-N. Archaea has demonstrated that an extension to the 18-month timeframe for commencing construction is justified and there has been no change to the Department's Best Available Control Technology (BACT) determination for any licensed equipment due to this delay. The Department has elected to extend the allowable construction period by an additional 18 months. As of this issuance date of this air emission license amendment, Archaea shall have 18 months to commence construction on the facility.

C. Annual Emissions

This license amendment will not change the facility's licensed annual emissions.

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 Amendment A-1150-71-B-M subject to the conditions found in Air Emission License A-1150-71-A-N and the following conditions.

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

SPECIFIC CONDITIONS

The following is a New Specific Condition:

- (21) The Department grants an 18-month construction timeframe extension to Archaea to commence construction on the proposed facility in air emission license A-1150-71-A-N. If Archaea does not commence construction within 18 months of the issuance date of this air emission license amendment, approval to construct shall become invalid, and Archaea shall be required to apply for a license amendment to re-address BACT for these changes.
[06-096 C.M.R. ch. 115 § (3)(E)(5)(c)]

DONE AND DATED IN AUGUSTA, MAINE THIS 24th DAY OF AUGUST, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this amendment shall be concurrent with the term of Air Emission License A-1150-71-A-N.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 8/2/2021

Date of application acceptance: 8/3/2021

Date filed with the Board of Environmental Protection:

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

