



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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GOVERNOR

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COMMISSIONER

Athena Point Lookout, LLC
Waldo County
Northport, Maine
A-840-71-F-T/R (SM)

Departmental
Findings of Fact and Order
Air Emission License
Transfer/Renewal

FINDINGS OF FACT

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

Athena Point Lookout, LLC (Athena) has requested a transfer and renewal of the current Air Emissions License, A-840-71-C-N, issued February 28, 2008. The Air Emission License is currently issued to Point Lookout Resort & Conference Center located at 67 Atlantic Highway Northport, Maine. Athena has applied to renew the air license permitting the operation of emission sources associated with their commercial office buildings.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Fuel Burning Equipment

Equipment	Maximum Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type, % sulfur	Stack #
Boiler #1	1.45	10.4	#2 fuel oil, 0.5%	1
Boiler #2	1.45	10.4	#2 fuel oil, 0.5%	1
Boiler #3	3.45	24.5	#2 fuel oil, 0.5%	2
Boiler #4	3.45	24.5	#2 fuel oil, 0.5%	2
Boiler #5	4.06	29.0	#2 fuel oil, 0.5%	3

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

Boiler #6	4.06	29.0	#2 fuel oil, 0.5%	3
Boiler #7	1.2	8.6	#2 fuel oil, 0.5%	4
Boiler #8	1.2	8.6	#2 fuel oil, 0.5%	4
Boiler #9	1.51	10.8	#2 fuel oil, 0.5%	5
Emergency Generator #3	13.72	100.1	diesel fuel, 0.05%	8

C. Application Classification

The application for Athena 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 CMR 115 (as amended). With the fuel limit on the boilers and the operating hours restriction on the emergency generator, the facility is licensed below the major source thresholds and is considered a synthetic minor. This air license also addresses the requirements associated with transferring the air license from Point Lookout Resort & Conference Center to Athena Point Lookout, LLC.

II. TRANSFER REQUIREMENTS

A. Title, Right, or Interest

In their application received by the Department October 25, 2012, Athena submitted copies of property deeds transferring ownership of the facility from Point Lookout Resort & Conference Center to Athena. The parties have provided sufficient evidence of title, right, or interest in the facility to allow the transfer of the facility's licenses.

B. Financial Capacity and Intent

Athena states that they possess the financial capacity to operate the facility in compliance with its air emission license.

C. Technical Capacity and Intent

Athena's acquisition of the facility is not expected to result in any significant change in the employees that currently operate the equipment, facilities, and conduct other activities. The facility's regulatory history with the MEDEP demonstrates that the environmental personnel are competent in air pollution control. The information submitted in the application provides sufficient evidence that Athena has the technical capacity and intent to comply with their air emission license.

D. Full Name and Address

The full name and address of the new owner is:

Athena Point Lookout, LLC
67 Atlantic Highway
Northport, ME 04849

E. Certification

Athena certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type.

III. 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 #1 - #9

Athena operates Boilers #1-#9 for building heating and hot water needs. The boilers are rated with maximum design heat input capacities ranging from 1.2 to 4.06 MMBtu/hr and each fire heating oil that meets the criteria in ASTM D396 for #2 fuel oil. The boilers were installed between 1996 and 2001 and each boiler exhausts through its own stack.

Due to the size of the boilers, they are 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.

1. BPT Findings

The BPT emission limits for the boilers were based on the following:

#2 Fuel Oil

- PM/PM₁₀ – 0.08 lb/MMBtu based on previous license for BACT.
- SO₂ – based on firing ASTM D396 compliant #2 fuel oil (0.5% sulfur); 0.5 lb/MMBtu
- NO_x – 0.35 lb/MMBtu based on previous licenses
- CO – 5 lb/1000 gal, AP-42, Table 1.3-1, dated 5/10
- VOC – 0.2 lb/1000 gal, AP-42, Table 1.3-3, dated 5/10
- Opacity – Visible emissions from each boiler firing fuel oil shall not exceed 20% opacity on a 6 minute block average, except for no more than one (1) six (6) minute block average in a 3 hour period.

The BPT emission limits for the boilers are the following:

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	0.12	0.12	0.73	0.51	0.05	0.01
Boiler #2	0.12	0.12	0.73	0.51	0.05	0.01
Boiler #3	0.27	0.27	1.68	1.17	0.12	0.01
Boiler #4	0.27	0.27	1.68	1.17	0.12	0.01
Boiler #5	0.32	0.32	2.04	1.42	0.15	0.01
Boiler #6	0.32	0.32	2.04	1.42	0.15	0.01
Boiler #7	0.10	0.10	0.60	0.42	0.04	0.01
Boiler #8	0.10	0.10	0.60	0.42	0.04	0.01
Boiler #9	0.12	0.12	0.76	0.53	0.05	0.01

Athena shall be limited to a total of 180,000 gallons/yr of #2 fuel oil for the boilers, based on 12-month rolling total. Prior to January 1, 2016, the fuel oil fired in Boilers #1-#9 shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm).

2. Periodic Monitoring

Periodic monitoring for the boilers shall include recordkeeping to document fuel use both on a monthly and 12 month rolling total basis. Documentation shall include the type of fuel used.

3. 40 CFR Part 63 Subpart JJJJJ

Boiler #1-#9 may be 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 considered existing oil boilers rated less than 10 MMBtu/hr.

For informational purposes, a summary of the currently applicable federal 40 CFR Part 63 Subpart JJJJJ requirements is listed below. At this time, the Maine Department of Environmental Protection has not taken delegation of this area source MACT (Maximum Achievable Control Technology) rule promulgated by EPA, however Athena is still subject to the requirements. Notification forms and additional rule information can be found on the following website: <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

a. Compliance Dates, Notifications, and Work Practice Requirements

i. Initial Notification of Compliance

An Initial Notification submittal to EPA is due no later than January 20, 2014. [40 CFR Part 63.11225(a)(2)]

ii. Boiler Tune-Up Program

(a) A boiler tune-up program shall be implemented to include the initial tune-up of applicable boilers no later than March 21, 2014. [40 CFR Part 63.11196(a)(1)]

(b) The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:

1. As applicable, inspect the burner, and clean or replace 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)]
2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 CFR Part 63.11223(b)(2)]
3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. [40 CFR Part 63.11223(b)(3)]

4. Optimize total emissions of CO, consistent with manufacturer's specifications. [40 CFR Part 63.11223(b)(4)]
 5. Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer. [40 CFR Part 63.11223(b)(5)]
 6. If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up. [40 CFR Part 63.11223(b)(7)]
- (c) After conducting the initial boiler tune-up, a Notification of Compliance Status shall be submitted to EPA no later than July 19, 2014. [40 CFR Part 63.11225(a)(4) and 40 CFR Part 63.11214(b)]
- (d) The facility shall implement a boiler tune-up program after the initial tune-up and initial compliance report (called a Notification of Compliance Status) has been submitted.
1. Each tune-up shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. See chart below:

Boiler Category	Tune-Up Frequency
New or Existing Oil, Biomass and Coal fired boilers that are not designated as "Boilers with less frequent tune up requirements" listed below	Every 2 years
<i>New and Existing Oil, Biomass, and Coal fired Boilers with less frequent tune up requirements</i>	
Seasonal (see definition §63.11237)	Every 5 years
Limited use (see definition §63.11237)	Every 5 years
With a heat input capacity of <5MMBtu/hr	Every 5 years
Boiler with oxygen trim system which maintains and optimum air-to-fuel ratio that would otherwise be subject to a biennial tune up	Every 5 years

[40 CFR Part 63.11223(a) and Table 2]

2. The tune-up compliance report shall be maintained onsite and, if requested, submitted to EPA. The report shall contain the concentration of CO in the effluent stream (ppmv) and oxygen in volume percent, measured at high fire or typical operating load, before and after the boiler tune-up, a description of any corrective actions taken as part of the tune-up of the boiler, and the types and amounts of fuels used over the 12 months prior to the tune-up of the boiler. [40 CFR Part 63.11223(b)(6)]
The compliance report shall also include the company name and address; a compliance statement signed by a responsible official certifying truth, accuracy, and completeness; and a description of any deviations and corrective actions. [40 CFR Part 63.11225(b)]

b. Recordkeeping

Records shall be maintained consistent with the requirements of 40 CFR Part 63 Subpart JJJJJJ including the following [40 CFR Part 63.11225(c)]: copies of notifications and reports with supporting compliance documentation; 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. Records shall be in a form suitable and readily available for expeditious review.

C. Emergency Generator #3

Athena operates Emergency Generator #3 which fires diesel fuel, was manufactured in 2001, and is rated with a maximum design heat input capacity of 13.7 MMBtu/hr (1500 kW).

1. BACT/BPT Findings

The BPT emission limits for the generators are based on the following:

Diesel

- PM/PM₁₀ – 0.12 lb/MMBtu from 06-096 CMR 103
- SO₂ – based on firing 0.05% sulfur, 0.05 lb/MMBtu;
- NO_x – 3.2 lb/MMBtu, AP-42, Table 3.4-1 (dated 10/96);
- CO – 0.85 lb/MMBtu, AP-42, Table 3.4-1 (dated 10/96);
- VOC – 0.09 lb/MMBtu, AP-42, Table 3.4-1 (dated 10/96);

Opacity – Visible emissions from the diesel emergency generator 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.

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Emergency Generator #3	1.65	1.65	0.71	43.90	11.66	1.23

The Emergency Generator #3 shall be limited to 500 hours of operation a year, based on a 12 month rolling total. Athena shall keep records of the hours of operation for this unit.

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 applicable to the emergency generators listed above. The unit is considered existing, emergency stationary reciprocating internal combustion engines at an area HAP source and are not subject to New Source Performance Standards regulations. EPA's August 9, 2010 memo (*Guidance Regarding Definition of Residential, Commercial, and Institutional Emergency Stationary RICE in the NESHAP for Stationary RICE*) specifically does not exempt these units from the federal requirements.

Emergency Definition:

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

- (1) The stationary RICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary RICE 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 RICE used to pump water in the case of fire or flood, etc.

- (2) Paragraph (1) above notwithstanding, the emergency stationary RICE 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 RICE 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 RICE 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 provided in the following paragraphs:

- (i) Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with

another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution center.

- (ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
 - a. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
 - b. 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.
 - c. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
 - d. The power is provided only to the facility itself or to support the local transmission and distribution system.
 - e. 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.

40 CFR Part 63, Subpart ZZZZ Requirements:

	Compliance Dates	Operating Limitations* (40 CFR §63.6603(a) and Table 2(d))
Compression ignition (diesel, fuel oil) units: Emergency Generator #3	No later than May 3, 2013	- Change oil and filter every 500 hours of operation or annually, whichever comes first; - Inspect the air cleaner every 1000 hours of operation or annually, whichever comes first, and replace as necessary; and - Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

* Note: Due to the 500 hour operation limit on the generator, the inspections and oil/filter changes shall be performed annually to meet the requirements of 40 CFR Part 63, Subpart ZZZZ.

The generator shall be operated and maintained according to the manufacturer's emission-related written instructions or Athena shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
[40 CFR §63.6625(e)]

A non-resettable hour meter shall be installed and operated on the generator. [40 CFR §63.6625(f)]

During periods of startup the facility must minimize the engine's time spent at idle and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply. [40 CFR §63.6625(h) & 40 CFR Part 63, Subpart ZZZZ Table 2d]

The generator shall 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 §63.6640(f)(4)(ii) are met). [40 CFR §63.6640(f)]

Athena shall keep records that include maintenance conducted on the generator and the hours of operation of the 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 generator is operated during a period of demand response or 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), the Athena must keep records of the notification of the emergency situation, and the date, start time, and end time of generator operation for these purposes. [40 CFR §63.6655(e) and (f)]

Beginning January 1, 2015, the diesel fuel fired in the generator shall not exceed 15 ppm sulfur (0.0015%). Any existing diesel fuel purchased (or

otherwise obtained) prior to January 1, 2015, may be used until depleted.
[40 CFR §63.6604(b)]

The facility shall submit an annual report containing the information in §63.6650(h)(1)(i) through (ix). 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: [40 CFR §63.6650(h)]

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

D. Annual Emissions

1. Total Annual Emissions

Athena shall be restricted to the following annual emissions, based on a 12 month rolling total. The tons per year limits were calculated based on the maximum facility-wide fuel use of 180,000 gallons per year of #2 fuel oil fired in the boilers (Boilers #1-#9) and based on the maximum operational limit of 500 hours/year for Emergency Generator #3:

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
Boilers	1.0	1.0	6.4	4.4	0.5	0.1
Generator #3	0.4	0.4	0.2	11.0	2.9	0.3
Total TPY	1.4	1.4	6.6	15.4	3.4	0.4

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).

Based on the facility's fuel use limit(s), the worst case emission factors from AP-42, IPCC (Intergovernmental Panel on Climate Change), and *Mandatory Greenhouse Gas Reporting*, 40 CFR Part 98, and the global warming potentials contained in 40 CFR Part 98, Athena is below the major source threshold of 100,000 tons of CO₂e per year. Therefore, no additional licensing requirements are needed to address GHG emissions at this time.

II. 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 is not required for a renewal if the total emissions of any pollutant released do not exceed the following and there are no extenuating circumstances:

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

Based on the total facility licensed emissions, Athena is below the emissions level required for modeling.

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-840-71-F-T/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) Boilers

A. Fuel

1. Total fuel use for Boilers #1, #2, #3, #4, #5, #6, #7, #8, and #9 shall not exceed 180,000 gal/yr of #2 fuel oil, based on a 12 month rolling total basis. [06-096 CMR 115]
2. Prior to January 1, 2016, the #2 fuel oil fired in the boilers shall be ASTM D396 compliant (max. sulfur content of 0.5% by weight). [06-096 CMR 115, BPT]

3. Beginning January 1, 2016, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm). [38 MRSA §603-A(2)(A)(3)]
4. Beginning January 1, 2018, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [38 MRSA §603-A(2)(A)(3)]
5. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of the fuel delivered (if applicable). Records of annual fuel use shall be kept on a monthly and 12-month rolling total basis. [06-096 CMR 115, BPT]

B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boilers #1-#9	PM	0.08	06-096 CMR 115, BPT

C. Emissions shall not exceed the following:

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	0.12	0.12	0.73	0.51	0.05	0.01
Boiler #2	0.12	0.12	0.73	0.51	0.05	0.01
Boiler #3	0.27	0.27	1.68	1.17	0.12	0.01
Boiler #4	0.27	0.27	1.68	1.17	0.12	0.01
Boiler #5	0.32	0.32	2.04	1.42	0.15	0.01
Boiler #6	0.32	0.32	2.04	1.42	0.15	0.01
Boiler #7	0.10	0.10	0.60	0.42	0.04	0.01
Boiler #8	0.10	0.10	0.60	0.42	0.04	0.01
Boiler #9	0.12	0.12	0.76	0.53	0.05	0.01

D. Visible Emissions

Visible emissions from each boiler firing fuel oil shall not exceed 20% opacity on a 6 minute block average, except for no more than one (1) six (6) minute block average in a 3 hour period. [06-096 CMR 101]

(17) **Emergency Generator #3**

- A. The generator is limited to 500 hours per year total operation, based on a 12 month rolling total. Compliance shall be demonstrated by a written log of the generator operating hours. [06-096 CMR 115]
- B. The fuel oil sulfur content for Emergency Generator #3 shall be limited to 0.05% 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]
- C. Emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Emergency Generator #3	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

- D. 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)
Emergency Generator #3	1.65	1.65	0.71	43.90	11.66	1.23

E. Visible Emissions

Visible emissions from the diesel generator 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]

- F. The Emergency Generator #3 shall meet the applicable requirements of 40 CFR Part 63, Subpart ZZZZ, including the following:
1. No later than May 3, 2013, Athena shall meet the following operational limitations for the compression ignition emergency generator:
 - a. Change the oil and filter annually,
 - b. Inspect the air cleaner annually and replace as necessary, and
 - c. Inspect the hoses and belts annually and replace as necessary.

A log shall be maintained documenting compliance with the operational limitations.

[40 CFR §63.6603(a) and Table 2(d); and 06-096 CMR 115]

2. A non-resettable hour meter shall be installed and operated on the generator. [40 CFR §63.6625(f)]
3. Maintenance, Testing, and Non-Emergency Operating Situations
 - a. The generator shall 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 §63.6640(f)(4)(ii) are met). These limits are based on a calendar year. Compliance shall be demonstrated by a written log of all generator operating hours. [40 CFR §63.6640(f) and 06-096 CMR 115]
 - b. Athena shall keep records that include maintenance conducted on the generator and the hours of operation of the 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 generators are operated during a period of demand response or 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), the Athena must keep records of the notification of the emergency situation, and the date, start time, and end time of generator operation for these purposes. [40 CFR §63.6655(e) and (f)]
4. The generators shall be operated and maintained according to the manufacturer's emission-related written instructions or Athena shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR §63.6625(e)]
5. During periods of startup the facility must minimize the engine's time spent at idle and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply. [40 CFR §63.6625(h) & 40 CFR Part 63, Subpart ZZZZ Table 2d]

Athena Point Lookout, LLC
Waldo County
Northport, Maine
A-840-71-F-T/R (SM)

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6. Beginning January 1, 2015, the diesel fuel fired in the generator shall not exceed 15 ppm sulfur (0.0015%). Any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted. [40 CFR §63.6604(b)]
7. The facility shall submit an annual report containing the information in §63.6650(h)(1)(i) through (ix). 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 §63.6650(h)]

- (18) Athena 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 26 DAY OF February, 2013.
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Maureen Robert Cone
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, 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: November 26, 2012
Date of application acceptance: December 10, 2012
Date filed with the Board of Environmental Protection:

This Order prepared by Edwin Cousins, Bureau of Air Quality

