



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

**Sunday River Skiway Corporation
Oxford County
Newry, Maine
A-634-71-J-R (SM)**

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

FINDINGS OF FACT

After review of the air emissions license renewal application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

Sunday River Skiway Corporation (Sunday River) has applied to renew their Air Emission License permitting the operation of emission sources associated with their ski resort.

The equipment addressed in this license is located at 15 South Ridge Road, Newry, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Back-up Ski Lift Engines

Equipment	Power Output (HP)	Heat Input (MMBtu/hr)	Fuel Type, % sulfur	Date of Manuf.
Lift Engine #1	280	1.96	distillate fuel, 0.0015%	pre-2005
Lift Engine #2	152	1.07	distillate fuel, 0.0015%	pre-2005
Lift Engine #6	400	2.81	distillate fuel, 0.0015%	pre-2005
Lift Engine #7	800	5.63	distillate fuel, 0.0015%	2008
Lift Engine #7 Aux	571	4.02	distillate fuel, 0.0015%	2008
Lift Engine #9	152	1.07	distillate fuel, 0.0015%	pre-2005
Lift Engine #10	335	2.35	distillate fuel, 0.0015%	pre-2005
Lift Engine #11	177	1.24	distillate fuel, 0.0015%	pre-2005
Lift Engine #12	450	3.16	distillate fuel, 0.0015%	pre-2005
Lift Engine #14	290	2.03	distillate fuel, 0.0015%	pre-2005
Lift Engine #15	177	1.24	distillate fuel, 0.0015%	pre-2005

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 04769
(207) 764-0477 FAX: (207) 760-3143

Electrical Generating Equipment

<u>Equipment</u>	<u>Power Output (kW)</u>	<u>Heat Input (MMBtu/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Date of Manuf.</u>
Diesel #1	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #2	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #3	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #4	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #5	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #6	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #7	1250	12.3	distillate fuel, 0.0015%	post-2014
Diesel #8	1250	12.3	distillate fuel, 0.0015%	post-2014

Diesels #1-#8 were previously licensed but have not yet been installed.

C. Definitions

Distillate Fuel means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396, diesel fuel oil numbers 1 or 2, as defined in ASTM D975, kerosene, as defined in ASTM D3699, biodiesel as defined in ASTM D6751, or biodiesel blends as defined in ASTM D7467.

D. Application Classification

The application for Sunday River 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 currently licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (CMR) 115 (as amended). With the annual fuel limit on Diesels #1-#8 and the operating hours restrictions on the back-up lift engines, the facility is licensed below the major source thresholds for criteria pollutants and is considered a synthetic minor. The facility is also licensed below the major source thresholds for hazardous air pollutants (HAP) and is considered an area source of HAP.

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.

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 (as amended). 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.

B. Back-up Ski Lift Engines

Sunday River operates eleven emergency back-up ski lift engines (Lift Engines #1, #2, #6, #7, #7 Aux, #9, #10, #11, #12, #14, and #15) which fire distillate fuel. Lift Engines #7 and #7 Aux were manufactured and installed in 2008. All of the other back-up ski lift engines were manufactured prior to 2005.

1. BPT Findings

The BPT emission limits for Lift Engine #7 are based on the following:

PM/PM ₁₀	- 0.12 lb/MMBtu from 06-096 CMR 103
SO ₂	- combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
NO _x	- 3.2 lb/MMBtu from AP-42 dated 10/96
CO	- 0.85 lb/MMBtu from AP-42 dated 10/96
VOC	- 0.09 lb/MMBtu from AP-42 dated 10/96
Opacity	- 06-096 CMR 101

The BPT emission limits for all other back-up ski lift engines are based on the following:

PM/PM ₁₀	- 0.12 lb/MMBtu from 06-096 CMR 103 and 115, BPT
SO ₂	- combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
NO _x	- 4.41 lb/MMBtu from AP-42 dated 10/96
CO	- 0.95 lb/MMBtu from AP-42 dated 10/96
VOC	- 0.35 lb/MMBtu from AP-42 dated 10/96
Opacity	- 06-096 CMR 101

The BPT emission limits for the back-up ski lift engines are the following:

Unit	Pollutant	lb/MMBtu
Lift Engine #7	PM	0.12
Lift Engine #7 Aux	PM	0.12
Lift Engine #12	PM	0.12

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Lift Engine #1	0.24	0.24	neg	8.64	1.86	0.69
Lift Engine #2	0.13	0.13	neg	4.72	1.02	0.37
Lift Engine #6	0.34	0.34	neg	12.39	2.67	0.98
Lift Engine #7	0.68	0.68	neg	18.02	4.79	0.51
Lift Engine #7 Aux	0.48	0.48	neg	17.73	3.82	1.41
Lift Engine #9	0.13	0.13	neg	4.72	1.02	0.37
Lift Engine #10	0.28	0.28	neg	10.36	2.23	0.82
Lift Engine #11	0.15	0.15	neg	5.47	1.18	0.43
Lift Engine #12	0.38	0.38	neg	13.94	3.00	1.11
Lift Engine #14	0.24	0.24	neg	8.95	1.93	0.71
Lift Engine #15	0.15	0.15	neg	5.47	1.18	0.43

Visible emissions from each of the back-up ski lift engines shall not exceed 20% opacity on a 6-minute block average, except for no more than two (2) six (6) minute block averages in a 3-hour period.

Each of the back-up ski lift engines shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. There is no limit on emergency operation. Each back-up ski lift engine shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with the operating hours limit, Sunday River shall keep records of the total hours of operation and the hours of emergency operation for each unit.

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

2. 40 CFR Part 63, Subpart ZZZZ

The federal regulation 40 CFR Part 63, Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines* is not applicable to the emergency engines listed above. The units are considered existing, emergency stationary reciprocating internal combustion engines at an area HAP source. However, they are considered exempt from the

requirements of Subpart ZZZZ since they are categorized as commercial emergency engines and they do not operate or are not contractually obligated to be available for more than 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in §63.6640(f)(4)(ii).

Operation of emergency engines such that each exceeds 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in §63.6640(f)(4)(ii), would cause the engine(s) to be subject to 40 CFR Part 63, Subpart ZZZZ, and require compliance with all applicable requirements.

3. 40 CFR Part 60, Subpart IIII

The federal regulation 40 CFR Part 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE)* is applicable to Lift Engines #7 and #7 Aux since these units were ordered after July 11, 2005 and manufactured after April 1, 2006.

a. Emergency Definition:

Emergency stationary ICE means any stationary reciprocating internal combustion engine that meets all of the following criteria:

- (1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. There is no time limit on the use of emergency stationary ICE in emergency situations.
- (2) Paragraph (1) above notwithstanding, the emergency stationary ICE may be operated for any combination of the purposes specified below for a maximum of 100 hours per calendar year:
 - (i) Maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator

maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.

- (ii) Emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
 - (iii) Periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- (3) Paragraphs (1) and (2) above notwithstanding, emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. These 50 hours are counted as part of the 100 hours per calendar year for maintenance checks and readiness testing, emergency demand response, and periods of voltage deviation or low frequency, as provided in paragraph (2) above.

The 50 hours per calendar year for non-emergency situations cannot be used for peak shaving, non-emergency demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity, except if the following conditions are met:

- (i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
- (ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
- (iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- (iv) The power is provided only to the facility itself or to support the local transmission and distribution system.
- (v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

b. 40 CFR Part 60, Subpart IIII Requirements:

(1) **Manufacturer Certification Requirement**

Lift Engines #7 and #7 Aux shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in 40 CFR §60.4202. [40 CFR §60.4205(b)]

(2) **Ultra-Low Sulfur Fuel Requirement**

The fuel fired in Lift Engines #7 and #7 Aux shall not exceed 15 ppm sulfur (0.0015% sulfur), except that any existing fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted. [40 CFR §60.4207(b)]

(3) **Non-Resettable Hour Meter Requirement**

A non-resettable hour meter shall be installed and operated on Lift Engines #7 and #7 Aux. [40 CFR §60.4209(a)]

(4) **Operation and Maintenance Requirements**

Lift Engines #7 and #7 Aux shall be operated and maintained according to the manufacturer's emission-related written instructions or procedures developed by facility that are approved by the engine manufacturer. Sunday River may only change those emission-related settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]

(5) **Annual Time Limit for Maintenance and Testing**

Lift Engines #7 and #7 Aux shall each be limited to 100 hours/year for maintenance checks and readiness testing, emergency demand response, and periods of voltage or frequency deviation from standards. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, non-emergency demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity unless the conditions in §60.4211(f)(3)(i) are met). [40 CFR §60.4211(f)]

(6) **Initial Notification Requirement**

No initial notification is required for emergency engines. [40 CFR §60.4214(b)]

(7) **Recordkeeping**

Sunday River shall keep records that include maintenance conducted on the engines and the hours of operation of each engine recorded through the non-resettable hour meter. Documentation shall include the hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency. If the engines are operated during a period of demand response or deviation from standard voltage or

frequency, or to supply power during a non-emergency situation as part of a financial arrangement with another entity as specified in §60.4211(f)(3)(i), Sunday River shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [40 CFR §60.4214(b)]

(8) Annual Reporting Requirements for Demand Response Availability Over 15 Hours Per Year (for engines greater than 100 brake hp)

If Sunday River operates or is contractually obligated to be available for more than 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in §60.4211(f)(3)(i), the facility shall submit an annual report containing the information in §60.4214(d)(1)(i) through (vii). The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. The annual report must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form is not available in CEDRI at the time that the report is due, the written report must be submitted to the following address:

Director, Office of Ecosystem Protection
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

[40 CFR §60.4214(d)]

C. Diesels #1 - #8

Sunday River previously licensed the installation of eight prime-power distillate-fired generators (Diesels #1 - #8). To date, these units have not been installed. However, Sunday River wishes to maintain them on their license. Since installation of these units did not begin within 18 months of their last license, these units are subject to Best Available Control Technology (BACT).

The generators are generator sets with each gen set consisting of an engine and an electrical generator. If installed, the generators will be model year 2015 or newer. Each generator will have an approximate output of 1250 kW and a maximum heat input of 12.3 MMBtu/hr firing distillate fuel.

1. BACT Findings

The BACT emission limits for Diesels #1 - #8 are based on the following:

- PM/PM₁₀ - 0.04 g/kW-hr from NSPS Subpart III, §60.4201(a) & §1039.101 Table 1
- SO₂ - combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO_x - 3.5 g/kW-hr from NSPS Subpart III, §60.4201(a) & §1039.101 Table 1
- CO - 3.5 g/kW-hr from NSPS Subpart III, §60.4201(a) & §1039.101 Table 1
- VOC - 0.19 g/kW-hr from NSPS Subpart III, §60.4201(a) & §1039.101 Table 1
- Opacity - 06-096 CMR 101

The BACT emission limits for Diesels #1 - #8 are the following:

Unit	Pollutant	lb/MMBtu
Diesels #1 - #8 (each)	PM	0.01

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Diesels #1 - #8 (each)	0.11	0.11	0.02	9.65	9.65	0.52

Visible emissions from Diesels #1 - #8 shall each not exceed 20% opacity on a 6-minute block average, except for no more than two (2) six (6) minute block averages in a 3-hour period.

Sunday River shall be limited to the firing of 750,000 gal/year of distillate fuel in Diesels #1 - #8.

2. 40 CFR Part 60, Subpart III

The federal regulation 40 CFR Part 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE)* is applicable to Diesels #1 - #8 listed above since the units were ordered after July 11, 2005 and manufactured after April 1, 2006.

a. Manufacturer Certification Requirement

Diesels #1 - #8 shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in 40 CFR §60.4201. [40 CFR §60.4204(b)]

- b. Ultra-Low Sulfur Fuel Requirement
The fuel fired in Diesels #1 - #8 shall not exceed 15 ppm sulfur (0.0015% sulfur).
[40 CFR §60.4207(b)]
- c. Operation and Maintenance Requirements
- (1) Diesels #1 - #8 shall be operated and maintained according to the manufacturer's emission-related written instructions or procedures developed by Sunday River that are approved by the engine manufacturer. Sunday River may only change those emission-related settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]
- (2) If Diesels #1 - #8 are equipped with a diesel particulate filter to comply with emission standards, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner/operator when the high backpressure limit of the engine is approached. [40 CFR §60.4209(b)]
- d. Recordkeeping
If Diesels #1 - #8 are equipped with diesel particulate filters, Sunday River shall keep records of any corrective action taken after the backpressure monitor has signaled that the high backpressure limit of the engine is approached. [40 CFR §60.4214(c)]

D. Annual Emissions

1. Total Annual Emissions

Sunday River shall be restricted to the following annual emissions, based on a calendar year. The tons per year limits were calculated based on the following:

- Operating each back-up ski lift engine for 100 hours/year; and
- Firing 750,000 gal/year of distillate fuel in Diesels #1 - #8.

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

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Diesels #1 - #8	0.5	0.5	0.1	40.6	40.6	2.2
Lift Engine #1	–	–	–	0.4	0.1	–
Lift Engine #2	–	–	–	0.2	0.1	–
Lift Engine #6	–	–	–	0.6	0.1	0.1
Lift Engine #7	–	–	–	0.9	0.2	–
Lift Engine #7 Aux	–	–	–	0.9	0.2	0.1
Lift Engine #9	–	–	–	0.2	0.1	–
Lift Engine #10	–	–	–	0.5	0.1	–
Lift Engine #11	–	–	–	0.3	0.1	–
Lift Engine #12	–	–	–	0.7	0.2	0.1
Lift Engine #14	–	–	–	0.5	0.1	–
Lift Engine #15	–	–	–	0.3	0.1	–
Total TPY	0.5	0.5	0.1	46.1	42.0	2.5

2. Greenhouse Gases

Greenhouse gases are considered regulated pollutants as of January 2, 2011, through ‘Tailoring’ revisions made to EPA’s *Approval and Promulgation of Implementation Plans*, 40 CFR Part 52, Subpart A, §52.21, *Prevention of Significant Deterioration of Air Quality* rule. Greenhouse gases, as defined in 06-096 CMR 100 (as amended), are the aggregate group of the following gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. For licensing purposes, greenhouse gases (GHG) are calculated and reported as carbon dioxide equivalents (CO₂e).

The quantity of CO₂e emissions from this facility is less than 100,000 tons per year, based on the following:

- the facility’s fuel use limit;
- worst case emission factors from the following sources: U.S. EPA’s AP-42, the Intergovernmental Panel on Climate Change (IPCC), and 40 CFR Part 98, *Mandatory Greenhouse Gas Reporting*; and
- global warming potentials contained in 40 CFR Part 98.

No additional licensing actions to address GHG emissions are required at this time.

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source shall be determined by the Department on a case-by case basis. In accordance with 06-096 CMR 115, an ambient air quality impact analysis is not required for a minor source if the total

licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

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

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

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, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-634-71-J-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-A. [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 emissions 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) Back-up Ski Lift Engines

- A. Each of the back-up ski lift engines shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations.
[06-096 CMR 115]
- B. Sunday River shall keep records that include maintenance conducted on the back-up ski lift engines and the hours of operation of each engine recorded through the non-resettable hour meters. Documentation shall include the hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency. [06-096 CMR 115, BACT]
- C. If the back-up ski lift engines are operated during a period of demand response or deviation from standard voltage or frequency, or to supply power during a non-emergency situation as part of a financial arrangement with another entity, Sunday River shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.
[06-096 CMR 115, BACT]
- D. The fuel sulfur content for the back-up ski lift engines shall be limited to 0.0015% sulfur by weight. Compliance shall be demonstrated by fuel records from the supplier documenting the type of fuel delivered and the sulfur content of the fuel.
[06-096 CMR 115, BPT]
- E. Emissions shall not exceed the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
Lift Engine #7	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Lift Engine #7 Aux	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Lift Engine #12	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

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

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Lift Engine #1	0.24	0.24	neg	8.64	1.86	0.69
Lift Engine #2	0.13	0.13	neg	4.72	1.02	0.37
Lift Engine #6	0.34	0.34	neg	12.39	2.67	0.98
Lift Engine #7	0.68	0.68	neg	18.02	4.79	0.51
Lift Engine #7 Aux	0.48	0.48	neg	17.73	3.82	1.41
Lift Engine #9	0.13	0.13	neg	4.72	1.02	0.37
Lift Engine #10	0.28	0.28	neg	10.36	2.23	0.82
Lift Engine #11	0.15	0.15	neg	5.47	1.18	0.43
Lift Engine #12	0.38	0.38	neg	13.94	3.00	1.11
Lift Engine #14	0.24	0.24	neg	8.95	1.93	0.71
Lift Engine #15	0.15	0.15	neg	5.47	1.18	0.43

G. Visible emissions from each of the back-up ski lift engines shall not exceed 20% opacity on a 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]

H. The back-up ski lift engines are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The back-up ski lift engines are not to be used for prime power when reliable offsite power is available; nor to operate or to be contractually obligated to be available for more than 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity.

I. Lift Engines #7 and #7 Aux shall meet the applicable requirements of 40 CFR Part 60, Subpart III, including the following:

1. Manufacturer Certification

Lift Engines #7 and #7 Aux shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in §60.4202. [40 CFR §60.4205(b)]

2. Annual Time Limit for Maintenance and Testing

a. Lift Engines #7 and #7 Aux shall each be limited to 100 hours/year for maintenance checks and readiness testing, emergency demand response, and periods of voltage or frequency deviation from standards. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, non-emergency demand response, or to generate

income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity unless the conditions in §60.4211(f)(3)(i) are met). These limits are based on a calendar year. Compliance shall be demonstrated by a written log of all engine operating hours. [40 CFR §60.4211(f) and 06-096 CMR 115]

- b. Sunday River shall keep records that include maintenance conducted on Lift Engines #7 and #7 Aux and the hours of operation of each engine recorded through the non-resettable hour meter. Documentation shall include the hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency. If Lift Engines #7 and #7 Aux are operated during a period of demand response or deviation from standard voltage or frequency, or to supply power during a non-emergency situation as part of a financial arrangement with another entity as specified in §60.4211(f)(3)(i), the Sunday River shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.

3. Operation and Maintenance

Lift Engines #7 and #7 Aux shall be operated and maintained according to the manufacturer's emission-related written instructions or procedures developed by Sunday River that are approved by the engine manufacturer. Sunday River may only change those emission-related settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]

4. Annual Reporting For Demand Response Availability Over 15 Hours Per Year

If Sunday River operates or is contractually obligated to be available for more than 15 hours per calendar year in a demand response program, during a period of deviation from standard voltage or frequency, or supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in §60.4211(f)(3)(i), the facility shall submit an annual report containing the information in §60.4214(d)(1)(i) through (vii). The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. The annual report must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form is not available in CEDRI at the time that the report is due, the written report must be submitted to the

following address:

Director, Office of Ecosystem Protection
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

[40 CFR §60.4214(d)]

(17) **Diesels #1 - #8**

A. If installation of Diesels #1 - #8 has not begun within the eighteen (18) month window described in Standard Condition (3), Sunday River shall request, and must receive, written approval from the Department prior to commencing construction of these units. [06-096 CMR 115, BACT]

B. Emissions shall not exceed the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
Diesels #1 - #8 (each)	PM	0.01	06-096 CMR 115, BACT

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

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM₁₀ (lb/hr)</u>	<u>SO₂ (lb/hr)</u>	<u>NO_x (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Diesels #1 - #8 (each)	0.11	0.11	0.02	9.65	9.65	0.52

D. Visible emissions from Diesels #1 - #8 shall each not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

E. Total fuel use for Diesels #1 - #8 shall not exceed 750,000 gal/year of distillate fuel, based on a calendar year. Compliance shall be demonstrated by fuel records from the supplier showing the quantity, type, and the percent sulfur of the fuel delivered. Records of annual fuel use shall be kept on a monthly and calendar year basis. [06-096 CMR 115, BACT]

F. Diesels #1 - #8 shall meet the applicable requirements of 40 CFR Part 60, Subpart IIII, including the following:

1. Manufacturer Certification

Diesels #1 - #8 shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in 40 CFR §60.4201. [40 CFR §60.4204(b)]

2. Ultra-Low Sulfur Fuel

The fuel fired in Diesels #1 - #8 shall not exceed 15 ppm sulfur (0.0015% sulfur). [40 CFR §60.4207(b)]

3. Operation and Maintenance

a. Diesels #1 - #8 shall be operated and maintained according to the manufacturer's emission-related written instructions or procedures developed by Sunday River that are approved by the engine manufacturer. Sunday River may only change those emission-related settings that are permitted by the manufacturer. [40 CFR §60.4211(a)]

b. If Diesels #1 - #8 are equipped with a diesel particulate filter to comply with emission standards, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner/operator when the high backpressure limit of the engine is approached. [40 CFR §60.4209(b)]

4. Recordkeeping

If Diesels #1 - #8 are equipped with diesel particulate filters, Sunday River shall keep records of any corrective action taken after the backpressure monitor has signaled that the high backpressure limit of the engine is approached. [40 CFR §60.4214(c)]

(18) **Annual Emission Statement**

In accordance with *Emission Statements*, 06-096 CMR 137 (as amended), the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of either:

- 1) A computer program and accompanying instructions supplied by the Department;
or
- 2) A written emission statement containing the information required in 06-096 CMR 137.

The emission statement must be submitted as specified by the date in 06-096 CMR 137.

Sunday River Skiway Corporation
Oxford County
Newry, Maine
A-634-71-J-R (SM)

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Departmental
Findings of Fact and Order
Air Emission License
Renewal

- (19) Sunday River 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 16 DAY OF March, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marie Allen Robert Corne for
PATRICIA W. AHO, COMMISSIONER

The term of this license shall be ten (10) years from the signature date above.

[Note: If a complete renewal application, as determined by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 MRSA §10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the renewal of the license.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 2/2/15

Date of application acceptance: 2/6/15

Date filed with the Board of Environmental Protection:

This Order prepared by Lynn Muzzey, Bureau of Air Quality.

