



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

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COMMISSIONER

**The Jordan Grand at Sunday
River Owners Association
Oxford County
Newry, Maine
A-711-71-E-R**

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

FINDINGS OF FACT

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., §344 and §590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

The Jordan Grand at Sunday River Owners Association (Jordan Grand) has applied to renew their Air Emission License permitting the operation of emission sources associated with the Jordan Grand Hotel.

The equipment addressed in this license is located at Grand Ave, Newry, Maine.

Note: The previous license for this facility was issued to "Grand Summit Resort Properties, Inc." The name change is a correction only and does not denote a change in ownership.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Boilers

Equipment	Maximum Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type, % sulfur	Install. Date	Stack #
Boiler #1	5.7	62.3	Propane, negligible	1997	1
Boiler #2	5.7	62.3	Propane, negligible	1997	1
Boiler #3	5.7	62.3	Propane, negligible	1997	1
Boiler #4	5.7	62.3	Propane, negligible	1997	1

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1235 CENTRAL DRIVE, SKYWAY PARK
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C. Application Classification

The application for Jordan Grand does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended).

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

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 #1-4

Jordan Grand operates Boilers #1-4 for facility heating and hot water needs. The boilers are each rated at 5.7 MMBtu/hr and fire propane. The boilers were all installed in 1997 and exhaust through one combined stack.

Due to their size, the boilers are not subject to the New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, for units greater than 10 MMBtu/hr manufactured after June 9, 1989.

1. BPT Findings

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

- PM/PM₁₀ – 0.05 lb/MMBtu based on 06-096 CMR 115, BPT
- SO₂ – 0.018 lb/1000 gal based on AP-42 dated 7/08
- NO_x – 13 lb/1000 gal based on AP-42 dated 7/08
- CO – 7.5 lb/1000 gal based on AP-42 dated 7/08
- VOC – 1.0 lb/1000 gal based on AP-42 dated 7/08
- Opacity – Visible emissions from the stack shall not exceed 10% opacity on a 6 minute block average, except for no more than one (1), six (6) minute block average in a continuous 3 hour period.

The BPT emission limits for the boilers are the following:

<u>Unit</u>	<u>PM</u> <u>(lb/hr)</u>	<u>PM₁₀</u> <u>(lb/hr)</u>	<u>SO₂</u> <u>(lb/hr)</u>	<u>NO_x</u> <u>(lb/hr)</u>	<u>CO</u> <u>(lb/hr)</u>	<u>VOC</u> <u>(lb/hr)</u>
Boiler #1 (5.7 MMBtu/hr)	0.29	0.29	0.01	0.81	0.47	0.06
Boiler #2 (5.7 MMBtu/hr)	0.29	0.29	0.01	0.81	0.47	0.06
Boiler #3 (5.7 MMBtu/hr)	0.29	0.29	0.01	0.81	0.47	0.06
Boiler #4 (5.7 MMBtu/hr)	0.29	0.29	0.01	0.81	0.47	0.06

2. 40 CFR Part 63 Subpart JJJJJ

Gas-fired boilers are exempt from 40 CFR Part 63, Subpart JJJJJ. Section 63.11237 defines gaseous fuel as including natural gas and also defines natural gas as including propane. Therefore, propane is considered a gaseous fuel and propane-fired boilers are considered gas-fired boilers.

C. Annual Emissions

1. Total Annual Emissions

Jordan Grand shall be restricted to the following annual emissions, based on a calendar year. The tons per year limits were calculated based on operating each boiler 8760 hours per year.

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

	PM	PM₁₀	SO₂	NO_x	CO	VOC
Boiler#1	1.25	1.25	0.01	3.55	2.05	0.27
Boiler#2	1.25	1.25	0.01	3.55	2.05	0.27
Boiler#3	1.25	1.25	0.01	3.55	2.05	0.27
Boiler#4	1.25	1.25	0.01	3.55	2.05	0.27
Total TPY	5.00	5.00	0.04	14.20	8.20	1.08

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 CFR Part 52, Subpart A, §52.21 Prevention of Significant Deterioration of Air Quality rule. Greenhouse gases, as defined in 06-096 CMR 100 (as amended), 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).

Based on the facility's fuel use limit(s), the worst case emission factors from AP-42, IPCC (Intergovernmental Panel on Climate Change), and *Mandatory Greenhouse Gas Reporting*, 40 CFR Part 98, and the global warming potentials contained in 40 CFR Part 98, Jordan Grand is below the major source threshold of 100,000 tons of CO₂e per year. Therefore, no additional licensing requirements are needed to address GHG emissions at this time.

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling is not required for a renewal if the total emissions of any pollutant released do not exceed the following and there are no extenuating circumstances:

<u>Pollutant</u>	<u>Tons/Year</u>
PM ₁₀	25
SO ₂	50
NO _x	50
CO	250

Based on the total facility licensed emissions, Jordan Grand is below the emissions level required for modeling.

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-711-71-E-R subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).

- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.

[06-096 CMR 115]

- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for

the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]

- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect 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 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) **Boilers #1-4**

- A. Jordan Grand shall fire propane in Boilers #1-4. [06-096 CMR 115, BPT]
- B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boilers #1-4 (each)	PM	0.05	06-096 CMR 115, BPT

- C. Emissions shall not exceed the following [06-096 CMR 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	0.29	0.29	0.01	0.81	0.47	0.06
Boiler #2	0.29	0.29	0.01	0.81	0.47	0.06
Boiler #3	0.29	0.29	0.01	0.81	0.47	0.06
Boiler #4	0.29	0.29	0.01	0.81	0.47	0.06

- D. Visible emissions from the combined stack for Boilers #1-4 shall not exceed 10% opacity on a 6 minute block average, except for no more than one (1), six (6) minute block average in a continuous 3 hour period.
[06-096 CMR 115, BPT]

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- (17) Jordan Grand shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 M.R.S.A. §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 19 DAY OF March, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

Marie Allen Robert Cro
PATRICIA W. AHO, COMMISSIONER

The term of this license shall be ten (10) years from the signature date above.

[Note: If a complete renewal application, as determined by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 MRSA §10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the renewal of the license.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 1/16/13

Date of application acceptance: 1/25/13

Date filed with the Board of Environmental Protection:

This Order prepared by Lynn Poland, Bureau of Air Quality.



