



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

JAMES P. BROOKS  
ACTING COMMISSIONER

Boston Financial Data Services, Inc.	)	Departmental
Knox County	)	Findings of Fact and Order
Rockland, Maine	)	Air Emission License
A-841-71-E-M (SM)	)	Minor Revision

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:

Boston Financial Data Services, Inc. (Boston Financial) has requested a minor revision to allow the emergency diesel generator at the facility located at Rockland, Maine to respond to the ISO-New England's Demand Response Program (the "ISO Program").

B. Emission Equipment:

Boston Financial is authorized to operate the following equipment:

**Fuel Burning Equipment**

Equipment	Maximum Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type, % sulfur	Stack #
Boiler #1	4.0	28.6	#2 fuel oil *	1
Boiler #2	4.0	28.6	#2 fuel oil *	1
Generator #1	11.6	84.6	Diesel, 0.05%	2

\* The #2 fuel oil will meet the ASTM D396 specifications

Boston Financial also operates small boilers and HVAC units that have been determined to be insignificant based on size per 06-096 CMR 115 Appendix B.

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

C. Application Classification:

The application for Boston Financial does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a minor revision and has been processed through Minor Source Air Emission License Regulations, 06-096 CMR 115 (as amended).

**II. REVISION DESCRIPTION**

Boston Financial in Rockland operates an 11.6 MMBtu/hr diesel-fired emergency engine and is proposing to participate in the ISO-New England's Demand Response Program (the "ISO Program"). The ISO Program has been designed to alleviate potential reliability concerns in the region, which if not addressed could result in electric service interruptions. Use of emergency engines in the ISO Program occurs when ISO declares a Operating Procedure 4 (OP-4).

Boston Financial air license includes the following operating restrictions for the emergency generator: "Back-up generators are only to be operated for maintenance purposes and for situations arising from sudden and reasonably foreseeable events beyond the control of the source. Back-up generators are not to be used for prime power when reliable off-site power is available." Therefore, the emergency generator cannot currently participate in the ISO Program due to this license restriction. Boston Financial has requested their license be modified for up to 60 hours of emergency demand response (DR) use for the following reasons:

- In January 2010, EnerNOC, Inc. convinced the EPA about the merits of emergency DR and EPA included a carve out provision in the NESHAP (40 CFR 63 Subpart ZZZZ). However, EPA included a 15 hour per year limit which becomes effective May 3, 2013. In May 2010, EnerNOC (and other companies) filed both petitions for reconsideration and review asking that the EPA modify the NESHAP to increase the 15 hour limit to the minimum of the ISO tariff or 60 hours. Since ISO New England does not specify an emergency DR limit, Boston Financial is asking that the use of engines in emergency DR programs be increased from 15 to 60 hours for New England.
- EPA accepted the petition; held a public meeting in January 2011; and collected public comments through February 14, 2011. The EPA received over 116 letters of which 96% supported EnerNOC's petition or asked for more (e.g., the use of engines for peak shaving). Meetings with EPA and EnerNOC, Inc. in April 2011 indicated EPA plans to proceed with a proposed rule change this summer.
- The use of emergency engines for emergency DR is still a measure of last resort. The last time (and only time in Maine) ISO New England used engines for an OP-4 action was August 2, 2006.

Boston Financial Data Services, Inc.	)	Departmental
Knox County	)	Findings of Fact and Order
Rockland, Maine	)	Air Emission License
A-841-71-E-M (SM)	3	Minor Revision

To be consistent with the petition and likely future EPA action, this minor revision will allow Boston Financial 60 hours of emergency demand response. However, if EPA does not change the NESHAP rule, which currently limits OP-4 operation to 15 hours after May 3, 2013, then Boston Financial is required to meet what is required per the rule at that time.

### 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 minor revision A-841-71-E-M subject to the conditions found in Air Emissions License, A-841-71-B-R/T, subsequent amendments, and 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.

**(1) The following condition is new to Air Emission License Amendment A-841-71-B-R/T:**

#### **OP-4 Emergencies**

- A. Boston Financial shall only operate the emergency generator for periods of maintenance, emergencies when off-site power is unavailable, and ISO New England OP-4 emergencies.
- B. Boston Financial shall keep records for OP-4 emergencies which include the date, which the generator was operated, start time and stop time for the generator, and documentation that Boston Financial was contacted by ISO New England and asked to reduce consumption as part of an OP-4 event.
- C. Boston Financial shall not operate the emergency generator for more than 60 hours between January 1<sup>st</sup> and December 31<sup>st</sup> of each year in response to an OP-4 emergency.

Boston Financial Data Services, Inc. )  
Knox County )  
Rockland, Maine )  
A-841-71-E-M (SM) 4

Departmental  
Findings of Fact and Order  
Air Emission License  
Minor Revision

D. If EPA does not change 40 CFR Part 63 Subpart ZZZZ NESHAP rule then Boston Financial is required to meet all applicable requirements per the federal rule by the applicable compliance dates.

[06-096 CMR 115, BACT]

DONE AND DATED IN AUGUSTA, MAINE THIS 31<sup>st</sup> DAY OF May 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie Brooks for  
JAMES P. BROOKS, ACTING COMMISSIONER

**The term of this amendment shall be concurrent with the term of Air Emission License A-841-71-B-R/T.**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: May 16, 2011

Date of application acceptance: May 19, 2011

Date filed with the Board of Environmental Protection: \_\_\_\_\_

This Order prepared by Edwin Cousins, Bureau of Air Quality.

