



DEPARTMENT ORDER

**Northern New England
Telephone Operations LLC, dba
FairPoint Communications
Cumberland County
Portland, Maine
A-439-71-H-R/M (SM)**

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

Northern New England Telephone Operations LLC, d/b/a FairPoint Communications (FairPoint) has applied to renew their Air Emission License for the operation of emission sources associated with their Central Switching Office Center facility.

FairPoint has also requested a minor revision to remove two generators from their license that are no longer in service and have been previously removed from their facility.

The equipment addressed in this license is located at 45 Forest Avenue, Portland Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Boilers

| Equipment | Max. Capacity (MMBtu/hr) | Maximum Firing Rate | Fuel Type, % sulfur | Date of Manuf. | Date of Install. | Stack # |
|------------------|-------------------------------------|--------------------------------|--------------------------------|---------------------------|-----------------------------|----------------|
| Boiler #1 | 6.3 | 6,116 scf/hr | Natural Gas | 1955 | 1955 | 2 |
| | | 45 gal/hr | Distillate Fuel, 0.005% | | | |
| Boiler #2 | 6.3 | 6,116 scf/hr | Natural Gas | 1955 | 1955 | 2 |
| | | 45 gal/hr | Distillate Fuel, 0.005% | | | |

Generators

| Equipment | Max. Input Capacity (MMBtu/hr) | Fuel Type, % sulfur | Firing Rate (gal/hr) | Date of Manuf. | Date of Install. | Stack # |
|------------------|---------------------------------------|----------------------------|-----------------------------|-----------------------|-------------------------|----------------|
| Generator #3 | 12.93 | Distillate Fuel, 0.0015% | 94.4 gal/hr | 1995 | 1996 | 3 |

C. Definitions

Distillate Fuel. For the purposes of this license, *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.

D. Application Classification

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

The application for FairPoint does not include the licensing of increased emissions or the installation of new or modified equipment. The application does remove two discontinued emergency generators from the air license in accordance with FairPoint's request. These changes will not result in increased emissions of any pollutant from the facility. Therefore, the license is considered to be a renewal of currently licensed emission units that also incorporates a minor revision, and it has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

With the annual operating hours restriction on the emergency generator, the facility is licensed as follows:

- As a synthetic minor source of air emissions, because the licensed emissions are below the 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

FairPoint operates Boilers #1 and #2 for facility heating. The boilers were both installed in 1955 and each is rated at 6.3 MMBtu/hour. Each boiler is capable of firing natural gas and distillate fuel, and both boilers exhaust through Stack #2.

1. BPT Findings

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

Distillate Fuel

| | | |
|---------------------|---|---|
| PM/PM ₁₀ | – | 0.12 lb/MMBtu, based on 06-096 C.M.R. ch. 103 |
| SO ₂ | – | based on firing distillate fuel with a maximum sulfur content of 0.005% by weight |
| NO _x | – | 0.35 lb/MMBtu, from license A-439-71-E-R, dated 4/11/06, BPT |
| CO | – | 5 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10 |
| VOC | – | 0.34 lb/1000 gal based on AP-42 Table 1.3-3 dated 5/10 |
| Visible Emissions | – | 06-096 C.M.R. ch. 115, BPT |

Natural Gas

- PM/PM₁₀ – 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
 - SO₂ – 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 – 06-096 C.M.R. ch. 115, BPT
- Emissions

The BPT emission limits for the boilers are the following:

| <u>Unit</u> | <u>Pollutant</u> | <u>lb/MMBtu</u> |
|------------------------|------------------|-----------------|
| Boiler #1, Natural Gas | PM | 0.05 |
| Boiler #2, Natural Gas | PM | 0.05 |

| <u>Unit</u> | <u>Pollutant</u> | <u>lb/MMBtu</u> |
|----------------------------|------------------|-----------------|
| Boiler #1, Distillate Fuel | PM | 0.12 |
| Boiler #2, Distillate Fuel | PM | 0.12 |

| <u>Emission Unit</u> | <u>PM (lb/hr)</u> | <u>PM₁₀ (lb/hr)</u> | <u>SO₂ (lb/hr)</u> | <u>NO_x (lb/hr)</u> | <u>CO (lb/hr)</u> | <u>VOC (lb/hr)</u> |
|----------------------------|-----------------------|------------------------------------|-----------------------------------|-----------------------------------|-----------------------|------------------------|
| Boiler #1, Natural Gas | 0.32 | 0.32 | 0.01 | 0.61 | 0.51 | 0.03 |
| Boiler #1, Distillate Fuel | 0.76 | 0.76 | 0.03 | 2.21 | 0.23 | 0.02 |
| Boiler #2, Natural Gas | 0.32 | 0.32 | 0.01 | 0.61 | 0.51 | 0.03 |
| Boiler #2, Distillate Fuel | 0.76 | 0.76 | 0.03 | 2.21 | 0.23 | 0.02 |

Visible emissions from each boiler while firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis.

Visible emissions from each boiler while firing natural gas shall not exceed 10% opacity on a six-minute block average basis.

Fuel Sulfur Content Requirements

Boilers #1 and #2 are licensed to fire distillate fuel having a sulfur content of no greater than 0.005% by weight (50 ppm) [A-439-71-G-N, dated November 1, 2011].

Per 38 M.R.S. § 603-A(2)(A)(3), as of July 1, 2018, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm). Therefore, beginning July 1, 2018, the distillate fuel purchased or otherwise obtained for use in Boilers #1 and #2 shall not exceed 0.0015% by weight (15 ppm). Compliance shall be demonstrated by fuel records from the supplier showing the date of delivery and the percent sulfur by weight of the fuel delivered.

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

Due to the size and age of the two boilers, they 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]

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

Boilers #1 and #2 are 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. Although Boilers #1 and #2 are capable of firing natural gas as their primary fuel, they are considered existing oil boilers due to their ability to fire distillate fuel. [40 C.F.R. §§ 63.11193 and 63.11195]

Gas-fired boilers are exempt from 40 C.F.R. Part 63, Subpart JJJJJ. However, boilers which fire fuel oil are not. A “gas-fired boiler” is defined as any boiler that burns gaseous fuels not combined with any solid fuels and burns liquid fuel only during periods of gas curtailment, gas supply interruption, startups, or periodic testing on liquid fuel. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year. [40 C.F.R. § 63.11237]

Any boiler designed to burn fuels besides gaseous fuels prior to June 4, 2010, will be considered an existing boiler under this rule. A boiler which currently fires gaseous fuels, but converts back to firing another fuel (such as distillate fuel) in the future would become subject as an existing boiler at the time it is converted back to oil.

A summary of the currently applicable federal 40 C.F.R. Part 63, Subpart JJJJJ requirements is listed below. At this time, the Department has not taken delegation of this area source MACT (Maximum Achievable Control Technology) rule promulgated by EPA; however, FairPoint is still subject to the requirements.

Notification forms and additional rule information can be found on the following website: <http://www.epa.gov/ttn/atw/boiler/boilerpg.html>.

a. Compliance Dates, Notifications, and Work Practice Requirements

(1) Initial Notification of Compliance

An Initial Notification submittal to EPA was due no later than January 20, 2014. [40 C.F.R. § 63.11225(a)(2)]

(2) Boiler Tune-Up Program

(i) A boiler tune-up program shall be implemented. [40 C.F.R. § 63.11223]

(ii) Each tune-up shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. See chart below:

| Boiler Category | Tune-Up Frequency |
|---|--------------------------|
| New or Existing Oil, Biomass and Coal fired boilers that are not designated as "Boilers with Less Frequent Tune-up Requirements". | Every 2 years |

[40 C.F.R. § 63.11223(a) and Table 2]

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

1. As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection. [40 C.F.R. § 63.11223(b)(1)]
2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 C.F.R. § 63.11223(b)(2)]
3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. Delay of the inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection. [40 C.F.R. § 63.11223(b)(3)]
4. Optimize total emissions of CO, consistent with manufacturer's specifications. [40 C.F.R. § 63.11223(b)(4)]
5. Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer. [40 C.F.R. § 63.11223(b)(5)]

6. If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up.
[40 C.F.R. § 63.11223(b)(7)]

(iv) Tune-Up Report: A tune-up report shall be maintained onsite and, if requested, submitted to EPA. The report shall contain the following information:

1. The concentration of CO in the effluent stream (ppmv) and oxygen (volume percent) measured at high fire or typical operating load both **before** and **after** the boiler tune-up;
2. A description of any corrective actions taken as part of the tune-up of the boiler; and
3. The types and amounts of fuels used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
[40 C.F.R. § 63.11223(b)(6)]

(v) After conducting the initial boiler tune-up, a Notification of Compliance Status shall be submitted to EPA no later than July 19, 2014.
[40 C.F.R. § 63.11225(a)(4) and 40 C.F.R. § 63.11214(b)]

(3) Compliance Report

A compliance report shall be prepared by March 1st biennially which covers the previous two calendar years. The report shall be maintained by the source and submitted to the Department and to the EPA upon request. The report must include the items contained in §§ 63.11225(b)(1) and (2), including the following: [40 C.F.R. § 63.11225(b)]

- (i) Company name and address;
- (ii) A statement of whether the source has complied with all the relevant requirements of this Subpart;
- (iii) A statement certifying truth, accuracy, and completeness of the notification and signed by a responsible official and containing the official's name, title, phone number, email address, and signature;
- (iv) The following certifications, as applicable:
 1. "This facility complies with the requirements in 40 C.F.R. § 63.11223 to conduct tune-ups of each boiler in accordance with the frequency specified in this Subpart."
 2. "No secondary materials that are solid waste were combusted in any affected unit."

3. "This facility complies with the requirement in §§ 63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."

b. Recordkeeping

Records shall be maintained consistent with the requirements of 40 C.F.R. Part 63, Subpart JJJJJ including the following [40 C.F.R. § 63.11225(c)]:

- (1) Copies of notifications and reports with supporting compliance documentation;
- (2) Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
- (3) Records of the occurrence and duration of each malfunction of each applicable boiler; and
- (4) Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.

Records shall be in a form suitable and readily available for expeditious review.

C. Generator #3

FairPoint operates one emergency generator set, consisting of an engine and an electrical generator. The emergency generator has an engine rated at 12.93 MMBtu/hr and fires distillate fuel. The emergency generator was manufactured in 1995 and installed in 1996.

1. BPT Findings

The BPT emission limits for Generator #3 are based on the following:

| | |
|---------------------|---|
| PM/PM ₁₀ | - 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103, BPT |
| SO ₂ | - combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight) |
| NO _x | - 3.2 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 |
| CO | - 0.85 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 |
| VOC | - 0.09 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 |
| Visible Emissions | - 06-096 C.M.R. ch. 115, BPT |

The BPT emission limits for Generator #3 are the following:

| Unit | Pollutant | lb/MMBtu |
|--------------|-----------|----------|
| Generator #3 | PM | 0.12 |

| Unit | PM (lb/hr) | PM ₁₀ (lb/hr) | SO ₂ (lb/hr) | NO _x (lb/hr) | CO (lb/hr) | VOC (lb/hr) |
|---|---------------|-----------------------------|----------------------------|----------------------------|---------------|----------------|
| Generator #3 12.93 MMBtu/hr Distillate Fuel | 1.55 | 1.55 | 0.02 | 41.38 | 10.99 | 1.16 |

Visible emissions from the distillate fuel-fired Emergency Generator #3 shall not exceed 20% opacity on a six-minute block average basis.

As an emergency generator, Generator #3 shall be limited to 100 hours of operation per calendar year, excluding operating hours during emergency situations. There is no limit on emergency operation. Emergency Generator #3 shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with the operating hours limit, FairPoint shall keep records of the total hours of operation and the hours of emergency operation for this unit.

Generator #3 is only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Emergency Generator #3 is not to be used for prime power when reliable offsite power is available; nor is it 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. New Source Performance Standards (NSPS)

Generator #3 was manufactured in 1995. Since the unit was manufactured prior to April 1, 2006, the compression ignition emergency engine for Generator #3 is 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 III. [40 C.F.R. § 60.4200]

3. 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 engine listed above. 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, nor is it 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. Annual Emissions

1. Total Annual Emissions

FairPoint shall be restricted to the following annual emissions, based on a calendar year total. The tons per year limits for PM / PM₁₀, SO₂ and NO_x from the boilers were calculated based on the boilers firing distillate fuel, and the emission rates for CO and VOC from the boilers were calculated based on them firing natural gas. The tons per year limits also restrict the non-emergency operation of Generator #3 to a maximum allowed run time of 100 hours per year.

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

| Unit | PM | PM₁₀ | SO₂ | NO_x | CO | VOC |
|------------------|------------|------------------------|-----------------------|-----------------------|------------|------------|
| Boilers #1 | 3.31 | 3.31 | 0.04 | 9.66 | 2.25 | 0.15 |
| Boiler #2 | 3.31 | 3.31 | 0.04 | 9.66 | 2.25 | 0.15 |
| Generator #3 | 0.08 | 0.08 | 0.01 | 2.07 | 0.55 | 0.06 |
| Total TPY | 6.7 | 6.7 | 0.1 | 21.4 | 5.1 | 0.4 |

2. Greenhouse Gases

Greenhouse gases are considered regulated pollutants as of January 2, 2011, through 'Tailoring' revisions made to EPA's *Approval and Promulgation of Implementation Plans*, 40 C.F.R. Part 52, Subpart A, § 52.21, *Prevention of Significant Deterioration of Air Quality* rule. Greenhouse gases, as defined in 06-096 C.M.R. ch. 100, are the aggregate group of the following gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. For licensing purposes, greenhouse gases (GHG) are calculated and reported as carbon dioxide equivalents (CO₂e).

The quantity of CO₂e emissions from this facility is less than 100,000 tons per year, based on the following:

- worst case emission factors from the following sources: U.S. EPA's AP-42, the Intergovernmental Panel on Climate Change (IPCC), and *Mandatory Greenhouse Gas Reporting*, 40 C.F.R. Part 98; and
- global warming potentials contained in 40 C.F.R. Part 98.

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 |
| 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.

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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-439-71-H-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 commencing 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 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 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 Part 70 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]

SPECIFIC CONDITIONS

(16) **Boilers #1 and #2**

A. Fuel

1. Distillate fuel fired in Boilers #1 and #2 shall have a maximum sulfur content not to exceed 0.005% by weight. [A-439-71-G-N, dated November 1, 2011, BPT]
2. Compliance shall be demonstrated by fuel records from the supplier showing the type of the fuel delivered, the date of delivery and the percent sulfur by weight.
[06-096 C.M.R. ch. 115, BPT]

B. When the boilers are firing natural gas, emissions shall not exceed the following:

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

C. When the boilers are firing distillate fuel, emissions shall not exceed the following:

| <u>Emission Unit</u> | <u>Pollutant</u> | <u>lb/MMBtu</u> | <u>Origin and Authority</u> |
|----------------------|------------------|-----------------|-----------------------------|
| Boiler #1 | PM | 0.12 | 06-096 C.M.R. ch. 115, BPT |
| Boiler #2 | PM | 0.12 | 06-096 C.M.R. ch. 115, BPT |

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

| Emission Unit | PM (lb/hr) | PM₁₀ (lb/hr) | SO₂ (lb/hr) | NO_x (lb/hr) | CO (lb/hr) | VOC (lb/hr) |
|------------------------------|-------------------|--------------------------------|-------------------------------|-------------------------------|-------------------|--------------------|
| Boiler #1 Natural Gas | 0.32 | 0.32 | 0.01 | 0.61 | 0.51 | 0.03 |
| Boiler #1 Distillate Fuel | 0.76 | 0.76 | 0.01 | 2.21 | 0.23 | 0.02 |
| Boiler #2 Natural Gas | 0.32 | 0.32 | 0.01 | 0.61 | 0.51 | 0.03 |
| Boiler #2 Distillate Fuel | 0.76 | 0.76 | 0.01 | 2.21 | 0.23 | 0.02 |

E. Visible emissions from Stack #2 when Boiler #1 and/or Boiler #2 are firing natural gas shall not exceed 10% opacity each on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

F. Visible emissions from Stack #2 when Boiler #1 and/or Boiler #2 are firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

G. Boiler MACT (40 C.F.R. Part 63, Subpart JJJJJ) Requirements for Boilers #1 and #2 [incorporated under 06-096 C.M.R. ch. 115, BPT]

1. The facility shall implement a boiler tune-up program. [40 C.F.R. § 63.11223]

a. Each tune-up shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. See chart below:

| Boiler Category | Tune-Up Frequency |
|---|--------------------------|
| New or Existing Oil, Biomass and Coal fired boilers that are not designated as "Boilers with less frequent tune up requirements". | Every 2 years |

[40 C.F.R. § 63.11223(a) and Table 2]

- b. The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:
- (1) As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection. [40 C.F.R. § 63.11223(b)(1)]
 - (2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 C.F.R. § 63.11223(b)(2)]
 - (3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. Delay of the inspection until the next scheduled shutdown is permitted, not to exceed 36 months from the previous inspection. [40 C.F.R. § 63.11223(b)(3)]
 - (4) Optimize total emissions of CO, consistent with manufacturer's specifications. [40 C.F.R. § 63.11223(b)(4)]
 - (5) Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.
[40 C.F.R. § 63.11223(b)(5)]
 - (6) If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up.
[40 C.F.R. § 63.11223(b)(7)]
- c. Tune-Up Report: A tune-up report shall be maintained onsite and, if requested, submitted to EPA. The report shall contain the following information:
- (1) The concentration of CO in the effluent stream (ppmv) and oxygen (volume percent) measured at high fire or typical operating load both **before** and **after** the boiler tune-up;
 - (2) A description of any corrective actions taken as part of the tune-up of the boiler; and
 - (3) The types and amounts of fuels used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
[40 C.F.R. § 63.11223(b)(6)]

2. Compliance Report

A compliance report shall be prepared by March 1st biennially which covers the previous two calendar years. The report shall be maintained by the source and submitted to the Department and to the EPA upon request. The report must include the items contained in §§ 63.11225(b)(1) and (2), including the following: [40 C.F.R. § 63.11225(b)]

- a. Company name and address;
 - b. A statement of whether the source has complied with all the relevant requirements of this Subpart;
 - c. A statement certifying truth, accuracy, and completeness of the notification and signed by a responsible official and containing the official's name, title, phone number, email address, and signature;
 - d. The following certifications, as applicable:
 - (1) "This facility complies with the requirements in 40 C.F.R. § 63.11223 to conduct tune-ups of each boiler in accordance with the frequency specified in this Subpart."
 - (2) "No secondary materials that are solid waste were combusted in any affected unit."
 - (3) "This facility complies with the requirement in §§ 63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."
3. Records shall be maintained consistent with the requirements of 40 C.F.R. Part 63, Subpart JJJJJ including the following [40 C.F.R. § 63.11225(c)]:
- a. Copies of notifications and reports with supporting compliance documentation;
 - b. Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
 - c. Records of the occurrence and duration of each malfunction of each applicable boiler; and
 - d. Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.

Records shall be in a form suitable and readily available for expeditious review.

(17) **Generator #3**

- A. As an emergency generator, Generator #3 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. FairPoint 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 that Generator #3 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. [06-096 C.M.R. ch. 115, BPT]
- C. The fuel sulfur content for Generator #3 shall not exceed 0.0015% sulfur by weight. Compliance shall be demonstrated by fuel records from the supplier documenting the sulfur content of the fuel delivered. [06-096 C.M.R. ch. 115, BPT]
- D. Emissions shall not exceed the following:

| Unit | Pollutant | lb/MMBtu | Origin and Authority |
|--------------|-----------|----------|---------------------------------------|
| Generator #3 | PM | 0.12 | 06-096 C.M.R. ch. 103, § (2)(B)(1)(a) |

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

| Unit | PM (lb/hr) | PM ₁₀ (lb/hr) | SO ₂ (lb/hr) | NO _x (lb/hr) | CO (lb/hr) | VOC (lb/hr) |
|---|------------|--------------------------|-------------------------|-------------------------|------------|-------------|
| Generator #3 12.93 MMBtu/hr Distillate Fuel | 1.55 | 1.55 | 0.02 | 41.38 | 10.99 | 1.16 |

- F. Visible Emissions

Visible emissions from the Generator #3 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

Northern New England
Telephone Operations LLC, dba
FairPoint Communications
Cumberland County
Portland, Maine
A-439-71-H-R/M (SM)

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

G. Generator #3 is only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Generator #3 shall not 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.

(18) FairPoint 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).

DONE AND DATED IN AUGUSTA, MAINE THIS 5 DAY OF April, 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Currier for
PAUL MERCER, 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: September 26, 2016

Date of application acceptance: September 27, 2016

Date filed with the Board of Environmental Protection:

This Order prepared by Patric J, Sherman Bureau of Air Quality.

