



DEPARTMENT ORDER

**Wells-Ogunquit Community School  
 District  
 York County  
 Wells, Maine  
 A-826-71-G-R/M**

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

**FINDINGS OF FACT**

After review of the air emission license renewal and amendment 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

Wells-Ogunquit Community School District (Wells-Ogunquit CSD) has applied to renew their Air Emission License for the operation of emission sources associated with their Elementary School, Junior High School, and High School which are all located on contiguous property. Wells-Ogunquit CSD has also requested a minor revision to remove JHS Boiler #3 and to license all previously licensed distillate fuel-fired boilers to fire natural gas, only.

The equipment addressed in this license is located at the school district’s campus with a mailing address of 1460 Post Rd, Wells, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

**Boilers**

<b>Equipment</b>	<b>Max. Capacity (MMBtu/hr)</b>	<b>Maximum Firing Rate</b>	<b>Fuel Type</b>	<b>Date of Manuf.</b>	<b>Date of Install.</b>	<b>Stack #</b>
Elem Boiler #1	3.71	3,602 scf/hr	Natural gas*	2002	2002	4
Elem Boiler #2	3.71	3,602 scf/hr	Natural gas*	2002	2002	4
JHS Boiler #1	2.30	2,233 scf/hr	Natural gas*	2004	2004	2
JHS Boiler #2	2.30	2,233 scf/hr	Natural gas*	2004	2004	2
<i>JHS Boiler #3**</i>	<i>5.67</i>	<i>40.5 gal/hr</i>	<i>Distillate fuel</i>	<i>1962</i>	<i>--</i>	<i>--</i>
HS Boiler #1R	1.45	1,408 scf/hr	Natural gas	2013	2015	3A
HS Boiler #2R	1.45	1,408 scf/hr	Natural gas	2013	2015	3B
HS Boiler #3	1.45	1,408 scf/hr	Natural gas	2013	2015	3C

\* previously licensed to fire distillate fuel

\*\* removed from license

### Stationary Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity (kW)	Fuel Type	Firing Rate	Date of Manuf.	Date of Install.
WES Generator	1.71	150	Distillate fuel	12.5 gal/hr	2002	2002
WJHS Generator	0.68	60	Distillate fuel	5.0 gal/hr	2002	2002
WHS Generator	0.92	60	Natural gas	895 scf/hr	2015	2015

Wells-Ogunquit CSD may operate small stationary engines smaller than 0.5 MMBtu/hr. These engines are considered insignificant activities and are not required to be included in this license. However, they are still subject to applicable State and Federal regulations. More information regarding requirements for small stationary engines is available on the Department's website at the link below.

<http://www.maine.gov/dep/air/publications/docs/SmallRICEGuidance.pdf>

Additionally, Wells-Ogunquit CSD may operate portable engines used for maintenance or emergency-only purposes. These engines are considered insignificant activities and are not required to be included in this license. However, they may still be subject to applicable State and Federal regulations.

#### C. Definitions

Distillate Fuel means the following:

- Fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials (ASTM) in ASTM D396;
- Diesel fuel oil numbers 1 or 2, as defined in ASTM D975;
- Kerosene, as defined in ASTM D3699;
- Biodiesel, as defined in ASTM D6751; or
- Biodiesel blends, as defined in ASTM D7467.

Portable or Non-Road Engine means an internal combustion engine which is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. This definition does NOT include engines which remain or will remain at a location (excluding storage locations) for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

An engine is not a non-road (portable) engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road (portable) engine and is subject to applicable stationary engine requirements.

Records or Logs mean either hardcopy or electronic records.

D. 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.

Wells-Ogunquit CSD has applied to renew currently licensed emission units as well as amend their license as addressed in Section I(A) above. This amendment will increase licensed emissions by less than 4 ton/year for each single pollutant, not including greenhouse gases (GHG), and less than 8 ton/year for all pollutants combined, not including GHG. Therefore, this amendment is determined to be a minor revision and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules C.M.R. ch. 115.

E. 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**

Wells-Ogunquit CSD operates seven boilers for heat, each firing natural gas. Elem Boilers #1 and #2 are located in the elementary school building and are each rated at 3.71 MMBtu/hr. These boilers were both manufactured and installed in 2002 and exhaust through a common stack, Stack #4. JHS Boilers #1 and #2 are located in the junior high school building and are each rated at 2.30 MMBtu/hr. These boilers were both manufactured and installed in 2004 and exhaust through a common stack, Stack #2. HS Boilers #1R, #2R, and #3 are located in the high school building and are each rated at 1.45 MMBtu/hr. These boilers were all manufactured in 2013, installed in 2015, and exhaust through their own stacks, Stacks #3A, #3B, and #3C, respectively.

**1. BPT Findings**

The BPT emission limits for Elem Boilers #1 and #2, JHS Boilers #1 and #2, and HS Boilers #1R, #2R, and #3 are based on the following:

Natural Gas

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT  
SO<sub>2</sub> – 0.6 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98  
NO<sub>x</sub> – 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 – 06-096 C.M.R. ch. 101, §§ 4(A)(3) and 4(D)(1)  
Emissions

The BPT emission limits for the boilers are the following:

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

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Elem Boiler #1	0.19	0.19	0.19	0.002	0.36	0.30	0.02
Elem Boiler #2	0.19	0.19	0.19	0.002	0.36	0.30	0.02
JHS Boiler #1	0.12	0.12	0.12	0.001	0.22	0.19	0.01
JHS Boiler #2	0.12	0.12	0.12	0.001	0.22	0.19	0.01
HS Boiler #1R	0.07	0.07	0.07	0.001	0.14	0.12	0.01
HS Boiler #2R	0.07	0.07	0.07	0.001	0.14	0.12	0.01
HS Boiler #3	0.07	0.07	0.07	0.001	0.14	0.12	0.01

2. Visible Emissions

Visible emissions from Stacks #4, #2, #3A, #3B, and #3C shall each not exceed 10% opacity on a six-minute block average basis.

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

Due to their size, the boilers 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

The boilers are not subject to 40 C.F.R. Part 63, Subpart JJJJJ. Elem Boilers #1 and #2, JHS Boilers #1 and #2, and HS Boilers #1R, #2R, and #3 are natural gas-fired boilers, and gas-fired boilers are exempt from 40 C.F.R. Part 63, Subpart JJJJJ. [40 C.F.R. §§ 63.11193 and 63.11195]

C. Distillate Fuel-fired Generators

Wells-Ogunquit CSD operates two distillate fuel-fired emergency generators, specified as WES Generator and WJHS Generator. The emergency generators are generator sets with each gen set consisting of an engine and an electrical generator. The emergency generators have engines rated at 1.71 MMBtu/hr and 0.68 MMBtu/hr, respectively. Both emergency generators were manufactured and installed in 2002.

1. BPT Findings

The BPT emission limits for WES Generator and WJHS Generator are based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.12 lb/MMBtu from 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO<sub>x</sub> – 4.41 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96
- CO – 0.95 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96
- VOC – 0.36 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96
- Visible Emissions – 06-096 C.M.R. ch. 101, § 4(A)(4)

The BPT emission limits for WES Generator and WJHS Generator are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
WES Generator	0.21	0.21	0.21	0.003	7.54	1.62	0.62
WJHS Generator	0.08	0.08	0.08	0.001	3.00	0.65	0.24

Visible emissions from each of these two emergency generators shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Wells-Ogunquit CSD shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

- a. The duration of the startup shall not exceed 30 minutes per event;
- b. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
- c. Wells-Ogunquit CSD shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

Each of the emergency generators shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. There is no limit on emergency operation. Each emergency generator shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with

the operating hours limit, Wells-Ogunquit CSD shall keep records of the total hours of operation and the hours of emergency operation for each unit.

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

WES Generator and WJHS Generator were 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 dates of manufacture of the compression ignition emergency engines listed above, the engines are not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE)*, 40 C.F.R. Part 60, Subpart IIII since the units were manufactured prior to April 1, 2006. [40 C.F.R. § 60.4200]

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 emergency engines listed above. The units are considered existing, emergency stationary reciprocating internal combustion engines at an area HAP source. However, they are considered exempt from the requirements of 40 C.F.R. Part 63, Subpart ZZZZ since they are categorized as residential, commercial, or institutional emergency engines and they do not operate or are 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. Natural Gas-fired Generator

Wells-Ogunquit CSD operates one natural gas-fired emergency generator, designated as WHS Generator. The emergency generator is a generator set consisting of an engine and an electrical generator. The emergency generator has an engine rated at 0.92 MMBtu/hr. WHS Generator was manufactured and installed in 2015.

1. BPT Findings

The BPT emission limits for WHS Generator are based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.12 lb/MMBtu from 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – 5.88 x 10<sup>-4</sup> lb/MMBtu from AP-42 Table 3.2-3 dated 7/00
- NO<sub>x</sub> – 2.27 lb/MMBtu from AP-42 Table 3.2-3 dated 7/00
- CO – 3.51 lb/MMBtu from AP-42 Table 3.2-3 dated 7/00
- VOC – 2.96 x 10<sup>-2</sup> lb/MMBtu from AP-42 Table 3.2-3 dated 7/00
- Visible Emissions – 06-096 C.M.R. ch. 115, BPT

The BPT emission limits for WHS Generator are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
WHS Generator	0.11	0.11	0.11	0.001	2.09	3.24	0.03

2. Visible Emissions

a. Chapter 101 Limit

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

b. Ch. 115, BPT Limit

Visible emissions from WHS Generator shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

c. Visible Emissions Streamlining

The Department has determined that the BPT visible emission limit is more stringent than the applicable limit in 06-096 C.M.R. ch. 101. Therefore, the visible



emission limit for WHS Generator has been streamlined to the more stringent BPT limit, and only this more stringent limit shall be included in the air emission license.

3. Chapter 169

WHS 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.

4. New Source Performance Standards

*Standards of Performance for Spark Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart JJJJ is applicable to the emergency engine listed above since the unit was ordered after June 12, 2006, and manufactured after January 1, 2009. [40 C.F.R. § 60.4230] By meeting the requirements of 40 C.F.R. Part 60, Subpart JJJJ, the unit also meets the requirements found in the *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. Part 63, Subpart ZZZZ. [40 C.F.R. § 63.6590(c)]

A summary of the currently applicable federal 40 C.F.R. Part 60, Subpart JJJJ requirements is listed below.

a. Emergency Engine Designation and Operating Criteria

Under 40 C.F.R. Part 60, Subpart JJJJ, a stationary reciprocating internal combustion engine (ICE) is considered an emergency stationary ICE (emergency engine) as long as the engine is operated in accordance with the following criteria. Operation of an engine outside of the criteria specified below may cause the engine to no longer be considered an emergency engine under 40 C.F.R. Part 60, Subpart JJJJ, resulting in the engine being subject to requirements applicable to non-emergency engines.

(1) Emergency Situation Operation (On-Site)

**There is no operating time limit on the use of an emergency engine to provide electrical power or mechanical work during an emergency situation.** Examples of use of an emergency engine during emergency situations include the following:

- Use of an engine to produce power for critical networks or equipment (including power supplied to portions of a facility) because of failure or interruption of electric power from the local utility (or the normal power source, if the facility runs on its own power production);
- Use of an engine to mitigate an on-site disaster;
- Use of an engine to pump water in the case of fire, flood, natural disaster, or severe weather conditions; and
- Similar instances.

(2) Non-Emergency Situation Operation

An emergency engine may be operated up to a maximum of 100 hours per calendar year for maintenance checks, readiness testing, and other non-emergency situations as described below.

- (i) An emergency engine may be operated for a maximum of 100 hours per calendar year for maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government; the manufacturer; the vendor; the regional transmission organization or equivalent balancing authority and transmission operator; or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE more than 100 hours per calendar year.
- (ii) An emergency engine may be operated for up to 50 hours per calendar year for other non-emergency situations. **However, these operating hours are counted as part of the 100 hours per calendar year operating limit described in paragraph (2) and (2) (i) above.**

The 50 hours per calendar year operating limit for other non-emergency situations cannot be used for peak shaving, 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.

[40 C.F.R. §§ 60.4243(d) and 60.4248]

b. 40 C.F.R. Part 60, Subpart JJJJ Requirements

(1) Manufacturer Certification Requirement

The engine shall be certified by the manufacturer as meeting the emission standards for new nonroad spark ignition engines found in 40 C.F.R. Part 60, Subpart JJJJ, Table 1. [40 C.F.R. § 60.4233]

(2) Non-Resettable Hour Meter Requirement

A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 60.4237]

(3) Operation and Maintenance Requirement

The engine shall be operated and maintained according to the manufacturer's written instructions or procedures developed by Wells-Ogunquit CSD that are

approved by the engine manufacturer. Wells-Ogunquit CSD may only change those settings that are permitted by the manufacturer. [40 C.F.R. § 60.4243]

Wells-Ogunquit CSD shall have available for review by the Department a copy of the manufacturer's written instructions or procedures developed by Wells-Ogunquit CSD that are approved by the engine manufacturer for engine operation and maintenance. [06-096 C.M.R. ch. 115, BPT]

(4) Annual Time Limit for Maintenance and Testing

As an emergency engine, the unit shall be limited to 100 hours/year for maintenance and testing. The emergency engine may operate up to 50 hours per year in non-emergency situations, but those 50 hours are included in the 100 hours total allowed for maintenance and testing. The 50 hours for non-emergency use cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 C.F.R. § 60.4243(d)]

(5) Recordkeeping

Wells-Ogunquit CSD 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 during each time. [40 C.F.R. § 60.4245(b)]

E. 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 the following assumptions:

- Operating Elem Boilers #1 and #2, JHS Boilers #1 and #2, and HS Boilers #1R, #2R, and #3 for 8,760 hr/yr, each; and
- Operating WES Generator, WJHS Generator, and WHS Generator for 100 hr/yr, each.

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 <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Elem Boiler #1	0.8	0.8	0.8	--	1.6	1.3	0.1
Elem Boiler #2	0.8	0.8	0.8	--	1.6	1.3	0.1
JHS Boiler #1	0.5	0.5	0.5	--	1.0	0.8	0.1
JHS Boiler #2	0.5	0.5	0.5	--	1.0	0.8	0.1
HS Boiler #1R	0.3	0.3	0.3	--	0.6	0.5	--
HS Boiler #2R	0.3	0.3	0.3	--	0.6	0.5	--
HS Boiler #3	0.3	0.3	0.3	--	0.6	0.5	--
WES Generator	--	--	--	--	0.4	0.1	--
WJHS Generator	--	--	--	--	0.1	--	--
WHS Generator	--	--	--	--	0.1	0.2	--
<b>Total TPY</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>--</b>	<b>7.6</b>	<b>6.0</b>	<b>0.4</b>

Pollutant	Tons/year
Single HAP	9.9
Total HAP	24.9

**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 <sub>10</sub>	25
PM <sub>2.5</sub>	15
SO <sub>2</sub>	50
NO <sub>x</sub>	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 Wells-Ogunquit CSD 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.

The Department hereby grants Air Emission License A-826-71-G-R/M subject to the following conditions.

Severability. The invalidity or unenforceability of any provision of this License or part thereof 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. § 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]
  - (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 (Elem Boilers #1 and #2, JHS Boilers #1 and #2, and HS Boilers #1R, #2R, and #3)**
  - A. Elem Boilers #1 and #2, JHS Boilers #1 and #2, and HS Boilers #1R, #2R, and #3 are licensed to fire natural gas. [06-096 C.M.R. ch. 115, BPT]
  - B. Emissions shall not exceed the following:

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

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

Emission Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Elem Boiler #1	0.19	0.19	0.19	0.002	0.36	0.30	0.02
Elem Boiler #2	0.19	0.19	0.19	0.002	0.36	0.30	0.02
JHS Boiler #1	0.12	0.12	0.12	0.001	0.22	0.19	0.01
JHS Boiler #2	0.12	0.12	0.12	0.001	0.22	0.19	0.01
HS Boiler #1R	0.07	0.07	0.07	0.001	0.14	0.12	0.01
HS Boiler #2R	0.07	0.07	0.07	0.001	0.14	0.12	0.01
HS Boiler #3	0.07	0.07	0.07	0.001	0.14	0.12	0.01

- D. Visible emissions from Stacks #4, #2, #3A, #3B, and #3C shall each not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, §§ 4(A)(3) and 4(D)(1)]



**(18) Distillate Fuel-fired Generators (WES Generator and WJHS Generator)**

- A. WES Generator and WJHS Generator shall each 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. Wells-Ogunquit CSD shall keep records that include maintenance conducted on the engines and the hours of operation of each engine recorded through the non-resettable hour meter. Documentation shall include the number of hours each unit operated for emergency purposes, the number of hours each unit operated for non-emergency purposes, and the reason the engine was in operation during each time. [06-096 C.M.R. ch. 115, BPT]
- C. WES Generator and WJHS Generator are each licensed to fire distillate fuel. The fuel sulfur content for WES Generator and WJHS Generator shall be limited to 0.0015% sulfur by weight. Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of the fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]
- D. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

<b>Unit</b>	<b>PM (lb/hr)</b>	<b>PM<sub>10</sub> (lb/hr)</b>	<b>PM<sub>2.5</sub> (lb/hr)</b>	<b>SO<sub>2</sub> (lb/hr)</b>	<b>NO<sub>x</sub> (lb/hr)</b>	<b>CO (lb/hr)</b>	<b>VOC (lb/hr)</b>
WES Generator	0.21	0.21	0.21	0.003	7.54	1.62	0.62
WJHS Generator	0.08	0.08	0.08	0.001	3.00	0.65	0.24

**E. Visible Emissions**

Visible emissions from each of the emergency generators shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Wells-Ogunquit CSD shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

- 1. The duration of the startup shall not exceed 30 minutes per event;
- 2. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
- 3. Wells-Ogunquit CSD shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

[06-096 C.M.R. ch. 101, § 4(A)(4)]

- F. Emergency generators are only to be operated for engine 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. [06-096 C.M.R. ch. 115, BPT]

(19) **Natural Gas-fired Generator (WHS Generator)**

- A. WHS Generator is licensed to fire natural gas. [06-096 C.M.R. ch. 115, BPT]
- B. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
WHS Generator	0.11	0.11	0.11	0.001	2.09	3.24	0.03

C. Visible Emissions

Visible emissions from WHS Generator shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

- D. WHS Generator shall meet the applicable requirements of 40 C.F.R. Part 60, Subpart JJJJ, including the following: [incorporated under 06-096 C.M.R. ch. 115, BPT]
1. **Manufacturer Certification**  
The engine shall be certified by the manufacturer as meeting the emission standards for new nonroad spark ignition engines found in 40 C.F.R. Part 60, Subpart JJJJ, Table 1.
  2. **Non-Resettable Hour Meter**  
A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 60.4237 and 06-096 C.M.R. ch. 115, BPT]

**3. Annual Time Limit for Maintenance and Testing**

- a. As an emergency engine, the unit shall be limited to 100 hours/year for maintenance checks and readiness testing. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, 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). The limits are based on a calendar year. Compliance shall be demonstrated by records (electronic or written log) of all engine operating hours. [40 C.F.R. § 60.4243(d) and 06-096 C.M.R. ch. 115, BPT]
- b. Wells-Ogunquit CSD 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 during each time. [40 C.F.R. § 60.4245(b)]

**4. Operation and Maintenance**

The engine shall be operated and maintained according to the manufacturer's written instructions or procedures developed by Wells-Ogunquit CSD that are approved by the engine manufacturer. Wells-Ogunquit CSD may only change those settings that are permitted by the manufacturer. [40 C.F.R. § 60.4243]

Wells-Ogunquit CSD shall have available for review by the Department a copy of the manufacturer's emission-related written instructions for engine operation and maintenance. [06-096 C.M.R. ch. 115, BPT]

- (20) 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, Wells-Ogunquit CSD may be required to submit additional information. Upon written request from the Department, Wells-Ogunquit CSD 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 5<sup>th</sup> DAY OF AUGUST, 2024.

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: June 18, 2024

Date of application acceptance: June 25, 2024

Date filed with the Board of Environmental Protection:

This Order prepared by Kendra Nash, Bureau of Air Quality.

