

**CMP Androscoggin LLC
Franklin County
Jay, Maine
A-203-77-1-M**

**Departmental
Findings of Fact and Order
New Source Review
Amendment #1**

After review of the air emissions license amendment 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., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

FACILITY	CMP Androscoggin LLC
PART 70 LICENSE NUMBER	A-203-70-A-I
LICENSE TYPE	Chapter 115 Minor Revision
NAICS CODES	322121
NATURE OF BUSINESS	Pulp & Paper Mill
FACILITY LOCATION	Jay, Maine
PART 70 LICENSE ISSUANCE DATE	January 12, 2005
NSR AMENDMENT ISSUANCE DATE	
PART 70 LICENSE EXPIRATION DATE	January 12, 2010

B. Amendment Description

CMP Androscoggin LLC (CMP Androscoggin) of Jay, Maine has applied to amend their Chapter 115 Air Emission License to change the maximum allowed sulfur content of the #2 fuel oil used in the Water Treatment Main Furnace from 0.3% to 0.5% by weight and to add a furnace to the license that was previously considered an “Insignificant Activity”. The Water Treatment Small Furnace will be added to the license due to the fact that it will also be licensed to burn #2 fuel oil that contains a maximum sulfur content of 0.5% by weight, and therefore, will no longer meet the criteria to continue being considered an “Insignificant Activity”.

This change in the license allowed maximum sulfur content in #2 fuel oil is being allowed by the Department because, although there is evidence that #2 fuel oil is readily available at a sulfur content of 0.35% or lower, sources have found it difficult to obtain reliable documentation of the sulfur content for smaller individual loads of #2 fuel oil. Therefore, where a lower sulfur content

requirement is not needed to demonstrate compliance with Ambient Air Quality Standards, as is the case here, the Department finds it appropriate to allow an increase in the license allowed maximum sulfur content up to 0.5% as defined by ASTM D396 standards for #2 fuel oil.

C. Emission Equipment

The following equipment is addressed in this air emission license:

Fuel Burning Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>
Water Treatment Main Furnace	3.1	22	#2 fuel oil, 0.5%
Water Treatment Small Furnace	1.1	8	#2 fuel oil, 0.5%

D. Application Classification

The application for CMP Androscoggin will not cause an increase in licensed emissions greater than or equal to 4 tons per year for any one pollutant or 8 tons per year of total regulated pollutants. Therefore, these changes are considered a minor revision to the Chapter 115 License and will be processed as such. In a separate licensing process CMP Androscoggin's Part 70 License will be modified to include these changes.

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 Chapter 100 of the Department regulations. 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. Water Treatment Main Furnace

The Water Treatment Main Furnace fires #2 fuel oil at a maximum design capacity of 3.1 MMBtu/hr, and as such is not subject to NSPS Subpart Dc. The furnace is used intermittently as needed for heating purposes. This furnace is currently listed in CMP Androscoggin's Part 70 License A-203-70-A-I. The only change to the license regarding this unit is the replacement of 0.35% with 0.5%, as the maximum sulfur content of the #2 fuel oil used in this furnace.

A summary of the BPT analysis for the Water Treatment Main Furnace (3.1 MMBtu/hr) is the following and the change only affects sulfur dioxide (SO₂):

1. Chapter 106 regulates fuel sulfur content, however in this case a BPT/BACT analysis for SO₂ determined a limit of 0.5% was appropriate and shall be used.
2. Chapter 103 regulates PM emission limits from fuel burning equipment having a rated capacity of 3 MMBtu/hr or greater. This unit is subject to Chapter 103 based on its capacity, therefore, the PM limit is based upon Chapter 103 and the PM₁₀ limit is derived from the PM limit.
3. NO_x emission limits are based on data from similar #2 fuel oil fired boilers of this size and age.
4. CO and VOC emission limits are based upon AP-42 data dated 9/98.
5. Visible emissions from the Water Treatment Main Furnace shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block averages in a continuous 3-hour period.

C. Water Treatment Small Furnace

The Water Treatment Small Furnace fires #2 fuel oil at a maximum design capacity of 1.1 MMBtu/hr, and as such is not subject to NSPS Subpart Dc. This furnace is not currently listed in CMP Androscoggin's Part 70 License A-203-70-A-I as it was previously considered an "Insignificant Activity" per Chapters 115 and 140, Appendix B, Section B.2.. This states that fuel burning equipment with a maximum design heat input of less than 3.0 MMBtu/hr firing fuel with a sulfur content less than 0.35% is an "Insignificant Activity". Since this unit is now being licensed to fire #2 fuel oil with a maximum sulfur content of 0.5%, it will be added to the Part 70 License as a licensed unit.

A summary of the BPT analysis for the Water Treatment Small Furnace is the following:

1. Chapter 106 regulates fuel sulfur content, however in this case a BPT/BACT analysis for SO₂ determined a limit of 0.5% was appropriate and shall be used.
2. Chapter 103 regulates PM emission limits from fuel burning equipment having a rated capacity of 3 MMBtu/hr or greater. This unit is not subject to Chapter 103 based on its capacity, however, the Department finds that it is appropriate to base the PM and PM₁₀ limits on Chapter 103.
3. NO_x emission limits are based on data from similar #2 fuel oil fired boilers of this size and age.
4. CO and VOC emission limits are based upon AP-42 data dated 9/98.
5. Visible emissions from the Water Treatment Small Furnace shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block averages in a continuous 3-hour period.

D. Annual Emissions

CMP Androscoggin's Water Treatment Main Furnace and Water Treatment Small Furnace shall be restricted to the following annual emissions, based on a 12 month rolling total:

**Licensed Annual Emissions
 Tons/year**

(used in conjunction with other licensed annual emissions to calculate the annual license fee for the facility)

	PM	PM₁₀	SO₂	NO_x	CO	VOC
Water Treatment Main Furnace	1.6	1.6	6.8	4.1	0.5	0.03
Water Treatment Small Furnace	0.6	0.6	2.3	1.4	0.2	0.01
Total TPY	2.2	2.2	9.1	5.5	0.7	0.04
Licensed Annual Emissions firing 0.35%S #2 fuel oil	2.2	2.2	6.4	5.5	0.7	0.04
Increase in Licensed Annual Emissions	0.0	0.0	2.7	0.0	0.0	0.0

III.AMBIENT AIR QUALITY ANALYSIS

CMP Androscoggin previously submitted an ambient air quality analysis demonstrating that emissions from the facility, in conjunction with all other sources, do not violate ambient air quality standards. An additional ambient air quality analysis is not required for this minor revision.

ORDER

The Department hereby grants Air Emission License Minor Revision A-203-77-1-M pursuant to the preconstruction licensing requirements of MEDEP Chapter 115 and subject to the standard and special conditions below.

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 (Title 38 MRSA §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. [MEDEP Chapter 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. [MEDEP Chapter 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. [MEDEP Chapter 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. [MEDEP Chapter 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [MEDEP Chapter 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. [MEDEP Chapter 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. [MEDEP Chapter 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. [MEDEP Chapter 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. [MEDEP Chapter 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.
- [MEDEP Chapter 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.
- [MEDEP Chapter 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. [MEDEP Chapter 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 emission 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.
- [MEDEP Chapter 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. [MEDEP Chapter 115]

SPECIFIC CONDITIONS

(16) **Water Treatment Main Furnace and Water Treatment Small Furnace**

- A. CMP Androscoggin shall only fire #2 fuel oil in the Water Treatment Main Furnace and in the Water Treatment Small Furnace. Compliance shall be demonstrated by fuel records from the supplier. [MEDEP Chapter 115, BPT]
- B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Water Treatment Main Furnace	PM	0.12	MEDEP, Chapter 103, Section 2(B)(1)(a)

- C. Emissions shall not exceed the following [MEDEP Chapter 115, BPT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Water Treatment Main Furnace	0.4	0.4	1.6	0.93	0.11	0.01
Water Treatment Small Furnace	0.13	0.13	0.53	0.32	0.04	0.003

- D. Visible emissions from either the Water Treatment Main Furnace or the Water Treatment Small Furnace shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average in a continuous 3-hour period. [MEDEP Chapter 101]

**CMP Androscoggin LLC
Franklin County
Jay, Maine
A-203-77-1-M**

9

**Departmental
Findings of Fact and Order
New Source Review
Amendment #1**

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
 DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 5, 2006

Date of application acceptance: October 12, 2006

Date filed with the Board of Environmental Protection: _____

This Order prepared by Eric Kennedy, Bureau of Air Quality.