

**Oldcastle Lawn & Garden, Inc.
d/b/a Jolly Gardener Products, Inc.
Androscoggin County
Poland Springs, Maine
A-964-71-A-N (SM)**

**Departmental
Findings of Fact and Order
Air Emission License
After-the-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., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Oldcastle Lawn & Garden, Inc. d/b/a Jolly Gardener Products, Inc. (Jolly Gardener) located in Poland Springs, Maine has applied for an Air Emission License permitting the operation of emission sources associated with their mulch manufacturing facility.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Electrical Generation Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>
CBI Grinder	7.0	51	ULS Diesel, 0.0015%
Hogzilla Grinder	6.2	45	ULS Diesel, 0.0015%
Barber Green Conveyor	1.2	9	ULS Diesel, 0.0015%
Prentice Log Loader	1.2	9	ULS Diesel, 0.0015%
Retech Screen	0.8	6	ULS Diesel, 0.0015%
CEC Screen	0.8	6	ULS Diesel, 0.0015%

Jolly Gardener operates additional fuel burning equipment not listed in this license. These include a waste oil furnace and other miscellaneous heaters and engines below the insignificant thresholds which are mentioned here for completeness only.

Jolly Gardener also operates additional equipment such as front-end loaders, excavators, a compost turner, and the Bantam crane which are considered mobile equipment and therefore not included in this license.

Process Equipment

Equipment	Production Rate
CBI Grinder	135 ton/hour
Hogzilla Grinder	200 ton/hour

Jolly Gardener operates additional process equipment including screens, conveyors and two 30-gallon degreasers.

C. Application Classification

Jolly Gardener is classified as an existing source that is applying for its first air emission license, after the fact. The Department has determined the facility is a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005). With the operating hours restriction on the diesel engines, the facility is licensed below the major source thresholds and is considered a synthetic minor.

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 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in 06-096 CMR 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Diesel Engines

Jolly Gardener operates several pieces of equipment powered by on-board diesel engines. All equipment listed is trailer mounted and portable. The units are routinely moved around the yard depending on the type of product being produced.

For purposes of this license the CBI Grinder, Hogzilla Grinder, Barber Conveyor, Prentice Log Loader, Retech Screen, and CEC Screen will be known collectively as “Jolly Gardener Engines.” This term is not intended to convey restrictions to other equipment not included on this license.

In their BACT analysis, Jolly Gardener addressed add-on control equipment for the engines including selective catalytic reduction (SCR) and selective non-catalytic reduction (SNCR) as well as using line-power in lieu of operating the engines.

The largest engines are the CBI Grinder and the Hogzilla Grinder. The engines associated with the other equipment are relatively small and therefore additional add-on control equipment would not be economically feasible. The grinders are trailer-mounted units which are moved by a ten-wheeled tractor-trailer truck dedicated to each unit. Each grinder needs to be moved as many as six to 12 times per day in order to move to new feedstock piles and to allow the discharge to be further processed.

Based on information from the engine manufacturer, SCR and SNCR would not be practical for these units. SCR and SNCR for engines of this size would require an additional trailer mounted unit as well as reagent tanks for ammonia or urea. Each relocation of the grinders would require hours of set up time requiring a full-time technician on site. In addition, the significant vibration caused by the nature of the process would significantly reduce the effectiveness and life of the control equipment.

Re-powering the grinders to use line-power was also considered. Engines of this size require direct connection to a power panel. In order to serve this portable equipment high voltage power would be required throughout the yard and transformers would be needed within three hundred feet of each prospective power distribution panel. This type of system would be extremely cumbersome and the risk of electrical accidents would be significant due to the amount of heavy machinery continually operating in the area. Therefore, this option was determined to not be technically feasible for this equipment.

A summary of the BACT analysis for Jolly Gardener Engines is the following:

1. The Jolly Gardener Engines shall fire only ultra-low sulfur (ULS) diesel fuel with a maximum sulfur content not to exceed 0.0015% by weight.
2. The Jolly Gardener Engines shall each be limited to 3,200 hr/yr of operation based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all engine operating hours.

3. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended June 9, 1999) regulates fuel sulfur content, however in this case a BACT analysis for SO₂ determined a more stringent requirement of using ULS diesel was appropriate and shall be used.
4. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (last amended November 3, 1990) regulates PM emission limits for the CBI Grinder and the Hogzilla Grinder. The PM₁₀ limits for the grinders and the PM and PM₁₀ limits for the other engines are derived from 06-096 CMR 103.
5. NO_x and CO emission limits for the Barber Green Conveyor are based upon AP-42 data dated 10/96.
6. VOC emission limits for the CBI Grinder, Hogzilla Grinder, Barber Green Conveyor, and Prentice Log Loader are based upon AP-42 data dated 10/96.
7. All other emission limits are based on vendor supplied data.
8. Visible emissions from the Jolly Gardener Engines shall each not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

C. Degreaser Units

Jolly Gardener operates two 30-gallon degreasers using naphtha as a solvent.

D. Fugitive Emissions

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed an opacity of 20 percent, 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 percent in any one (1) hour.

E. Annual Emissions

Jolly Gardener shall be restricted to the following annual emissions, based on a 12 month rolling total:

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

	PM	PM₁₀	SO₂	NO_x	CO	VOC
CBI Grinder	1.3	1.3	0.1	20.8	3.5	1.0
Hogzilla Grinder	1.2	1.2	0.1	17.9	3.0	0.9
Barber Green Conveyor	0.2	0.2	--	8.7	1.9	0.7
Prentice Log Loader	0.2	0.2	--	2.4	0.5	0.7
Retech Screen	0.2	0.2	--	2.9	0.6	0.1
CEC Screen	0.2	0.2	--	2.2	0.3	0.2
Total TPY	3.3	3.3	0.2	54.9	9.8	3.6

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a minor new source shall be determined on a case-by case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

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,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-964-71-A-N 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. [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 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.
[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) **Engines**

- A. Jolly Gardener shall limit the Jolly Gardener Engines to 3,200 hr/yr of operation (each) based on a 12 month rolling total. An hour meter shall be maintained and operated on each Jolly Gardener Engine.
[06-096 CMR 115, BACT]

- B. The Jolly Gardener Engines shall only fire ULS diesel fuel (15 ppm). Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of annual fuel use shall be kept on a 12-month rolling total basis. [06-096 CMR 115, BACT]
- C. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
CBI Grinder	PM	0.12	06-096 CMR 103, Section 2(B)(1)(a)
Hogzilla Grinder	PM	0.12	06-096 CMR 103, Section 2(B)(1)(a)

- D. Emissions shall not exceed the following [06-096 CMR 115, BACT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
CBI Grinder	0.84	0.84	13.01	2.20	0.63
Hogzilla Grinder	0.74	0.74	11.19	1.9	0.56
Barber Green Conveyor	0.15	0.15	5.42	1.17	0.43
Prentice Log Loader	0.15	0.15	1.53	0.28	0.43
Retech Screen	0.10	0.10	1.79	0.35	0.07
CEC Screen	0.10	0.10	1.39	0.21	0.10

- E. Visible emissions from the Jolly Gardener Engines shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period [06-096 CMR 101]

(17) **Parts Washer**

Parts washers at Jolly Gardener are subject to *Solvent Cleaners*, 06-096 CMR 130 (last amended June 28, 2004).

- A. Jolly Gardener shall keep records of the amount of solvent added to each parts washer. [06-096 CMR 115, BPT]

- B. The following are exempt from the requirements of 06-096 CMR 130 [06-096 CMR 130]:
1. Solvent cleaners using less than two liters (68 oz) of cleaning solvent with a vapor pressure of 1.00 mmHg, or less, at 20° C (68° F);
 2. Wipe cleaning; and,
 3. Cold cleaning machines using solvents containing less than or equal to 5% VOC by weight.
- C. The following standards apply to remote reservoir cold cleaning machines that are applicable sources under Chapter 130.
1. Jolly Gardener shall attach a permanent conspicuous label to each unit summarizing the following operational standards [06-096 CMR 130]:
 - (i) Waste solvent shall be collected and stored in closed containers.
 - (ii) Cleaned parts shall be drained of solvent directly back to the cold cleaning machine by tipping or rotating the part for at least 15 seconds or until dripping ceases, whichever is longer.
 - (iii) Flushing of parts shall be performed with a solid solvent spray that is a solid fluid stream (not a fine, atomized or shower type spray) at a pressure that does not exceed 10 psig. Flushing shall be performed only within the freeboard area of the cold cleaning machine.
 - (iv) The cold cleaning machine shall not be exposed to drafts greater than 40 meters per minute when the cover is open.
 - (v) Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the degreaser.
 - (vi) When a pump-agitated solvent bath is used, the agitator shall be operated to produce no observable splashing of the solvent against the tank walls or the parts being cleaned. Air agitated solvent baths may not be used.
 - (vii) Spills during solvent transfer shall be cleaned immediately. Sorbent material shall be immediately stored in covered containers.
 - (viii) Work area fans shall not blow across the opening of the degreaser unit.
 - (ix) The solvent level shall not exceed the fill line.
 2. The remote reservoir cold cleaning machine shall be equipped with a perforated drain with a diameter of not more than six inches. [06-096 CMR 130]

(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) General Process Sources

Visible emissions from any general process source shall not exceed an opacity of 20% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]

(20) Annual Emission Statement

In accordance with *Emission Statements*, 06-096 CMR 137 (last amended July 6, 2004), the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

- 1) A computer program and accompanying instructions supplied by the Department;
or
- 2) A written emission statement containing the information required in 06-096 CMR 137.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

The emission statement must be submitted by July 1 or as otherwise specified in 06-096 CMR 137.

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- (21) Jolly Gardener 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 (Title 38 MRSA §605).

DONE AND DATED IN AUGUSTA, MAINE THIS _____ DAY OF _____ 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 2/16/07

Date of application acceptance: 2/21/07

Date filed with the Board of Environmental Protection: _____

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