

**Kennebunk Light & Power District)
York County)
Kennebunk, Maine)
A-128-71-F-R**

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

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 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Kennebunk Light & Power District (Kennebunk L&P) of Kennebunk, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their electricity generation facility.

B. Emission Equipment

Kennebunk L&P is authorized to operate the following equipment:

Diesel Power Source

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Diesel Generator #1	14.0	102.0	Diesel Fuel, 0.05%	1

C. Application Classification

The application for Kennebunk L&P 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 current licensed emission units only.

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 Chapter 100 of the Department regulations. 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 emission from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Diesel Generator #1

Kennebunk L&P operates an ALCO manufactured, diesel engine, designated Diesel Generator #1, for peak shaving to reduce the load on the facility's transmission and distribution system. Diesel Generator #1 is located in a 10-foot tall utility building with no other structures within 500 feet of the building. Diesel Generator #1 exhausts through a 20-foot above ground level (AGL) stack, which equates to 80% GEP stack height.

Diesel Generator #1 has a maximum design heat input of 14.0 MMBtu/hr firing diesel fuel. Kennebunk L&P shall be restricted to firing only diesel fuel oil with a maximum sulfur content of no greater than 0.05% by weight in Diesel Generator #1.

Kennebunk L&P shall be restricted to firing no greater than 25,000 gal/yr of diesel fuel based on a twelve-month rolling total. Compliance with the fuel and sulfur content restrictions shall be based on fuel receipts from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. Fuel use records shall be maintained on a monthly basis, in addition to the twelve-month rolling total.

A summary of the BPT analysis for Diesel #1, is as follows:

1. BPT for diesel fuel is a sulfur content of 0.05% by weight.
2. BPT for PM/PM₁₀ for diesel fuel is 0.12 lb/MMBtu.
3. SO₂ emission limit calculations are based on a mass balance.
4. NO_x, CO and VOC emission limit calculations are based upon EPA emission factors dated 10/96.
5. In accordance with Chapter 101 of the Air Regulations, visible emissions from the diesel stack shall not exceed 20% opacity on a six-minute block average except, for no more than 2 six-minute block averages in a 3-hour period.

C. Annual Emission Restrictions

Total annual facility emissions were calculated based on the use of 25,000 gal/yr of diesel fuel oil with a maximum sulfur content of 0.05% by weight. Kennebunk L&P shall be assessed fees based on the following annual emissions, based on a twelve-month rolling total:

Total Allowable Annual Emission for the Facility

Pollutant	Tons/Year
PM	0.2
PM ₁₀	0.2
SO ₂	0.1
NO _x	5.5
CO	1.5
VOC	0.2

III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Based on the above total facility emissions, Kennebunk L&P is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-128-71-F-R subject to the following conditions:

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 MRSA §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.
- (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.
- (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.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (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.
- (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.
- (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.
- (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.

- (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:
- (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. 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
 - b. pursuant to any other requirement of this license to perform stack testing.
 - (ii) 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
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (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:
- (i) 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
 - (ii) 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

- (iii) 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.
- (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.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and 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.
- (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.

SPECIFIC CONDITIONS

- (16) Diesel Generator #1
- A. Total annual fuel use in Diesel Generator #1 shall not exceed 25,000 gals/yr of diesel fuel oil with a maximum sulfur content of no greater than 0.05% by weight, based on a twelve-month rolling total. Compliance shall be based on fuel receipts from the supplier showing the quantity of fuel delivered and the percent sulfur of the fuel. Fuel use records shall be maintained on a monthly basis, in addition to the twelve-month rolling total. [MEDEP Chapter 115, BPT]
- B. Emissions shall not exceed the following:

Equipment		PM	PM₁₀	SO₂	NO_x	CO	VOC
Diesel Generator #1	lb/MMBtu	0.12	-	-	-	-	-
	lb/hr	1.7	1.7	0.7	44.8	11.9	1.4

[MEDEP Chapter 115, BPT]

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- C. Visible emissions from the Diesel Generator #1 stack shall not exceed 20% opacity on a six-minute block average except, for no more than 2 six-minute block averages in a 3-hour period. [MEDEP Chapter 101]
- (17) Kennebunk L&P 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 MRSA §605-C).
- (18) Kennebunk L&P shall pay the annual air emission license fee within 30 days of June 30 of each year. Pursuant to 38 MRSA 353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for the revocation of the license under 38 MRSA 341-D, Subsection 3.

DONE AND DATED IN AUGUSTA, MAINE THIS _____ DAY OF _____ 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The term of this Order shall be for five (5) years from the signature above.

Date of initial receipt of application: **October 12, 2004**

Date of application acceptance: **October 18, 2004**

Date filed with the Board of Environmental Protection: _____

This Order prepared by, Peter G. Carleton, Bureau of Air Quality