



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

DARRYL N. BROWN
COMMISSIONER

Portland Operator Inc.
DBA Eastland Park Hotel
Cumberland County
Portland, Maine
A-170-71-G-R

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

- Portland Operator Inc. DBA Eastland Park Hotel (EPH) has applied to renew their Air Emission License permitting the operation of emission sources associated with their hotel.
- The equipment addressed in this license is located at 157 High Street, Portland, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Boilers/Heaters

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (scf/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Boiler 1	8.37	8,206	Natural gas, negligible	1
HWH 1*	1.44	1,412	Natural gas, negligible	2
HWH 2*	1.44	1,412	Natural gas, negligible	3
HWH 3*	1.9	1,863	Natural gas, negligible	4
HWH 4*	1.9	1,863	Natural gas, negligible	5

*HWH stands for Hot Water Heater

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
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Electrical Generation Equipment

<u>Equipment</u>	<u>Maximum Design Capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Generator 1	0.85	6.2	Diesel, 0.0015%	6
Generator 2	0.91	6.6	Diesel, 0.0015%	7

C. Application Classification

The application for EPH does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of current licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended).

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 (as amended). 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. Boilers/Heaters

EPH operates five boiler units, designated Boiler 1, HWH 1 (Hot Water Heater 1), HWH 2, HWH 3, and HWH 4, to satisfy the facility's heating and hot water needs. All units fire natural gas. Boiler 1 has a maximum design capacity of 8.37 MMBtu/hr and was manufactured and installed in 1981. HWHs 1 and 2 each have a maximum design capacity of 1.44 MMBtu/hr and were manufactured in 1998 and installed in 2000. HWHs 3 and 4 each have a maximum design capacity of 1.9 MMBtu/hr and were manufactured and installed in 2002. Each boiler unit

is rated under 10 MMBtu/hr and thus is not subject to the New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, for units greater than 10 MMBtu/hr manufactured after June 9, 1989. In addition, gas-fired boilers are not subject to the proposed *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63 Subpart JJJJJ).

A summary of the BPT analysis for the boiler units is the following:

1. Fuel sulfur content is regulated by 06-096 CMR 106 (as amended), however, the firing of natural gas is more stringent and shall be considered BPT.
2. The PM and PM₁₀ limits for units larger than 3 MMBtu/hr are derived from 06-096 CMR 103. The PM and PM₁₀ limits for smaller units are based upon BPT analysis from a previous license.
3. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 7/98 for the combustion of natural gas.
4. Visible emissions from each boiler shall not exceed 10% 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.

C. Back-up Generators

EPH operates two back-up diesel generators. Generator 1 (75 kW) was manufactured and installed in 1981. Generator 2 (80 kW) was manufactured and installed prior to 1987.

Back-up generators are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Back-up generators are not to be used for prime power when reliable offsite power is available.

EPH shall submit an application for an amendment prior to running back-up generators as dispatchable load generators.

Generators 1 and 2 were ordered prior to July 11, 2005 and manufactured prior to April 1, 2006. Therefore, Generators 1 and 2 are not subject to New Source Performance Standards 40 CFR Part 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*.

Generators 1 and 2 are not subject to 40 CFR Part 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, because of the nature of EPH operations. Subpart ZZZZ (63.6590(b)(3)) excludes residential, institutional, and commercial uses; hotel facilities are defined as commercial use.

A summary of the BPT analysis for Generator 1 (75 kW) and Generator 2 (80 kW) is the following:

1. The back-up generators shall fire only diesel fuel with a maximum sulfur content not to exceed 0.0015% by weight.
2. The back-up generators shall each be limited to 500 hr/yr of operation based on a calendar year. Compliance shall be demonstrated by a written log of all generator operating hours.
3. 06-096 CMR 106 regulates fuel sulfur content, however in this case BPT analysis for SO₂ determined a more stringent limit of 0.0015% was appropriate and shall be used.
4. The PM and PM₁₀ limits for units larger than 3 MMBtu/hr are derived from 06-096 CMR 103. The PM and PM₁₀ limits for smaller units are based upon BPT analysis from a previous license.
5. NO_x, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
6. Visible emissions from the back-up generators shall each not exceed 30% 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.

D. Annual Emissions

EPH shall be restricted to the following annual emissions, based on a calendar year:

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

	PM	PM₁₀	SO₂	NO_x	CO	VOC
Boiler 1	1.8	1.8	0.020	3.6	3.0	0.20
HWH 1	0.32	0.32	0.0040	0.61	0.51	0.030
HWH 2	0.32	0.32	0.0040	0.61	0.51	0.030
HWH 3	0.42	0.42	0.0050	0.81	0.68	0.040
HWH 4	0.42	0.42	0.0050	0.81	0.68	0.040
Generator 1	0.030	0.030	0.01	0.94	0.20	0.070
Generator 2	0.030	0.030	0.01	1.0	0.22	0.080
Total TPY	3.4	3.4	0.04	8.3	5.8	0.51

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling and monitoring are not required for a renewal if the total emissions of any pollutant released do not exceed the following:

Pollutant	Tons/Year
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the total facility licensed emissions, EPH is below the emissions level required for modeling and monitoring.

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-170-71-G-R 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) **Boilers/Heaters**

- A. All boiler/heater units shall fire natural gas only. Records of annual fuel use shall be kept on a calendar year basis. [06-096 CMR 115, BPT]
- B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler 1	PM	0.05	BPT Analysis

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

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler 1	0.42	0.42	0.01	0.81	0.68	0.04
HWH 1	0.07	0.07	0.01	0.14	0.12	0.01
HWH 2	0.07	0.07	0.01	0.14	0.12	0.01
HWH 3	0.10	0.10	0.01	0.18	0.15	0.01
HWH 4	0.10	0.10	0.01	0.18	0.15	0.01

D. Visible emissions from Boiler 1, HWH 1, HWH 2, HWH 3, and HWH 4 shall each not exceed 10% 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. [06-096 CMR 101]

(17) **Back-up Generators**

A. EPH shall limit Generator 1 and Generator 2 to 500 hr/yr of operation each (based on a calendar year). An hour meter shall be maintained and operated on each of the generators. [06-096 CMR 115, BPT]

B. Generator 1 and Generator 2 shall only be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Generators 1 and 2 shall not be used for prime power when reliable offsite power is available. A log shall be maintained documenting the date, time, and reason for operation. [06-096 CMR 115, BPT]

C. Generators 1 and 2 shall fire diesel fuel with a sulfur limit not to exceed 0.0015% by weight. Compliance shall be based on fuel records from the supplier showing the quantity of fuel delivered and the sulfur content of the fuel. [06-096 CMR 115, BPT]

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

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Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator 1	0.10	0.10	0.01	3.8	0.81	0.30
Generator 2	0.11	0.11	0.01	4.0	0.86	0.32

- E. Visible emissions from each generator shall not exceed 30% 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]
- (18) EPH shall submit an application for an amendment prior to running Emergency Generators as Dispatchable Load Generators. [06-096 CMR 115]
- (19) EPH 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).

DONE AND DATED IN AUGUSTA, MAINE THIS 24th DAY OF February, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Darryl N. Brown Dept. Comm. for
DARRYL N. BROWN, 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: 8/9/2010

Date of application acceptance: 8/30/2010

Date filed with the Board of Environmental Protection:

This Order prepared by Amanda L. Gray, Bureau of Air Quality.

