

**City of Bath Landfill
Sagadahoc County
Bath, Maine
A-980-71-A-N**

**Departmental
Findings of Fact and Order
Air Emission License**

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 Department finds the following facts:

I. REGISTRATION

A. Introduction

City of Bath Landfill (BLF) located in Bath, Maine has applied for an Air Emission License permitting the operation of emission sources associated with their landfill.

B. Emission Equipment

The following equipment is addressed in this air emission license:

EMISSION UNIT ID	UNIT CAPACITY
Solid Waste Landfill	0.8 million megagrams
Flare	12.0 MMBTU/hr

C. Application Classification

Classification of the new source as a major or minor source is based on whether or not expected emissions exceed the "Significant Emission Levels" as defined in the Department's regulations. The emissions for the new source are determined by the maximum future license allowed emissions, as follows:

<u>Pollutant</u>	<u>Max. Future License (TPY)</u>	<u>Sig. Level</u>
PM	0.9	100
PM ₁₀	0.9	100
SO ₂	17.0	100
NO _x	3.6	100
CO	19.0	100
VOC	3.0	50

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).

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 *Definitions Regulation*, 06-096 CMR 100 (last amended December 24, 2005). BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Solid Waste Landfill & Flare

BLF operates and maintains a municipal solid waste landfill with a maximum permitted design capacity of 0.8 million megagrams. BLF 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 megagrams.

Uncontrolled emissions of VOCs from the landfill are estimated to be approximately 7.2 ton/year. BACT for the control of VOCs and HAPs from the landfill is determined to be the installation of a gas collection and control system. The proposed control device is a 12.0 MMBtu/hr landfill flare.

Until the gas collection system is installed and operating, BLF will not have sufficient data to characterize the constituents of the landfill gas specific to this site. Once the collection and control system is in place, BLF will test the landfill gas to get site specific data for NMOC and TRS (Total Reduced Sulfur). Once this data is available, BLF will amend this license as necessary to include the site specific data.

C. Annual Emissions

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

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	0.9	0.9	17.0	3.6	19.0	--	--
Facility Wide Limit	--	--	--	--	--	3.0	3.0
Total TPY	0.9	0.9	17.0	3.6	19.0	3.0	3.0

III.AMBIENT AIR QUALITY ANALYSIS

New Source

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-980-71-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) Solid Waste Landfill and Flare

A. BLF 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, BACT]

B. By April 1, 2008 BLF shall operate and maintain a landfill gas collection and control system (flare) except for periods of maintenance or malfunctions of the system. [06-096 CFR 115, BACT]

- C. 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, BACT]
- D. BLF shall test the landfill gas at the flare for NMOC within 180 days of startup of the flare and twice per calendar year thereafter with no less than four months between tests for two years (four total tests). [06-096 CFR 115, BACT]
- E. BLF shall test the landfill gas at the flare for TRS within 180 days of startup of the flare and twice per calendar year thereafter with no less than four months between tests. [06-096 CFR 115, BACT]
- F. If testing demonstrates an emission rate for any pollutant in excess of the emission rates provided for in the application associated with this license, BLF shall submit an amendment application to correct this license within 90 days of the test date. [06-096 CFR 115, BACT]

(17) Facility Wide Emission Limits

BLF shall not exceed the following emission limits on a 12 month rolling total basis [06-096 CMR 115, BACT]:

Pollutant	Ton/year
PM	0.9
PM ₁₀	0.9
SO ₂	17.0
NO _x	3.6
CO	19.0
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) BLF 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).

(20) **Air Toxics Emission Statement**

If BLF exceeds the thresholds for HAPs listed in Appendix A of 06-096 CMR 137 in an inventory year, in accordance with 06-096 CMR 137 the licensee shall report, no later than July 1 every three years (2008, 2011, etc.) or as otherwise stated in 06-096 CMR 137, the information necessary to accurately update the State's toxic air pollutants emission inventory in a format prescribed by the Department containing the information required in 06-096 CMR 137.

Reports and questions should be directed to:

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

Phone: (207) 287-2437

[06-096 CMR 137]

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: 7/30/07

Date of application acceptance: 8/1/07

Date filed with the Board of Environmental Protection: _____

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