



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

JAMES P. BROOKS  
ACTING COMMISSIONER

Northern New England )  
Telephone Operations, LLC )  
D/B/A FairPoint )  
Penobscot County )  
Bangor, Maine )  
A-796-71-F-R/A )

**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., Section 344 and Section 590, the Department finds the following facts:

**I. REGISTRATION**

**A. Introduction**

Northern New England Telephone Operations, LLC, doing business as FairPoint (Fairpoint) of Bangor, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their Central Office Switching Center.

FairPoint has requested a minor modification to their License to reflect the replacement of two existing boilers with two new units.

**B. Emission Equipment**

Verizon is authorized to operate the following equipment:

**Fuel Burning Equipment**

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type</u>	<u>Stack #</u>
Boiler #1	2.7	11.0	#2 Fuel Oil	2
Boiler #2	2.7	11.0	#2 Fuel Oil	2

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  
(207) 764-0477 FAX: (207) 760-3143

### Electrical Generation Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type</u>
Back-up Generator	7.7	56.6	#2 Fuel Oil

#### C. Application Classification

The modification of a minor source is considered a major modification based on whether or not expected emission increases exceed the “Significant Emission Levels” as defined in the Department’s regulations. This application is determined to be a renewal and minor modification and has been processed as such.

## 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.

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.

Northern New England	)	Departmental
Telephone Operations, LLC	)	Findings of Fact and Order
D/B/A FairPoint	)	Air Emission License
Penobscot County	)	
Bangor, Maine	)	
A-796-71-F-R/A	3	

B. Boilers #1 and #2

Boilers #1 and #2 were installed in 2009 and are each rated at 2.7 MMBtu/hr. Boilers #1 and #2 are therefore not subject to the New Source Performance Standards (NSPS) Subpart Dc for steam generating units greater than 10 MMBtu/hr manufactured after June 9, 1989.

BACT for Boilers #1 and #2 shall consist of the following:

1. *Low Sulfur Fuel*, 06-096 CMR 106 (as amended) regulates fuel sulfur content. However, the use of #2 fuel oil which meets the criteria in ASTM D396 is more stringent and shall be considered BACT.
2. A PM Emission limit of 0.08 lb/MMBtu shall be considered BACT. PM<sub>10</sub> limits are derived from the PM limits.
3. NO<sub>x</sub>, CO and VOC emission limits are based on emission data taken from AP-42, dated 9/98 for the combustion of fuel oil.
4. Visible emissions from the common stack serving Boilers #1 and #2 (stack #2) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1), six (6) minute block average in a three hour period.

Boilers #1 and #2 are subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63 Subpart JJJJJ). The units are each rated under 10 MMBtu/hr and are thus not subject to PM, CO, or mercury emission limits from 40 CFR Part 63 Subpart JJJJJ.

For informational purposes, a summary of the applicable federal 40 CFR Part 63 Subpart JJJJJ requirements are listed below. The Maine Department of Environmental Protection has not taken delegation of this area source MACT (Maximum Achievable Control Technology) rule promulgated by EPA, however FairPoint is still subject to the requirements.

- An initial notification must be submitted to EPA no later than September 17, 2011. [40 CFR Part 63.11225(a)(2)]
- A boiler tune-up program shall be implemented to include the tune-up of Boilers #1 and #2 by March 21, 2012. [40 CFR Part 63.11196(a)(1)]
- A Notification of Compliance Status shall be submitted to EPA no later than 120 days after conducting the initial boiler tune-up. [40 CFR Part 63.11225(a)(4)] The Notification of Compliance Status form developed by EPA may be used to submit the required information.
- After the initial tune-up and initial compliance report has been submitted, the facility shall implement a biennial boiler tune-up program and submit biennial

compliance reports. The following are requirements of the boiler tune-up program:

- Each biennial tune-up shall be conducted no more than 25 months after the previous tune-up. [40 CFR Part 63.11223(a)]
- Each biennial tune-up shall include the following, as applicable:
  - Inspection of the burner, cleaning/replacing any component of the burner, as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted; however, the burner must be inspected at least once every 36 months. [40 CFR Part 63.11223(b)(1)]
  - Inspection of the flame pattern, and adjustment of the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 CFR Part 63.11223(b)(2)]
  - Inspection of the system controlling the air-to-fuel ratio, to ensure proper calibration and that it is functioning properly. [40 CFR Part 63.11223(b)(3)]
  - Optimization of total emissions of CO, consistent with manufacturer's specifications. [40 CFR Part 63.11223(b)(4)]
  - Measurement of concentration in the effluent stream of CO in parts per million (ppm), by volume, and oxygen in volume percent, before and after adjustments are made. [40 CFR Part 63.11223(b)(5)]
- If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within one week of start-up. [40 CFR Part 63.11223(b)(7)]
- Records shall be maintained consistent with the requirements of 40 CFR Part 63 Subpart JJJJJ including the following [40 CFR Part 63.11225(c)]: copies of compliance reports; identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned; documentation of fuel type(s) used monthly by each boiler; the occurrence and duration of each malfunction of the boiler; and actions taken during periods of malfunction to minimize emissions and actions taken to restore the malfunctioning boiler to its usual manner of operation.

C. Back-up Generator

FairPoint operates one back-up diesel generator rated at 7.7 MMBtu/hr. The back-up generator was installed in 1994 and is considered an existing unit at an area source of Hazardous Air Pollutants. It is therefore not subject to either the New Source Performance Standards 40 CFR Part 60 Subpart IIII, or the National Emission Standards for Hazardous Air Pollutants 40 CFR Part 63 Subpart ZZZZ per 40 CFR Part 63.6590(b)(3)(iii).

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 or peak shaving when reliable offsite power is available or for any demand response program.

A summary of the BPT analysis for the back-up generator is the following:

1. The back-up generator shares a fuel tank with the boilers. Therefore the use of #2 fuel oil which meets the criteria in ASTM D396 shall be considered BPT.
2. The back-up generator shall be limited to 500 hr/yr of operation based on a calendar year. An hour meter shall be installed and operated, and an operating log shall be kept for compliance purposes.
3. *Fuel Burning Equipment Particulate Emission Standard*, 06-096 CMR 103 (as amended) regulates PM emission limits for the back-up generator. PM<sub>10</sub> limits are derived from PM limits.
4. NO<sub>x</sub>, CO, and VOC emission limits are based upon AP-42 data dated 10/96.
5. Visible emissions from the back-up generator 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.

D. Annual Emission Restrictions

1. The back-up generator shall be limited to 500 hours of operation based on a calendar year.
2. FairPoint shall be limited to 40,000 gal of #2 fuel oil on a calendar year basis.
3. FairPoint shall be restricted to the following annual emissions, based on a calendar year:

**Total Licensed Emissions for the Facility**  
(used to calculate the annual license fee)

Tons/Year

Emission Unit	PM	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Boilers #1 and #2	0.22	0.22	1.41	0.40	0.10	0.01
Back-up Generator	0.23	0.23	1.00	6.21	1.65	0.17
<b>Total</b>	<b>0.45</b>	<b>0.45</b>	<b>2.41</b>	<b>6.61</b>	<b>1.75</b>	<b>0.18</b>

Northern New England	)	Departmental
Telephone Operations, LLC	)	Findings of Fact and Order
D/B/A FairPoint	)	Air Emission License
Penobscot County	)	
Bangor, Maine	)	
A-796-71-F-R/A	6	

### III. AMBIENT AIR QUALITY ANALYSIS

According to the 06-096 CMR 115, the level of air quality analyses required for a minor 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-796-71-F-R/A 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

Northern New England	)	Departmental
Telephone Operations, LLC	)	Findings of Fact and Order
D/B/A FairPoint	)	Air Emission License
Penobscot County	)	
Bangor, Maine	)	
A-796-71-F-R/A	7	

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:

Northern New England )  
Telephone Operations, LLC )  
D/B/A FairPoint )  
Penobscot County )  
Bangor, Maine )  
A-796-71-F-R/A 8

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

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

Northern New England	)	Departmental
Telephone Operations, LLC	)	Findings of Fact and Order
D/B/A FairPoint	)	Air Emission License
Penobscot County	)	
Bangor, Maine	)	
A-796-71-F-R/A	9	

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 #1 and #2

- A. Boilers #1 and #2 shall only fire #2 fuel oil which meets the criteria in ASTM D396. Compliance shall be demonstrated by fuel records from the supplier documenting the type of fuel delivered. [06-096 CMR 115, BACT]
- B. Emissions from each boiler shall not exceed the following [06-096 CMR 115, BACT]:

Emission Unit		PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler	lb/hr	0.22	0.22	1.37	0.39	0.10	0.01

- C. Visible emissions from the common stack serving Boilers #1 and #2 shall not exceed 20% 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. [06-096 CMR 101]

(17) Back-up Generator

- A. The back-up generator shall be limited to 500 hours per year of operation, based on a calendar year. An hour meter shall be installed and operated, and an operating log shall be kept for compliance purposes. [06-096 CMR 115, BPT]
- B. The back-up generator shall only be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The back-up generator shall not to be used for prime power or peak shaving when reliable offsite power is available or

Northern New England )  
 Telephone Operations, LLC )  
 D/B/A FairPoint )  
 Penobscot County )  
 Bangor, Maine )  
 A-796-71-F-R/A 10

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

for any demand response program. A log shall be maintained documenting the date, time, and reason for operation. [06-096 CMR 115, BPT]

- C. The back-up generator shall be limited to firing #2 fuel oil which meets the criteria in ASTM D396. Records from the supplier documenting type of fuel delivered shall be kept for compliance purposes. [06-096 CMR 115, BPT]
- D. Emissions from the back-up generator shall not exceed the following: [06-096 CMR 115, 06-096 CMR 103, BPT]

<b>Emission Unit</b>		<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Back-up Generator	Lb/MMBtu	0.12	-	-	-	-	-
	lb/hr	0.93	0.93	3.98	24.83	6.60	0.70

- E. Visible emissions from the back-up generator 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 3 hour period. [06-096 CMR 101]

(18) Fuel Use Restrictions

FairPoint shall be limited to firing 40,000 gal of #2 fuel oil which meets the criteria in ASTM D396 on a calendar year basis. Records from the supplier documenting fuel type and quantity delivered shall be kept for compliance purposes. [MEDEP Chapter 115, BPT]

Northern New England )  
Telephone Operations, LLC )  
D/B/A FairPoint )  
Penobscot County )  
Bangor, Maine )  
A-796-71-F-R/A 11

Departmental  
Findings of Fact and Order  
Air Emission License

(19) FairPoint 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 7<sup>th</sup> DAY OF June, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie L. Brooks  
JAMES P. BROOKS, ACTING 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: 7/16/2010

Date of application acceptance: 7/28/2010

Date filed with the Board of Environmental Protection:

This Order prepared by Jonathan Voisine, Bureau of Air Quality.



