



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

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COMMISSIONER

**DCP Searsport LLC  
Waldo County  
Searsport, Maine  
A-1057-71-A-N (SM)**

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

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**

DCP Searsport LLC (DCP) has applied for an Air Emission License permitting the operation of emission sources associated with their LPG terminal.

The equipment addressed in this license shall be located at US Route 1, Searsport, ME.

**B. Emission Equipment**

The following equipment is addressed in this air emission license:

**Boilers**

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Install Date</u>	<u>Stack #</u>
Heater #1	14.0	153	Propane, Negl.	2012	1
Heater #2	14.0	153	Propane, Negl.	2012	2
Heater #3	14.0	153	Propane, Negl.	2012	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

**Generators**

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Install Date</u>	<u>Stack #</u>
Emergency Generator	2.0	14.6	Diesel, 0.0015	2012	4
Fire Pump	2.0	14.6	Diesel, 0.0015	2012	5

**Storage Tanks**

<u>Tank</u>	<u>Capacity (Gallons)</u>	<u>Product Stored</u>	<u>Roof Type</u>	<u>Instal.</u>
Tank #1	22.7 million	LPG	Fixed roof	2012
Tank #2	90,000	LPG	Horizontal Cylinder	2012
Tank #3*	1,000	Ethyl-mercaptan	Horizontal Cylinder	2012
Tank #4*	1,000	Ethyl-mercaptan	Horizontal Cylinder	2012
Tank #5*	1,000	Ethyl-mercaptan	Horizontal Cylinder	2012
Tank #6*	1,000	Ethyl-mercaptan	Horizontal Cylinder	2012
Tank #7*	640	Diesel	Horizontal Tank	2012
Tank #8*	280	Diesel	Horizontal Tank	2012

\* Included for inventory completeness only

**C. Application Classification**

The new source is considered a major source based on whether or not expected emissions exceed the "Significant Emission Levels" as defined in the Department's regulations. The emissions for the new source are determined by the maximum future license allowed emissions, as follows:

<u>Pollutant</u>	<u>Max. Future License (TPY)</u>	<u>Significance. Level (TPY)</u>
PM	1.7	100
PM <sub>10</sub>	1.7	100
SO <sub>2</sub>	0.3	100
NO <sub>x</sub>	34.3	100
CO	22.7	100
VOC	49.0	50

The Department has determined the facility is a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended). With the operating hours restriction on the Emergency Generator, the facility is licensed below the major source thresholds and is considered a synthetic minor.

## 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 as well as for those sources located in designated non-attainment areas.

### **Project Description**

DCP is proposing to construct a liquid propane (LPG) terminal in Searsport, Maine. The property to be developed is part of the Mack Point Intermodal Cargo Terminal and is adjacent to two existing petroleum storage and distribution facilities. The Mack Point Terminal has an existing Liquid Cargo Pier, an existing Dry Cargo Pier, numerous existing truck load out facilities for products other than LPG, and is serviced by a spur operated by the Montreal, Maine & Atlantic Railway, Ltd. The DCP Terminal would receive LPG from ships docked at the existing Dry Cargo Pier through a new, approximately one-mile long, predominately above-ground, pipeline to a new storage tank at the DCP Terminal. DCP then would load trucks and rail cars at the DCP Terminal for distribution of LPG throughout Maine and possibly other Northern New England locations.

#### Project Summary:

The project will include installation of one LPG storage tank, a ship unloading facility on an existing pier, a truck loading station and a rail car loading station. The facility will also include ancillary equipment – three propane-fired heaters, an emergency diesel-fueled generator, an emergency diesel-fueled fire water pump and a fire water storage tank, a vapor collection system equipped with an emergency propane flare, a pressurized LPG fuel storage tank, and four ethyl-mercaptan storage tanks. Administration, compressor and motor control center buildings, five electric compressors, an electric air fin cooler and four electric loading pumps will be required. The facility will operate 24 hours per day, seven days a week, with facility operation activity being highest during the peak heating season.

#### Ship Unloading:

The maximum throughput of the DCP terminal is based on receiving six ships per year; the maximum amount of LPG received is not expected to exceed 200,000 metric tons (approximately 2,476,000 barrels) annually. A portable marine unloading arm will be used to connect the LPG discharge piping on the ship with a new 16-inch, insulated unloading pipe beneath the pier. An insulated 10-inch vapor return line will transfer excess vapors displaced from the storage tank during the fill process back to the vessel for cooling and reintroduction into the liquid propane being offloaded. Each vessel will be at the dock for approximately 36 to 48 hours for offloading.

All vapors displaced during ship unloading are to be collected, cooled and reintroduced into the liquid product. Releases of propane at the pier will only occur during disconnection of the liquid and vapor lines at the conclusion of the ship unloading process.

#### Bulk Storage Tank:

The LPG bulk storage tank will be a vertical, fixed roof, domed tank with a diameter of approximately 202 feet and an above-ground height of approximately 138 feet. The tank will have a capacity of 540,000 barrels and a working height of 96 feet. The propane will be stored in a liquid state, at a pressure of between 0.5 and 1.5 pounds per square inch gauge by maintaining the temperature between -44 and -42 degrees Fahrenheit.

The storage tank will be equipped with a vapor collection system and an emergency flare. During normal operation, boil-off vapors will be routed to the vapor collection system, cooled and condensed using refrigeration units, and returned to the tank as a liquid. The refrigeration units will consist of three first stage and two second stage electric-powered compressors to pressurize the vapor followed by an electric-powered air fin cooler to condense the boil-off vapor into liquid for reintroduction back into the bulk storage tank. To protect against over-pressurization, the vapor collection system will have an emergency control valve to divert boil-off vapors to the emergency flare if the tank pressure reached 1.9 psig.

The tank will be equipped with process safety valves (PSV) vented to the atmosphere to prevent a catastrophic tank failure if flaring is insufficient to maintain tank pressure at a safe level. Three PSVs will be set to open if the tank pressure reaches 2.0 psig; six more will open if tank pressure reaches 2.2 psig.

Other PSVs will be located throughout the facility which will not release to the atmosphere; instead vapors will be collected in the vapor collection system, re-liquefied and reintroduced into the bulk storage tank.

#### Truck and Rail Car Loading:

The proposed terminal will have truck and rail car loading capabilities, however the rail car loading facilities will be constructed at a later date. For loading into trucks and/or rail cars, the LPG will be heated to near ambient temperature by three propane-fired heaters which also pressurize the propane. The LPG will be fed to the loading stations and into the truck or rail car. Ethyl-mercaptan will be stored at each loading station in four 1,000 gallon pressurized storage tanks (two tanks per loading station) and injected for odorization as the truck or rail car is filled.

The truck loading station will have three loading racks; a future rail car loading rack, capable of loading four rail cars simultaneously is also planned. Each loading rack will be fed by a 500 gallon per minute (GPM) electric loading pump. Each loading rack will be equipped with a fill pipe and a vapor return line. The fill pipe will be connected to the pressurized receiving vessel with a 2-inch coupling approximately 12-inches in length. A block valve will be located on either side of the coupling, one on the receiving vessel side and one on the fill pipe side.

At the conclusion of the loading process, the uncoupling procedure is: 1. coupling block valves will be closed; 2. liquid propane remaining in the coupling line will be flashed into the vapor return line; 3. the propane gas remaining in the coupling will be vented to the atmosphere. The LPG flashed into the vapor return line will be routed to the vapor collection system for reintroduction into the bulk storage tank.

#### Emergency Flare

The proposed terminal will include an air-assisted emergency flare with a maximum rated heat input capacity of 234 million British thermal units per hour (MMBtu/hr), with a continuous propane pilot with a maximum rated heat input capacity of 0.11 MMBtu/hr. The flare will be sized to handle storage tank boil-off and process upsets but is not expected to be used during ship unloading. In addition to the emergency venting resulting from an over-pressurization of the LPG storage tank, emergency use of the flare will be required during any situation resulting in the loss of refrigeration for the LPG bulk storage tank. Occurrences of insufficient refrigeration are expected to be limited to periods of commercial power loss since the proposed emergency generator will not be capable of powering the refrigeration units. Also, while the facility will have redundant refrigeration capacity, there could be a limited number of occasions when multiple equipment failures could require the use of the flare as well.

#### B. Heaters #1, #2, and #3

DCP will operate Heaters #1, #2, and #3 to heat LPG to approximate ambient temperature prior to loading. Each heater shall have maximum rated heat input capacity of 14.0 MMBtu/hr, fires propane and exhausts through its own stack. The heaters shall be installed in 2012.

Due to their size and year of installation, the heaters will be 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.

Because Heaters #1, #2 and #3 are propane fired, they will not 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.

1. BACT Findings for firing propane:

- PM/PM<sub>10</sub> – 0.7 lb/10<sup>3</sup> gal: AP-42, Table 1.5-1 (dated 07/08)
- SO<sub>2</sub> – 1 gr/100 ft<sup>3</sup> sulfur, 0.1 lb/10<sup>3</sup> gal: AP-42, Table 1.5-1 (dated 07/08)
- NO<sub>x</sub> – 13 lb/10<sup>3</sup> gal: AP-42, Table 1.5-1 (dated 07/08)
- CO – 7.5 lb/10<sup>3</sup> gal: AP-42, Table 1.5-1 (dated 07/08)
- VOC – 0.8 lb/10<sup>3</sup> gal: AP-42, Table 1.5-1 (dated 07/08)
- Opacity – visible emissions from each Heater firing propane shall not exceed an opacity of 10% on a 6 minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.

The BACT emission limits for the Heaters are:

<u>Unit</u>	<u>PM</u> <u>(lb/hr)</u>	<u>PM<sub>10</sub></u> <u>(lb/hr)</u>	<u>SO<sub>2</sub></u> <u>(lb/hr)</u>	<u>NO<sub>x</sub></u> <u>(lb/hr)</u>	<u>CO</u> <u>(lb/hr)</u>	<u>VOC</u> <u>(lb/hr)</u>
Heater # 1	0.11	0.11	0.02	1.99	1.15	0.12
Heater # 2	0.11	0.11	0.02	1.99	1.15	0.12
Heater # 3	0.11	0.11	0.02	1.99	1.15	0.12

*Periodic Monitoring*

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

C. Emergency Generator and Fire Pump

DCP shall operate a 2.0 MMBtu/hr Emergency Generator, firing diesel fuel with a maximum sulfur content of 0.0015%, at a maximum rate of 14.6 gallons per hour. The Emergency Generator shall be installed in 2012.

DCP shall operate a 2.0 MMBtu/hr Fire Pump, firing diesel fuel with a maximum sulfur content of 0.0015%, at a maximum rate of 14.6 gallons per hour. The Fire Pump shall be installed in 2012.

1. BACT Findings for firing diesel fuel:

The BACT emission limits for the Emergency Generator and the Fire Pump are based on the following:

- PM/PM<sub>10</sub> – 0.12 lb/MMBtu based on 06-096 CMR 103
- SO<sub>2</sub> – based on firing 0.0015% sulfur, 0.0015 lb/MMBtu
- NO<sub>x</sub> – 4.41 lb/MMBtu, AP-42, Table 3.3-1 (dated 10/96)
- CO – 0.95 lb/MMBtu, AP-42, Table 3.3-1 (dated 10/96)
- VOC – 0.36 lb/MMBtu, AP-42, Table 3.3-1 (dated 10/96)
- Opacity – visible emissions from each of the Emergency Generator and the Fire Pump shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a 3-hour period.

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Emergency Generator	0.24	0.24	0.01	8.82	1.90	0.72
Fire Pump	0.24	0.24	0.01	8.82	1.90	0.72

The Emergency Generator shall be limited to 500 hours of operation a year, based on a 12-month rolling total. DCP shall keep records of the hours of operation for each unit.

A non-resettable hour meter shall be installed and operated on the Emergency Generator and the Fire Pump.

2. New Source Performance Standards/National Emission Standards for Hazardous Air Pollutants

The Emergency Generator and Fire Pump will meet the requirements of 40 CFR 60 Subpart III and/or 40 CFR 63, as applicable.

3. 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* is applicable to the Emergency Generator and Fire Pump listed above since the units are ordered after July 11, 2005 and manufactured after April 1, 2006 and July 1, 2006, respectively. By meeting the requirements of Subpart III, the units also meet the requirements found in the *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 CFR Part 63, Subpart ZZZZ.

Emergency Definition:

Emergency stationary internal combustion engine is defined in 40 CFR Part 60, Subpart III as any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. 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. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

Fire pump engine means an emergency stationary internal combustion engine certified to National Fire Protection Association (NFPA) requirements that is used to provide power to pump water for fire suppression or protection.

40 CFR Part 60, Subpart III Requirements:

The Emergency Generator shall meet the emission standards for new non-road compression ignition engines found in 40 CFR 60.4202. [40 CFR §60.4205(b)]

The Fire Pump shall meet the emission standards of 40 CFR 60, Subpart III, Table 4. [40 CFR §60.4205(c)]

The diesel fuel fired in the Emergency Generator and Fire Pump shall not exceed 15 ppm sulfur (0.0015% sulfur). [40 CFR 60.4207(b)]

A non-resettable hour meter shall be installed and operated on the Emergency Generator. [40 CFR 60.4209(a)]

The Emergency Generator and Fire Pump shall be operated and maintained according to the manufacturer's written instructions or procedures developed by DCP that are approved by the engine manufacturer. DCP may only change those settings that are permitted by the manufacturer. [40 CFR 60.4211(a)]

The Emergency Generator and the Fire Pump shall be certified by the manufacturer as meeting the emission standards in 40 CFR 4205(b) or (c) as applicable. The engines must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in 60.4211(g). [40 CFR §60.4211(c)]

The Emergency Generator and Fire Pump shall each be limited to 100 hours per year for maintenance and readiness testing, 50 hours of which may be for other non-emergency use. [40 CFR 60.4211(e)]

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

D. Emergency Flare

DCP shall operate a 234 MMBtu per hour, air-assisted, Emergency Flare, with a 0.11 MMBtu per hour pilot as part of its vapor collections system. The Emergency Flare shall comply with the general control device requirements in 40 CFR 60 Subpart A – *Standards of Performance for New Stationary Sources*.

BACT for the Emergency Flare shall include good combustion practices, the use of natural gas as the pilot and assist fuel, and the following:

PM/PM <sub>10</sub> –	0.0076 lb/MMBtu, AP-42, Table 1.5-1 (dated 07/08)
SO <sub>2</sub> –	0.001 lb/MMBtu, AP-42, Table 1.5-1 (dated 07/08)
NO <sub>x</sub> –	0.142 lb/MMBtu, AP-42, Table 1.5-1 (dated 07/08)
CO –	0.254 lb/MMBtu, manufacturer supplied data
VOC –	0.927 lb/MMBtu, manufacturer supplied data
Opacity –	visible emissions from emergency flare shall not exceed 10% opacity on a 6 minute block average, except for no more than five (5) minutes during any two (2) consecutive hours.

E. Storage Tanks #1 - #8, inclusive

DCP may operate a total of eight storage tanks. Tanks #3 - #8 inclusive, are small tanks included on the license for inventory purposes only.

Tank #1 (LPG bulk storage tank) shall be a 22.7 million gallon, vertical domed, fixed roof tank with an annual throughput of 103.3 million gallons; Tank #2 (LPG fuel storage tank) shall be a 90,000 gallon horizontal steel cylinder with an annual throughput of 4.1 million gallons. Tank #1 is subject to 40 CFR 60 Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.*

F. Chemical Accident Prevention Provisions

DCP shall comply with the requirements of 40 CFR Part 68, *Chemical Accident Prevention Provisions*, including establishing an accidental release prevention and risk management plan.

G. Annual Emissions

DCP shall be restricted to the following annual emissions, based on a 12-month rolling total:

**Total Licensed Annual Emissions for the Facility**  
**Tons per year**  
(Used to calculate the annual license fee)

	PM	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC	HAP
Heaters	1.41	1.41	0.21	26.14	15.09	1.62	-
Emergency Generator	0.06	0.06	0.01	2.21	0.48	0.18	-
Fire Pump	0.06	0.06	0.01	2.21	0.48	0.18	-
Emergency Flare	0.20	0.20	0.03	3.68	6.57	24.00	-
Flare Pilot	0.01	0.01	0.01	0.07	0.04	0.01	-
Facility	-	-	-	-	-	23.01	1.0
<b>Total TPY</b>	<b>1.7</b>	<b>1.7</b>	<b>0.3</b>	<b>34.3</b>	<b>22.7</b>	<b>49.0</b>	<b>1.0</b>

### III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a minor new source shall be determined on a case-by case basis. Based on the information available in the file and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

### 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-1057-71-A-N 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 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. [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) **Heaters #1, #2 and #3**
- A. Heaters #1, #2 and #3 shall fire only propane. Compliance shall be demonstrated by fuel use records showing the quantity of fuel combusted. Records of annual fuel use shall be kept on a 12-month rolling total basis. [06-096 CMR 115, BACT]
- B. Emissions shall not exceed the following:

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

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

Emission Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Heater #1	0.11	0.11	0.02	1.99	1.15	0.12
Heater #2	0.11	0.11	0.02	1.99	1.15	0.12
Heater #3	0.11	0.11	0.02	1.99	1.15	0.12

- D. Visible emissions from each of Heaters #1, #2 and #3 shall not exceed 10% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- E. DCP shall comply with all requirements of 40 CFR Part 60, Subpart Dc applicable to Heaters #1, #2 and #3 including, but not limited to, the following:
1. DCP shall submit notification to EPA and the Department of the date of construction, anticipated start-up, and actual start-up. This notification shall include the design heat input capacity of the boilers and the type of fuel to be combusted. [40 CFR 60.48c(a)]
  2. DCP shall record and maintain monthly records of the amounts of each fuel combusted. [40 CFR 60.48c(g)]
  3. The following address for EPA shall be used for any reports or notifications required to be copied to them:

Compliance Clerk  
USEPA Region 1  
5 Post Office Sq., Suite 100  
Boston, MA 02109-3912

(17) **Emergency Generator and Fire Pump**

- A. The Emergency Generator shall be limited to 500 hours per year total operation, based on a 12-month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours. [06-096 CMR 115]
- B. A non-resettable hour meter shall be installed and operated on the Emergency Generator and the Fire Pump.

C. The Emergency Generator and the Fire Pump shall fire only diesel fuel with a maximum sulfur content of 0.0015% (15 ppm). Compliance with the fuel sulfur content limit shall be based on fuel records from the supplier documenting the type of fuel delivered and the sulfur content of the fuel. [40 CFR 60.4207(b) and 06-096 CMR 115, BACT]

D. Emissions shall not exceed the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
Emergency Generator	PM	0.12	06-096 CMR 103(2)(B)(1)(a)
Fire Pump	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

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

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Emergency Generator	0.24	0.24	0.01	8.82	1.90	0.72
Fire Pump	0.24	0.24	0.01	8.82	1.90	0.72

F. Visible emissions from each of the Emergency Generator and the Fire Pump shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

G. The Emergency Generator and the Fire Pump shall meet the applicable requirements of 40 CFR 60, Subpart III, including the following:

1. The Emergency Generator shall meet the emission standards for new non-road compression ignition engines found in 40 CFR 60.4202. [40 CFR 60.4205(b)]
2. The Fire Pump shall meet the emission standards of 40 CFR 60, Subpart III, Table 4. [40 CFR 60.4205(c)]
3. The Emergency Generator and the Fire Pump shall be certified by the manufacturer as meeting the emission standards in 40 CFR 4205(b) or (c) as applicable. The engines must be installed and configured according to the manufacturer's emission-related specifications, excepted as permitted in 60.4211(g). [49 CFR 60.4211(c)]

4. The Emergency Generator and the Fire Pump shall each be limited to 100 hours per year for maintenance and readiness testing, 50 hours of which can be for other non-emergency use. This limit is based on a 12-month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours. [40 CFR 60.4211(e) and 06-096 CMR 115]
5. The Emergency Generator and Fire Pump shall be operated and maintained according to the manufacturer's written instructions or procedures developed by DCP that are approved by the engine manufacturer. DCP may only change those settings that are permitted by the manufacturer. [40 CFR 60.4211(a)]

(18) **Emergency Flare**

The Emergency Flare is subject to the provisions of 40 CFR 60, including:

1. The flare shall be designed for and operated with no visible emissions as determined by the methods specified in 60.18(f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. [40 CFR 60.18(c)(1)]
2. The flare shall be operated with a flame present at all times, as determined by the methods specified in 60.18(f). [40 CFR 60.18(c)(2)]
3. The flare used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them. [40 CFR 60.18(e)]
4. Method 22 of Appendix A to this part shall be used to determine the compliance of the flare with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22. [40 CFR 60.18(f)(1)]
5. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. [40 CFR 60.18(f)(2)]
6. A report containing the measurements required by 60.18(f)(1), (2), (3), (4), (5) and (6) shall be furnished to the Administrator as required by §60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date. [40 CFR 60.115b(d)(1)]
7. Records shall be kept of all periods of operation during which the flare pilot flame is absent. [40 CFR 60.115b(d)(2)]
8. Semiannual reports of all periods recorded under 60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator. [40 CFR 60.115b(d)(3)]

(19) **Storage Tanks**

Tanks #1 is subject to 40 CFR Part 60 Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.*

Tank #1 and Tank #2 shall be equipped with a closed vent system and an emergency flare meeting the specifications of 40 CFR Part 60.112b(b)(1). To demonstrate ongoing compliance, records will be kept in accordance with 40 CFR Part 60.115b(d)(2) of all periods of operation during which the flare pilot flame is absent, and semiannual reports of all periods recorded shall be submitted as required by 40 CFR Part 60.115b(d)(3).

(20) **Chemical Accident Prevention Provisions**

DCP shall comply with the requirements of 40 CFR Part 68, *Chemical Accident Prevention Provisions*, including establishing an accidental release prevention and risk management plan.

(21) **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:

- 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.

- (22) DCP 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 27<sup>th</sup> DAY OF October, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie L. [Signature]  
PATRICIA W. AHO, COMMISSIONER

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 05/18/2011

Date of application acceptance: 05/23/2011

Date filed with the Board of Environmental Protection:

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.

