



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection
FROM: Kurt Tidd PE., Bureau of Air Quality
SUBJECT: Huber Engineered Woods LLC
DATE: March 4, 2010

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Statutory and Regulatory References:

Maine’s Rule for *Major and Minor Source Air Emissions License Regulations* 06-096 CMR 115 and Maine’s Rule for *Part 70 Air Emissions License Regulations*, 06-096 CMR 140 authorize the Department to impose reasonable and appropriate license conditions to ensure compliance with emission standards, regulations or orders. Huber Engineered Woods LLC operates its facility under the terms and conditions of Air Emission License A-62-70-A-I.

Location:

Easton Maine

Description:

Huber Engineered Woods LLC. violated requirements of Air Emissions License A - 62-70-A-I and amendments by failing a PCWP MACT compliance test.

Environmental Issues:

The Department relies on the licensing of facilities to ensure compliance with State and Federal Laws and Regulations. Through the licensing process, the Department is able to control the amount and types of pollutants that are emitted to the atmosphere within the State.

Department Recommendation:

Staff recommends approval of the Consent Agreement which requires Huber Engineered Woods, LLC. to comply with the requirements of Maine’s Rule 06-096 CMR 140 and Air Emissions License A-62-70-A-I and provides for Civil Penalties in the amount of four thousand, five hundred dollars (\$4,500.00). The penalty was a negotiated settlement based on the Bureau of Air Quality’s penalty assessment guideline and includes a Supplemental Environmental Project.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN THE MATTER OF:

DAVID P. LITTELL
COMMISSIONER

HUBER ENGINEERED WOODS LLC) ADMINISTRATIVE CONSENT
AROOSTOOK COUNTY) AGREEMENT
EASTON, MAINE)
A-62-70-A-I)
EIS 2009-148-A)

This Agreement by and among Huber Engineered Woods LLC ("HEW"), the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S.A § 347-A(1).

The parties agree as follows:

- 1. HEW is a Delaware Limited Liability Company registered to do business in Maine as a plywood and composite wood products manufacturer.
2. The violations described herein took place at HEW's facility located in Easton, Maine.
3. During times relevant to this Agreement, HEW was subject to Maine's Protection and Improvement of Air laws ("Air Act"), 38 M.R.S.A. §§ 581-610-C and Air Emission License A-62-70-A-I (1/26/2007) and amendments.
4. Throughout the period of time addressed in this Agreement, HEW was subject to Air Emissions License A-62-77-2-A which states in relevant part;

Huber submitted an application for a project that addresses compliance with both the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT) and the NESHAP for Plywood and Composite Wood Products (PCWP MACT) requirements that were in effect as of the date the application was filed (March 28, 2007).1

40 CFR PART 63—National Emissions Standards for Hazardous Air Pollutants for Source Categories, Subpart DDDD—National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products (PCWP MACT) States in relevant part;

1 Although the Department has not accepted delegation for enforcement of 40 CFR 63, Subpart DDDD from the U.S. EPA, Huber agrees that the provisions of 40 CFR 63 Subpart DDDD are applicable to the facility through Licensing Order A-62-70-A-I, and therefore enforceable as terms and conditions of the facility's license.

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For the following process units . . .	You must meet the following production-based compliance option (total HAP ^a basis)
(10) Rotary strand dryers	0.18 lb/ODT.

5. HEW conducted compliance testing pursuant to the PCWP MACT on March 25, 2009. The results of this test reflect that HEW exceeded the PCWP MACT limit of 0.18 lb/ODT. On May 28, 2009 HEW retested and passed the PCWP MACT compliance test as required by Air Emissions License A-62-77-2-A.
6. By the conduct described in paragraph five (5), HEW violated Air Emissions License A-62-77-2-A.
7. Department Staff notified HEW by a Notice of Violation (NOV) on August 11, 2009 of the air emission violation as described in paragraph five (5).
8. For the purposes of this Agreement, HEW agrees that it received proper notice of all violations identified herein pursuant to 38 M.R.S.A. § 347-A(1)(B).
9. Pursuant to 38 M.R.S.A §§ 341-D(6)(C) and 347-A(1)(A)(1), Administrative Consent Agreements must be approved by the Board of Environmental Protection (“Board”), which is part of the Department.
10. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
11. To resolve the violations identified in this Agreement, HEW agrees to pay a civil monetary penalty in the sum of four thousand five hundred dollars (\$4,500.00) as follows:
 - i. Pay to the *Treasurer, State of Maine*, the sum of nine hundred dollars (\$900.00);
 - ii Pay to the managing entity of the attached Supplemental Environmental Project (SEP) described in Appendix A the sum of three thousand six hundred dollars (\$3,600).
 - iii. Any public statement, oral or written, in print, film, or other media, made by HEW making reference to the SEP described above shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the Maine Department of Environmental Protection for air emissions violations."
 - iv. Any payments made by HEW pursuant to the SEP described above are not tax deductible and are ineligible for certification as tax exempt pollution control facilities pursuant to 36 M.R.S.A. §§ 105, 211.

HUBER ENGINEERED WOODS LLC) ADMINISTRATIVE CONSENT
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EASTON, MAINE)
A-62-70-A-I)
EIS 2009-148-A 3

- 12. The Board and the Office of the Attorney General grant a release of their causes of action against HEW for the specific violation listed in paragraph five (5) of this Agreement on the express condition that the civil monetary penalty listed in paragraph eleven (11) of this Agreement is paid. The release shall become effective when all requirements of paragraph 11.i and 11.ii of this Agreement are satisfied.
- 13. Non-compliance with this Agreement voids the release set forth in paragraph twelve (12) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
- 14. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.
- 15. The provisions of this Agreement shall apply to, and be binding on, the parties, their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS HEREOF the parties hereto have executed this Agreement of three (3) pages.

HUBER ENGINEERED WOODS LLC

BY: *James A. Reed* 10 Feb 2010
Title *Plant Manager* DATE

BOARD OF ENVIRONMENTAL PROTECTION

BY: _____
Susan M. Lessard, Chair DATE

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____
Gerald D. Reid, Assistant Attorney General DATE