Testimony in Opposition to LD 1532
On Behalf of Bucksport Generation LLC
An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing
May 3, 2021

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee of Environment and Natural Resources, my name is James Cote of Bernstein Shur, and I submit this testimony to you on behalf of Bucksport Generation LLC ("Bucksport Generation").

Bucksport Generation owns and operates a 175 MW simple cycle combustion turbine power plant (the "Plant") that is a dual-fueled electricity generator. Bucksport Generation is a power plant so has typical and clean emissions when it is in operation. The power plant performs an important reliability function for the New England power grid being available and able to run on both natural gas and ultra-low sulfur diesel ("ULSD") if natural gas supplies run short as they have on a few occasions in the past in New England. This helps the New England power grid avoid the type of power failures during winter cold events that the nation recently saw occur in Texas. Too many Texas power plants were not prepared for operations and to have natural gas available and back-up fuels in the event of extreme winter conditions. The Bucksport Generation plant is one of those reserve plants capable of operating in extreme winter conditions and further backed up with an alternative fuel.

Bucksport Generation is a fast-start generator capable of being online at partial capacity within ten minutes and at its full base load within thirty. ISO-NE manages grid security, in part, by maintaining fast-start units, such as Bucksport Generation, offline so the grid operator has a known quantity of fast-start generation on standby to be able to respond to immediate and unforeseen electric grid needs. ISO-NE dispatches the Forward Reserve generators like Bucksport when the ISO-NE contingency standards for reliability are violated. Bucksport Generation is able to respond to quick arising ISO-NE needs for urgent grid support. When not in a dispatch situation, Bucksport Generation is a small-volume user of natural gas, usually during winter for building heating purposes.

Because the Plant uses natural gas as its primary source of fuel to produce electricity it has a gas heater to ensure its gas output from Bangor Gas's Bucksport/Orrington transmission lateral pipeline (the "Bucksport Lateral") does not freeze under extreme winter conditions. The facility also has emergency use only generators fired by ULSD that are used to allow the plant to remain available for generation in the event of a transmission line outage. The power plant's gas combustion turbine which converts gas to electricity, the gas heater on the gas line , and the emergency generators are all licensed with the Maine DEP as air emissions sources.

Bucksport Generation respectfully opposes LD 1532 for the following reasons:

Permit Renewal

Most importantly, the legislation omits the inclusion of any mechanism for permit renewal if an emission source is within 1,000 feet of a residence. The plant's combustion stack is roughly 500 feet from the nearest residence in Bucksport. The language regarding permit renewal is extremely vague and many businesses may not even realize which source might trigger the distance thresholds and could close down their businesses.

Bucksport Generation is a modern power plant licensed under current standards. Retroactively changing the law to make it impossible to obtain a permit renewal is quite problematic as it would literally put our plant out of business. Bucksport Generation's stack and emissions are designed to ensure that air emissions do not impact nearby residents.

§589-B. Civil Penalties

The proposed civil penalties in this section would make any violation or any emission standard violation a mandatory minimum of $25,000 per day. This mandatory minimum penalty has the potential to apply in a draconian manner as malfunctions and other operational issues can cause very short-term emissions exceedances that have no impact on public health. Air regulators are familiar with what exceedances should be treated as "violations" and which ones can occur despite the best competent professional operations.

2. Applications, "F"

This language is overly vague and not necessary for most emissions sources.

2. Applications, "E"

This language is overly vague. Sources like Bucksport Generation already deploy Continuous Emission Monitors, whose requirements are very well defined and understood by both regulators and understand by engineers in the regulated community. Continuous Emission Monitors are required and designed for stacks.

For modern gas power plants, there is little reason nor necessity to deploy boundary emission monitors. The power plant's air emissions are engineered to go up the stack after being controlled by the emissions controls to reduce stack emissions - required by professional engineers. Emissions monitoring is expensive and must be accurate. If new emissions monitoring is to be required, Bucksport Generation urges the committee to ensure those requirements are well designed to ensure accurate, useful information reasonably related to a public need necessary to justify the expense of the equipment, outside contractors, calibrations, personnel and reporting expenses.

Sec. 7- Permit Durations

This legislation proposes to reduce permit durations from 10 years to 3 years. Here in Maine at the Department of Environmental Protection and in states around the country, environmental authorities already struggle with the administrative processing of permit renewals on longer (10 year) permit cycles. Those Clean Air Act Permit cycles are typical across the country at 10 years. Three-year renewals would impose an unreasonable burden on regulatory air licensors and on licensed sources who must hire professionals to undertake some extensive and appropriate engineering analysis. For our plant, a three-year renewal period would mean we are continually in relicensing with the Maine DEP.

8. Hearings

The proposed certified mail notification requirement for all residences and commercial entities within a 5-mile radius is costly and unnecessary. While burdensome enough for a plant in a small town like

Bucksport, this could be quite burdensome and expensive for emissions sources such as colleges and hospitals in areas of higher population, such as Augusta, Bangor and Portland.

Thank you for your time and consideration. We would be pleased to discuss the proposal in more detail or provide more information if requested to have plant personnel present at the work session.