



DEPARTMENT ORDER

**Kingfish Maine Inc.
Washington County
Jonesport, Maine
A-1157-71-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

Kingfish Maine Inc. (Kingfish) was issued Air Emission License A-1157-71-A-N on August 17, 2021, for the operation of emission sources associated with their aquaculture facility.

Kingfish 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 9 Dun Garvin Road, Jonesport, Maine.

B. Revision Description

The Department issued Air Emission License A-1157-71-A-N to Kingfish on August 17, 2021, for the construction, installation, and operation of emission sources associated with a land-based yellowtail aquaculture farm. Standard Condition (3) of the air emission license establishes a timeframe of 18 months after approval to commence construction, stating:

- (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]

The air emission license thereby anticipates that additional time to commence construction may be needed and provides the licensee the ability to request an extension by means of this standard condition.

The purpose of this standard condition is to provide the Department with the opportunity to evaluate whether it is appropriate to update the best available control technology analysis based on current control methods or to update any ambient air quality impact analysis based on applicable ambient air quality standards.

In this case, the Department finds that an extension is justified based on Kingfish's stated need for additional time due to the pandemic's effect on contractor scheduling and the desire to complete the appeal process for other required permits prior to commencing construction of the facility.

The Department has considered the information provided in Kingfish's license amendment application along with current ambient air quality standards and the current state of technology. The Department is unaware of any advancements in control technologies beyond those evaluated during the processing of the existing air emission license. The emission control technologies considered and included in the current air emission license have not changed in the past 18 months. Further, there have been no changes to applicable ambient air quality standards that would necessitate an update to the ambient air quality impact analysis. The Department therefore finds there is no justification to require either an update of the control technology analysis or the ambient air quality impact analysis at this time.

The Department hereby extends the allowable period to commence construction of the air emission sources at the facility to 18 months from the date of this amendment.

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-1157-71-B-M subject to the conditions found in Air Emission License A-1157-71-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 are New Specific Conditions:

- (20) The Department grants an 18-month construction timeframe extension to Kingfish to commence construction on the proposed facility in air emission license A-1157-71-A-N. If Kingfish does not commence construction within 18 months of the issuance date of this air emission license amendment, approval to construct shall become invalid, and Kingfish shall be required to apply for a license amendment to re-address Best Available Control Technology (BACT) for licensed emissions sources.
[06-096 C.M.R. ch. 115 § (3)(E)(5)(c)]

- (21) If the Department determines that any parameter value pertaining to construction and operation of the proposed 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, Kingfish may be required to submit additional information. Upon written request from the Department, Kingfish 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 9th DAY OF JANUARY, 2023.

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-1157-71-A-N.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/8/2022

Date of application acceptance: 12/8/2022

Date filed with the Board of Environmental Protection:

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

<p>FILED</p> <p>JAN 09, 2023</p> <p>State of Maine</p> <p>Board of Environmental Protection</p>
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