



DEPARTMENT ORDER

athenahealth, Inc.
Waldo County
Belfast, Maine
A-991-71-D-N

Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact Renewal

FINDINGS OF FACT

After review of the air emission license renewal application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes (M.R.S.) § 344 and § 590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

The Air Emission License for athenahealth, Inc. (athenahealth) expired on October 12, 2022. A renewal application was received on July 11, 2023, and it was accepted as complete for processing on July 18, 2023. Athenahealth has applied to renew their expired license for the operation of emission sources associated with their electronic medical records (EMR) office buildings.

The equipment addressed in this license is located at 3 Hatley Road, Belfast, 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	Date of Manuf.	Date of Install.	Stack #
Boiler #1	1.1	11.8	Propane	2014	2015	P#1
Boiler #2	1.1	11.8	Propane	2014	2015	P#2
Boiler #3	2.3	24.6	Propane	2016	2016	P#3
Boiler #4	2.3	24.6	Propane	2016	2016	P#4

Stationary Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity (kW)	Fuel Type	Firing Rate (gal/hr)	Date of Manuf.	Date of Install.
Generator #1	8.1	800	Distillate fuel	59.1	1995	1996
Generator #2	8.1	800	Distillate fuel	59.1	1995	1996
Generator #3	0.7	60	Distillate fuel	5.1	1997	1999
Generator #4	2.6	250	Distillate fuel	19.2	2015	2015

Athenahealth 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, athenahealth 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.

The previous air emission license for athenahealth expired on October 12, 2022. A complete application was not submitted prior to the expiration date; therefore, athenahealth is considered to be an existing source applying for an after-the-fact renewal. 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 Code of Maine Rules (C.M.R.) ch. 115.

E. Facility Classification

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

- As a synthetic minor source of air emissions for criteria pollutants, because athenahealth is subject to license restrictions that keep facility emissions below major source thresholds for NO_x; 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 an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis pursuant to 06-096 C.M.R. ch. 115.

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, #2, #3, and #4

Athenahealth operates Boilers #1, #2, #3, and #4 for heat. The boilers each fire propane. Boilers #1 and #2 are each rated at 1.1 MMBtu/hr and were manufactured in 2014 and installed in 2015. Boilers #3 and #4 are each rated at 2.3 MMBtu/hr and were manufactured and installed in 2016. Boilers #1, #2, #3, and #4 each exhaust through their own stack.

1. BPT Findings

The BPT emission limits for Boilers #1, #2, #3, and #4 were based on the following:

Propane

- PM/PM₁₀/PM_{2.5} – 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
- SO₂ – 0.018 lb/1,000 gal based on AP-42 Table 1.5-1 dated 7/08
- NO_x – 13 lb/1,000 gal based on AP-42 Table 1.5-1 dated 7/08
- CO – 7.5 lb/1,000 gal based on AP-42 Table 1.5-1 dated 7/08
- VOC – 1.0 lb/1,000 gal based on AP-42 Table 1.5-1 dated 7/08
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Boilers #1, #2, #3, and #4 are the following:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	0.05	0.05	0.05	--	0.15	0.09	0.01
Boiler #2	0.05	0.05	0.05	--	0.15	0.09	0.01
Boiler #3	0.11	0.11	0.11	--	0.32	0.18	0.02
Boiler #4	0.11	0.11	0.11	--	0.32	0.18	0.02

2. Visible Emissions

Visible emissions from Boilers #1, #2, #3, and #4 shall 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, Boilers #1, #2, #3, and #4 are not subject to *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units* 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

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

Boilers #1, #2, #3, and #4 are not subject to 40 C.F.R. Part 63, Subpart JJJJJ. Boilers #1, #2, #3, and #4 are propane-fired boilers. Propane-fired boilers are included in the definition of gas-fired boilers in Subpart JJJJJ. As such, they are exempt from Subpart JJJJJ requirements. [40 C.F.R. §§ 63.11193 and 63.11195]

C. Emergency Generators

Athenahealth operates four emergency generators, which are Generators #1, #2, #3, and #4. Each emergency generator is a generator set consisting of an engine and an electrical generator. Generators #1 and #2 are each rated at 8.1 MMBtu/hr, were manufactured in 1995, and installed in 1996. Generator #3 is rated at 0.7 MMBtu/hr, was manufactured in 1997, and installed in 1999. Generator #4 is rated at 2.6 MMBtu/hr and was manufactured and installed in 2015. Generators #1, #2, #3, and #4 each fire distillate fuel.

1. BPT Findings

The BPT emission limits for Generators #1 and #2 are based on the following:

PM/PM ₁₀ /PM _{2.5}	– 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103
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 Generators #3 and #4 are based on the following:

PM/PM ₁₀ /PM _{2.5}	– 0.12 lb/MMBtu from 06-096 C.M.R. ch. 115, BPT
SO ₂	– Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
NO _x	– 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. 115, BPT

The BPT emission limits for the Generators #1, #2, #3, and #4 are the following:

Unit	Pollutant	lb/MMBtu
Generator #1	PM	0.12
Generator #3	PM	0.12

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	0.97	0.97	0.97	0.01	25.92	6.89	0.73
Generator #2	0.97	0.97	0.97	0.01	25.92	6.89	0.73
Generator #3	0.08	0.08	0.08	0.001	3.09	0.67	0.25
Generator #4	0.32	0.32	0.32	0.004	11.60	2.50	0.95

Visible emissions from Generators #1, #2, #3, and #4 shall each not exceed 20% opacity on a six-minute block average basis.

2. Best Practical Treatment: Generators #1, #2, and #3

Generators #1, #2, and #3 are not subject to either NSPS or NESHAP requirements, as discussed in following sections. Generators #1, #2, and #3 are subject to the following BPT requirements:

- a. Generators #1, #2, and #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. The emergency generators shall be equipped with a non-resettable hour meter to record operating time. To demonstrate compliance with the operating hours limit, athenahealth shall keep records of the total hours of operation and the hours of emergency operation for each unit.
- b. Generators #1, #2, and #3 are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The 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]

3. Chapter 169

Generators #1, #2, #3, and #4 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.

4. New Source Performance Standards (NSPS)

Generators #1, #2, and #3

Due to the dates of manufacture of Generators #1, #2, and #3, 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 III since the units were manufactured prior to April 1, 2006.

Generator #4

Generator #4 is subject to 40 C.F.R. Part 60, Subpart III, because the engine was ordered after July 11, 2005, and manufactured after April 1, 2006. [40 C.F.R. § 60.4200]

A summary of the currently applicable federal 40 C.F.R. Part 60, Subpart III requirements for Generator #4 is listed below.

a. Emergency Engine Designation and Operating Criteria

Under 40 C.F.R. Part 60, Subpart III, 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 III, 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. §§ 60.4211(f) and 60.4219]

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

(1) Manufacturer Certification Requirement

The engine shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in 40 C.F.R. § 60.4202. [40 C.F.R. § 60.4205(b)]

(2) Ultra-Low Sulfur Fuel Requirement

The fuel fired in the engine shall not exceed 15 ppm sulfur (0.0015% sulfur). [40 C.F.R. § 60.4207(b)]

(3) Non-Resettable Hour Meter Requirement

A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 60.4209(a)]

(4) Operation and Maintenance Requirements

The engine shall be operated and maintained according to the manufacturer's emission-related written instructions. Athenahealth may only change those emission-related settings that are permitted by the manufacturer. [40 C.F.R. § 60.4211(a)]

Athenahealth 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]

(5) Annual Time Limit for Maintenance and Testing

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). [40 C.F.R. § 60.4211(f)]

(6) Initial Notification Requirement

No initial notification is required under 40 C.F.R. Part 60, Subpart IIII for emergency engines. [40 C.F.R. § 60.4214(b)]

(7) Recordkeeping

Athenahealth shall keep records that include 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. § 60.4214(b)]

5. 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. Although not previously designated as exempt, Generators #1, #2, #3, and #4 would be 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. 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 each boiler for 8,760 hr/yr; and
- Operating each emergency generator for 100 hrs/yr

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

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

	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	CO	VOC
Boiler #1	0.2	0.2	0.2	--	0.7	0.4	0.1
Boiler #2	0.2	0.2	0.2	--	0.7	0.4	0.1
Boiler #3	0.5	0.5	0.5	--	1.4	0.8	0.1
Boiler #4	0.5	0.5	0.5	--	1.4	0.8	0.1
Generator #1	--	--	--	--	1.3	0.3	--
Generator #2	--	--	--	--	1.3	0.3	--
Generator #3	--	--	--	--	0.2	--	--
Generator #4	--	--	--	--	0.6	0.1	--
Total TPY	1.4	1.4	1.4	--¹	7.6	3.1	0.4

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:

¹ The total estimated sum of SO₂ emissions from all sources add up to a negligible amount of 0.007 tpy.

Pollutant	Tons/Year
PM ₁₀	25
PM _{2.5}	15
SO ₂	50
NO _x	50
CO	250

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

This determination is based on information provided by the applicant 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 athenahealth 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-991-71-D-N 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 #1, #2, #3, and #4**

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

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1	0.05	0.05	0.05	--	0.15	0.09	0.01
Boiler #2	0.05	0.05	0.05	--	0.15	0.09	0.01
Boiler #3	0.11	0.11	0.11	--	0.32	0.18	0.02
Boiler #4	0.11	0.11	0.11	--	0.32	0.18	0.02

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

(18) **Emergency Generators**

A. The Emergency Generators 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. The fuel sulfur content for Generators #1, #2, #3, and #4 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]
- C. Emissions shall not exceed the following:

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

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

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	0.97	0.97	0.97	0.01	25.92	6.89	0.73
Generator #2	0.97	0.97	0.97	0.01	25.92	6.89	0.73
Generator #3	0.08	0.08	0.08	0.001	3.09	0.67	0.25
Generator #4	0.32	0.32	0.32	0.004	11.60	2.50	0.95

- E. Visible Emissions

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

- F. Generators #1, #2, and #3 shall be operated according to the following parameters:

1. Athenahealth shall keep records that include maintenance conducted on Generators #1, #2, and #3 and the hours of operation of the engines 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.
2. Generators #1, #2, and #3 are emergency generators and are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The 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]

G. Generator #4 shall meet the applicable requirements of 40 C.F.R. Part 60, Subpart III, include the following:

[incorporated under 06-096 C.M.R. ch. 115, BPT/BACT]

1. **Manufacturer Certification**

The engine shall be certified by the manufacturer as meeting the emission standards for new, nonroad, compression ignition engines found in § 60.4202. [40 C.F.R. § 60.4205(b)]

2. **Ultra-Low Sulfur Fuel**

The fuel fired in the engine shall not exceed 15 ppm sulfur (0.0015% sulfur). Compliance with the fuel sulfur content limit 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. [40 C.F.R. § 60.4207(b) and 06-096 C.M.R. ch. 115, BPT]

3. **Non-Resettable Hour Meter**

A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 60.4209(a)]

4. **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). These 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. § 60.4211(f) and 06-096 C.M.R. ch. 115, BPT]

b. Athenahealth shall keep records that include 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. § 60.4214(b)]

5. **Operation and Maintenance**

The engine shall be operated and maintained according to the manufacturer's emission-related written instructions. Athenahealth may only change those emission-related settings that are permitted by the manufacturer. [40 C.F.R. § 60.4211(a)]

Athenahealth 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]

- (19) 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, athenahealth may be required to submit additional information. Upon written request from the Department, athenahealth 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 22nd DAY OF NOVEMBER, 2023.

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: July 11, 2023

Date of application acceptance: July 18, 2023

Date filed with the Board of Environmental Protection:

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

