



DEPARTMENT ORDER

**Mercy Hospital  
Cumberland County  
Portland, Maine  
A-982-71-C-R/A**

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

**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

Mercy Hospital d/b/a Northern Light Mercy Hospital (NLMH) has applied to renew their Air Emission License for the operation of emission sources associated with their healthcare facility.

The equipment addressed in this license is located at 175 Fore River Parkway, Portland, Maine.

NLMH has requested an after-the-fact minor modification to their license in order to add an emergency generator (Generator #2) which was installed in 2021.

B. Emission Equipment

The following equipment is addressed in this air emission license:

**Boilers**

<b>Equipment</b>	<b>Max. Capacity (MMBtu/hr)</b>	<b>Maximum Firing Rate</b>	<b>Fuel Type</b>	<b>Date of Manuf.</b>	<b>Date of Install.</b>	<b>Stack #</b>
Boiler #1	16.3	116.6 gal/hr	distillate fuel	2007	2008	1
		15,825 scf/hr	natural gas			
Boiler #2	16.3	116.6 gal/hr	distillate fuel	2007	2008	1
		15,825 scf/hr	natural gas			

### Stationary Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Firing Rate (gal/hr)	Rated Output Capacity (kW)	Fuel Type	Date of Manuf.	Date of Install.
Generator #1	10.0	73.0	1,000	distillate fuel	2007	2007
Generator #2*	7.4	54.3	750	distillate fuel	2020	2021

\* Generator #2 is new to this air emission license.

NLMH 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, NLMH 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 application for NLMH includes both the license renewal for existing equipment and the installation of new equipment. Therefore, the license is considered to be a renewal of currently licensed emission units and a minor modification and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

E. Facility Classification

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

- As a synthetic minor source of air emissions for NO<sub>x</sub>, because NLMH is subject to license restrictions that keep facility emissions below major source thresholds for criteria pollutants; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for HAP.

II. **BEST PRACTICAL TREATMENT (BPT)**

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental, and energy impacts.

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**

NLMH operates Boilers #1 and #2 for heat and hot water. The boilers are each rated at 16.3 MMBtu/hr and are each capable of firing distillate fuel and natural gas. The boilers were installed in 2008 and exhaust through a combined stack, Stack #1, which is 74 feet above ground level.

Boilers #1 and #2 are licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Pursuant to 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, the distillate fuel purchased or otherwise obtained for use in Boilers #1 and #2 shall not exceed 0.0015% by weight (15 ppm).

**1. BPT Findings**

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

**Distillate Fuel**

- |  |  |
|--|--|
| PM/PM <sub>10</sub> /PM <sub>2.5</sub> | - 0.025 lb/MMBtu based on manufacturer's data<br>(established as BACT in A-982-71-A-N, 10/18/2007) |
| SO <sub>2</sub>                        | - based on firing distillate fuel with a maximum sulfur content of<br>0.0015% by weight            |
| NO <sub>x</sub>                        | - 0.12 lb/MMBtu based on manufacturer's data<br>(established as BACT in A-982-71-A-N, 10/18/2007)  |
| CO                                     | - 0.039 lb/MMBtu based on manufacturer's data<br>(established as BACT in A-982-71-A-N, 10/18/2007) |
| VOC                                    | - 0.002 lb/MMBtu based on manufacturer's data<br>(established as BACT in A-982-71-A-N, 10/18/2007) |
| Visible<br>Emissions                   | - 06-096 C.M.R. ch. 115, BPT   |

Natural Gas

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.010 lb/MMBtu based on manufacturer’s data  
 (established as BACT in A-982-71-A-N, 10/18/2007)
- SO<sub>2</sub> – 0.6 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
- NO<sub>x</sub> – 0.035 lb/MMBtu based on manufacturer’s data  
 (established as BACT in A-982-71-A-N, 10/18/2007)
- CO – 0.040 lb/MMBtu based on manufacturer’s data  
 (established as BACT in A-982-71-A-N, 10/18/2007)
- VOC – 0.004 lb/MMBtu based on manufacturer’s data  
 (established as BACT in A-982-71-A-N, 10/18/2007)
- Visible Emissions – 06-096 C.M.R. ch. 115, BPT

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

Unit	Pollutant	lb/MMBtu
Boiler #1 <i>(distillate fuel)</i>	PM	0.025
Boiler #1 <i>(natural gas)</i>	PM	0.010
Boiler #2 <i>(distillate fuel)</i>	PM	0.025
Boiler #2 <i>(natural gas)</i>	PM	0.010

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1 <i>(distillate fuel)</i>	0.41	0.41	0.41	0.02	1.96	0.64	0.03
Boiler #1 <i>(natural gas)</i>	0.16	0.16	0.16	0.01	0.57	0.65	0.07
Boiler #2 <i>(distillate fuel)</i>	0.41	0.41	0.41	0.02	1.96	0.64	0.03
Boiler #2 <i>(natural gas)</i>	0.16	0.16	0.16	0.01	0.57	0.65	0.07

2. Visible Emissions

Visible emissions from Stack #1 shall not exceed 20% opacity on a six-minute block average basis when either Boiler #1 or Boiler #2 is firing distillate fuel.

Visible emissions from Stack #1 shall not exceed 10% opacity on a six-minute block average basis during any operating time when only natural gas is being fired in either Boiler #1 or Boiler #2.

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

Boilers #1 and #2 are 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]

NLMH shall comply with all requirements of 40 C.F.R. Part 60, Subpart Dc applicable to Boilers #1 and #2 including, but not limited to, the following:

a. Standards

The fuel fired in Boilers #1 and #2 shall not exceed 0.5% sulfur by weight. [40 C.F.R. § 60.42c(d)] This fuel sulfur content limit shall be streamlined to the lower limit required by State statute.

b. Reporting and Recordkeeping

(1) NLMH shall maintain records of the amounts of each fuel combusted during each calendar month. [40 C.F.R. § 60.48c(g)]

(2) NLMH shall submit semi-annual reports to EPA and to the Department. [40 C.F.R. § 60.48c(d)] These reports shall include the following:

- (i) Calendar dates covered in the reporting period; [40 C.F.R. § 60.48c(e)(1)]
- (ii) Records of fuel supplier certifications; [40 C.F.R. § 60.48c(e)(11)] and
- (iii) Any instances of excess emissions (including opacity) from Boilers #1 and #2. [40 C.F.R. § 60.48c(c)]

(3) The semi-annual reports are due within 30 days of the end of each six-month period. [40 C.F.R. § 60.48c(j)]

(4) The following address for EPA shall be used for any reports or notifications required to be copied to them:

U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, MA 02109-3912  
Attn: Air Compliance Clerk

(5) NLMH shall maintain records required by Subpart Dc for a period of two years following the date of the record. [40 C.F.R. § 60.48c(i)] Note: Standard Condition (8) of this license requires all records be retained for six years; therefore, the two-year record retention requirement of Subpart Dc shall be streamlined to the more stringent six-year requirement.

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

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]

In order to maintain the classification of gas-fired boilers, NLMH may only fire distillate fuel in Boilers #1 and #2 during periods of gas curtailment or supply interruption (as defined in 40 C.F.R. § 63.11237 “Period of gas curtailment or supply interruption”), startups, or for periodic testing, maintenance, or operator training on liquid fuel. Periodic testing, maintenance, or operator training on liquid fuel shall not exceed a combined total of 48 hours during any calendar year.

C. Generators #1 and #2

NLMH operates two emergency generators. The previously licensed Generator #1 has an engine manufactured in 2007 rated at 10.0 MMBtu/hr firing distillate fuel.

Generator #2 was installed in 2021 and is new to this license. It has an engine manufactured in 2020 rated at 7.4 MMBtu/hr firing distillate fuel.

1. BPT and BACT Findings

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

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103
SO <sub>2</sub>	– Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
NO <sub>x</sub>	– 3.2 lb/MMBtu from AP-42 dated 10/96
CO	– 0.85 lb/MMBtu from AP-42 dated 10/96
VOC	– 0.09 lb/MMBtu from AP-42 dated 10/96
Visible Emissions	– 06-096 C.M.R. ch. 115, BPT/BACT

The BPT emission limits for Generator #1 and BACT emission limits for Generator #2 are the following:

Unit	Pollutant	lb/MMBtu
Generator #1	PM	0.12
Generator #2	PM	0.12

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	1.20	1.20	1.20	0.02	32.00	8.50	0.90
Generator #2	0.89	0.89	0.89	0.01	23.81	6.32	0.67

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

2. Chapter 169

Generators #1 and #2 were each installed prior to the effective date of *Stationary Generators*, 06-096 C.M.R. ch. 169 and is therefore exempt from this rule pursuant to section 1.

3. New Source Performance Standards

*Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart IIII is applicable to the emergency engines listed above since the units were ordered after July 11, 2005, and manufactured after April 1, 2006. [40 C.F.R. § 60.4200] By meeting the requirements of 40 C.F.R. Part 60, Subpart IIII, the units also meet the requirements found in the *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. Part 63, Subpart ZZZZ. [40 C.F.R. § 63.6590(c)]

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

a. Emergency Engine Designation and Operating Criteria

Under 40 C.F.R. Part 60, Subpart IIII, 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 engines 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 engines 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 each engine. [40 C.F.R. § 60.4209(a)]

(4) Operation and Maintenance Requirements

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

NLMH 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 emergency engines, the units shall each 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 III for emergency engines. [40 C.F.R. § 60.4214(b)]

(7) Recordkeeping

NLMH shall keep records that include the hours of operation of each engine recorded through the non-resettable hour meter. Documentation shall include the number of hours each unit operated for emergency purposes, the number of hours each unit operated for non-emergency purposes, and the reason each engine was in operation during each time.

[40 C.F.R. § 60.4214(b)]

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 Boilers #1 and #2 for 8,760 hrs/year and the highest emissions based on firing either distillate fuel or natural gas on a pollutant by pollutant basis; and
- Operating Generators #1 and #2 for 100 hrs/yr each.

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

**Total Licensed Annual Emissions for the Facility**

**Tons/year**

(used to calculate the annual license fee)

	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Boiler #1	1.8	1.8	1.8	0.1	8.6	2.9	0.3
Boiler #2	1.8	1.8	1.8	0.1	8.6	2.9	0.3
Generator #1	0.1	0.1	0.1	–	1.6	0.4	0.1
Generator #2	0.1	0.1	0.1	–	1.2	0.3	–
<b>Total TPY</b>	<b>3.8</b>	<b>3.8</b>	<b>3.8</b>	<b>0.2</b>	<b>20.0</b>	<b>6.5</b>	<b>0.7</b>

<b>Pollutant</b>	<b>Tons/year</b>
Single HAP	9.9
Total HAP	24.9

### III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source is determined by the Department on a case-by case basis. In accordance with 06-096 C.M.R. ch. 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

Pollutant	Tons/Year
PM <sub>10</sub>	25
PM <sub>2.5</sub>	15
SO <sub>2</sub>	50
NO <sub>x</sub>	50
CO	250

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

This determination is based on information provided by the applicant regarding the expected construction and operation of the proposed 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 NLMH 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-982-71-C-R/A 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 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 and #2**

#### A. Fuel

1. NLMH is licensed to fire either distillate fuel or natural gas in Boilers #1 and #2.  
[06-096 C.M.R. ch. 115, BPT]
2. NLMH may only fire distillate fuel in Boilers #1 and #2 during periods of gas curtailment or supply interruption (as defined in 40 C.F.R. § 63.11237 "Period of gas curtailment or supply interruption"), startups, or for periodic testing, maintenance, or operator training on liquid fuel. Periodic testing, maintenance, or

- operator training on liquid fuel shall not exceed a combined total of 48 hours during any calendar year. [06-096 C.M.R. ch. 115, BPT]
3. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm).  
 [06-096 C.M.R. ch. 115, BPT]
  4. Fuel sulfur content compliance shall be demonstrated by fuel supplier certification.  
 [06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Boiler #1 ( <i>distillate fuel</i> )	PM	0.025	06-096 C.M.R. ch. 115, BPT
Boiler #1 ( <i>natural gas</i> )	PM	0.010	06-096 C.M.R. ch. 115, BPT
Boiler #2 ( <i>distillate fuel</i> )	PM	0.025	06-096 C.M.R. ch. 115, BPT
Boiler #2 ( <i>natural gas</i> )	PM	0.010	06-096 C.M.R. ch. 115, BPT

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

Emission Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1 ( <i>distillate fuel</i> )	0.41	0.41	0.41	0.02	1.96	0.64	0.03
Boiler #1 ( <i>natural gas</i> )	0.16	0.16	0.16	0.01	0.57	0.65	0.07
Boiler #2 ( <i>distillate fuel</i> )	0.41	0.41	0.41	0.02	1.96	0.64	0.03
Boiler #2 ( <i>natural gas</i> )	0.16	0.16	0.16	0.01	0.57	0.65	0.07

D. Visible Emissions

1. Visible emissions from Stack #1 shall not exceed 20% opacity on a six-minute block average basis when either Boiler #1 or Boiler #2 is firing distillate fuel.
2. Visible emissions from Stack #1 shall not exceed 10% opacity on a six-minute block average basis during any operating time when only natural gas is being fired in either Boiler #1 or Boiler #2.

[06-096 C.M.R. ch. 115, BPT]



- E. NLMH shall comply with all requirements of 40 C.F.R. Part 60, Subpart Dc applicable to Boilers #1 and #2 including, but not limited to, the following:
1. NLMH shall maintain records of the amounts of each fuel combusted during each calendar month. [40 C.F.R. § 60.48c(g)]
  2. NLMH shall submit semi-annual reports to EPA and to the Department. [40 C.F.R. § 60.48c(d)] These reports shall include the following:
    - a. Calendar dates covered in the reporting period; [40 C.F.R. § 60.48c(e)(1)]
    - b. Records of fuel supplier certifications; [40 C.F.R. § 60.48c(e)(11)] and
    - c. Any instances of excess emissions (including opacity) from Boilers #1 and #2. [40 C.F.R. § 60.48c(c)]
  3. The semi-annual reports are due within 30 days of the end of each six-month period. [40 C.F.R. § 60.48c(j)]

**(18) Generators #1 and #2**

- A. NLMH shall keep records of all maintenance conducted on the engines associated with Generators #1 and #2 [06-096 C.M.R. ch. 115, BACT/BPT]
- B. 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)

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

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #1	1.20	1.20	1.20	0.02	32.00	8.50	0.90
Generator #2	0.89	0.89	0.89	0.01	23.81	6.32	0.67

- D. Visible emissions from Generators #1 and #2 each shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT/BACT]

- E. Generators #1 and #2 shall meet the applicable requirements of 40 C.F.R. Part 60, Subpart IIII, including the following:  
[incorporated under 06-096 C.M.R. ch. 115, BPT/BACT]
1. **Manufacturer Certification**  
The engines 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 engines 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 tank containing the fuel to be fired. [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 each engine. [40 C.F.R. § 60.4209(a)]
  4. **Annual Time Limit for Maintenance and Testing**
    - a. As emergency engines, the units shall each 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. NLMH shall keep records that include the hours of operation of each engine recorded through the non-resettable hour meter. Documentation shall include the number of hours each unit operated for emergency purposes, the number of hours each unit operated for non-emergency purposes, and the reason each engine was in operation during each time. [40 C.F.R. § 60.4214(b)]
  5. **Operation and Maintenance**  
The engines shall be operated and maintained according to the manufacturer's emission-related written instructions. NLMH may only change those emission-related settings that are permitted by the manufacturer. [40 C.F.R. § 60.4211(a)]

NLMH 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 proposed 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, NLMH may be required to submit additional information. Upon written request from the Department, NLMH 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 6<sup>th</sup> DAY OF SEPTEMBER, 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: 12/15/2022

Date of application acceptance: 12/16/2022

Date filed with the Board of Environmental Protection:

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

