



DEPARTMENT ORDER

**Congress Federal Realty, LLC, sole
Trustee of Congress Federal Trust
Cumberland County
Portland, Maine
A-16-71-I-R**

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

FINDINGS OF FACT

After review of the air emission 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 (M.R.S.) § 344 and § 590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

Congress Federal Realty, LLC, sole Trustee of Congress Federal Trust (Congress Federal Trust) has applied to renew their Air Emission License for the operation of emission sources associated with their office building.

The equipment addressed in this license is located at One Monument Square, Portland, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Boilers

Equipment	Max. Capacity (MMBtu/hr)	Maximum Firing Rate (scf/hr)	Fuel Type	Date of Manuf.	Date of Install.	Stack #
Boiler #1	6.3	6,176.5	Natural Gas	1969	1970	1
Boiler #2	6.3	6,176.5				

Congress Federal Trust also has a small water heater (0.125 MMBtu/hr) not listed in the table above. It is considered an insignificant emissions unit because it is rated below 1.0 MMBtu/hr, the heat input capacity level at or above which would require its inclusion in the license; therefore, this small water heater is not addressed further in this license.

Stationary Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity (kW)	Fuel Type	Firing Rate (scf/hr)	Date of Manuf.	Date of Install.
Back-up Generator	1.68	100	Natural Gas	1,650	2005	2006

C. Application Classification

All rules, regulations, or statutes referenced in this air emission license refer to the amended version in effect as of the date this license was issued.

The application for Congress Federal Trust 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 (C.M.R.) ch. 115.

D. Facility Classification

The facility is licensed as follows:

- As a natural minor source of criteria pollutants, because no license restrictions are necessary to keep facility emissions below major source thresholds for criteria pollutants; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for 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 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

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 and #2

Congress Federal Trust operates Boilers #1 and #2 for heating their offices. The boilers are each rated at 6.3 MMBtu/hr and fire natural gas. The boilers were installed in 1970 and exhaust through a combined stack, Stack #1.

1. BPT Findings

The BPT emission limits for Boilers #1 and #2 were based on the following:

PM/PM ₁₀ /PM _{2.5}	–	0.05 lb/MMBtu 06-096 C.M.R. ch. 115, BPT
SO ₂	–	0.6 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
NO _x	–	100 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
CO	–	84 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
VOC	–	5.5 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
Visible Emissions	–	06-096 C.M.R. ch. 101, §§ 4(D)(1) and 4(A)(3)

The BPT emission limits for Boilers #1 and #2 are the following:

Unit	Pollutant	lb/MMBtu
Boiler #1	PM	0.05
Boiler #2	PM	0.05

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	0.32	0.32	0.32	-	0.61	0.51	0.03
Boiler #2	0.32	0.32	0.32	-	0.61	0.51	0.03

2. Visible Emissions

Visible emissions from Stack #1 shall not exceed 10% opacity on a six-minute block average basis.

[06-096 C.M.R. ch. 101, §§ 4(D)(1) and 4(A)(3)]

3. New Source Performance Standards (NSPS): 40 C.F.R. Part 60, Subpart Dc

Due to the size and year of manufacture, Boilers #1 and #2 are not subject to *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units* 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

4. National Emission Standards for Hazardous Air Pollutants (NESHAP):
40 C.F.R. Part 63, Subpart JJJJJ

Boilers #1 and #2 are not subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 C.F.R. Part 63, Subpart JJJJJ. Natural gas-fired units are exempt from the requirements of this regulation. [40 C.F.R. § 63.11195(e)]

C. Back-up Generator

Congress Federal Trust operates one emergency generator (Back-up Generator). The emergency generator is a generator set consisting of an engine and an electrical generator. The Back-up Generator has an engine rated at 1.68 MMBtu/hr which fires natural gas. The Back-up Generator was manufactured in 2005 and installed in 2006.

1. BPT Findings

The BPT emission limits for the Back-up Generator are based on the following:

PM/PM₁₀/PM_{2.5} – 0.05 lb/MMBtu 06-096 C.M.R. ch. 115, BPT
SO₂ – 5.88 E-04 lb/MMBtu from AP-42 Table 3.2-2 dated 10/24
NO_x – 0.847 lb/MMBtu from AP-42 Table 3.2-2 dated 10/24
CO – 0.557 lb/MMBtu from AP-42 Table 3.2-2 dated 10/24
VOC – 0.118 lb/MMBtu from AP-42 Table 3.2-2 dated 10/24
Visible Emissions – 06-096 C.M.R. ch. 101, §§ 4(A)(4)

The BPT emission limits for the Back-up Generator are the following:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Back-up Generator	0.08	0.08	0.08	-	1.42	0.94	0.20

Visible emissions from the Back-up Generator shall not exceed 20% opacity on a six-minute block average basis.

The Back-up Generator shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. There is no limit on emergency operation. The Back-up Generator shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with the operating hours limit, Congress Federal Trust shall keep records of the total hours of operation, the number of hours the unit operated for emergency purposes, the number of hours the unit operated for non-emergency purposes, and the reason the engine was in operation each time.

Emergency 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. Emergency generators 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 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.

2. Chapter 169

The Back-up Generator was installed prior to the effective date of *Stationary Generators*, 06-096 C.M.R. ch. 169 and is therefore exempt from this rule pursuant to section 1.

3. New Source Performance Standards (NSPS)

Due to the date of manufacture of the Back-up Generator, the engine is not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Spark Ignition Internal Combustion Engines (SI ICE)*, 40 C.F.R. Part 60, Subpart JJJJ since the unit was not manufactured after January 1, 2009. [40 C.F.R. § 60.4230]

4. National Emission Standards for Hazardous Air Pollutants (NESHAP):
40 C.F.R. Part 63, Subpart ZZZZ

National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 C.F.R. Part 63, Subpart ZZZZ is not applicable to the Back-up Generator. The unit is considered an existing, emergency stationary reciprocating internal combustion engine at an area HAP source. However, it is considered exempt from the requirements of 40 C.F.R. Part 63, Subpart ZZZZ since it is categorized as a commercial emergency engine and it does not operate or is not contractually obligated to be available in a demand response program, during a period of deviation from standard voltage or frequency, or for supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in 40 C.F.R. § 63.6640(f)(4)(ii).

Operation of any emergency engine in a demand response program, during a period of deviation from standard voltage or frequency, or for supplying power during a non-emergency situation as part of a financial arrangement with another entity as specified in 40 C.F.R. § 63.6640(f)(4)(ii), would cause the engine to be subject to 40 C.F.R. Part 63, Subpart ZZZZ and require compliance with all applicable requirements.

D. General Process Emissions

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis.

E. Fugitive Emissions

Congress Federal Trust shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

Congress Federal Trust shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

F. Annual Emissions

The table below provides an estimate of facility-wide annual emissions for the purposes of calculating the facility's annual air license fee and establishing the facility's potential to emit (PTE). Only licensed equipment is included, i.e., emissions from insignificant activities are excluded. Similarly, unquantifiable fugitive particulate matter emissions are not included except when required by state or federal regulations. Maximum potential emissions were calculated based on operating the Back-up Generator for 100 hrs/yr of non-emergency operation and operating each boiler for 8,760 hr/yr.

This information does not represent a comprehensive list of license restrictions or permissions. That information is provided in the Order section of this license.

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

	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	CO	VOC
Boiler #1	1.4	1.4	1.4	-	2.7	2.3	0.2
Boiler #2	1.4	1.4	1.4	-	2.7	2.3	0.2
Back-up Generator	-	-	-	-	0.1	0.1	-
Total TPY	2.8	2.8	2.8	0.1*	5.5	4.7	0.4

Pollutant	Tons/year
Single HAP	7.9
Total HAP	19.9

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source is determined by the Department on a case-by-case basis. In accordance with 06-096 C.M.R. ch. 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
PM _{2.5}	15
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.

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Congress Federal Trust to submit additional information and may require an ambient air quality impact analysis 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, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

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. § 347-C).

- (2) The licensee shall acquire a new or amended air emission license prior to beginning actual construction of a modification, unless specifically provided for in Chapter 115. [06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115] Payment of the annual air emission license fee for Congress Federal Trust is due by the end of May of each year. [38 M.R.S. § 353-A(3)]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 C.F.R. 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 C.F.R. 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 C.M.R. ch. 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 the written test report by the Department, or another alternative timeframe approved by the Department, 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 C.F.R. 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 C.M.R. ch. 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 license requirement. [06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]
- (16) The licensee 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. § 605). [06-096 C.M.R. ch. 115]

SPECIFIC CONDITIONS

(17) Boilers #1 and #2

A. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1	PM	0.05	06-096 C.M.R. ch. 115, BPT
Boiler #2	PM	0.05	

B. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	PM_{2.5} (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	0.32	0.32	0.32	-	0.61	0.51	0.03
Boiler #2	0.32	0.32	0.32	-	0.61	0.51	0.03

C. Visible emissions from Stack #1 shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, §§ 4(D)(1) and 4(A)(3)]

(18) Back-up Generator

A. The Back-up Generator shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. [06-096 C.M.R. ch. 115, BPT]

B. Congress Federal Trust shall keep records that include maintenance conducted on the engine and the hours of operation of the engine recorded through the non-resettable hour meter. Documentation shall include the number of hours the unit operated for emergency purposes, the number of hours the unit operated for non-emergency purposes, and the reason the engine was in operation each time. [06-096 C.M.R. ch. 115, BPT]

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

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Back-up Generator	0.08	0.08	0.08	-	1.42	0.94	0.20

D. Visible Emissions from the emergency generator shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(4)]

E. Emergency generators and/or fire pumps are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Emergency generators and/or fire pumps 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 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. [06-096 C.M.R. ch. 115, BPT]

(19) General Process Sources

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]

(20) Fugitive Emissions

A. Congress Federal Trust shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of

best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

B. Congress Federal Trust shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

[06-096 C.M.R. ch. 101, § 4(C)]

(21) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Congress Federal Trust may be required to submit additional information. Upon written request from the Department, Congress Federal Trust shall provide information necessary to demonstrate AAQS will not be exceeded, potentially including submission of an ambient air quality impact analysis or an application to amend this air emission license to resolve any deficiencies and ensure compliance with AAQS. Submission of this information is due within 60 days of the Department's written request unless otherwise stated in the Department's letter.

[06-096 C.M.R. ch. 115, § 2(O)]

DONE AND DATED IN AUGUSTA, MAINE THIS 16th DAY OF JUNE, 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: April 3, 2025
Date of application acceptance: April 18, 2025

This Order prepared by Zac Hicks, Bureau of Air Quality.