



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

**T-Mobile USA, Inc.  
Kennebec County  
Oakland, Maine  
A-1120-71-A-N (SM)**

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

**FINDINGS OF FACT**

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

**I. REGISTRATION**

**A. Introduction**

T-Mobile USA, Inc. (T-Mobile) has applied for an Air Emission License permitting the operation of emission sources associated with their Oakland call center.

The equipment addressed in this license is located at 133 First Park Drive, Oakland, Maine.

**B. Emission Equipment**

The following equipment is addressed in this air emission license:

**Generator**

<u>Equipment</u>	<u>Maximum Output KW</u>	<u>Maximum Input capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Date of Manuf.</u>	<u>Stack #</u>
Generator	831	7.6	55.3	Distillate fuel, 0.0015% by weight	2005	1

**C. Definitions**

*Distillate Fuel* means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396, diesel fuel oil numbers 1 or 2, as defined in ASTM D975, kerosene, as defined in

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ASTM D3699, biodiesel as defined in ASTM D6751, or biodiesel blends as defined in ASTM D7467.

D. Application Classification

T-Mobile's Oakland call center is classified as an existing source that is applying for its first air emission license, after-the-fact. 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 CMR 115 (as amended). With the operating hours restriction on the emergency generator, the facility is licensed below the major source thresholds for criteria pollutants and is considered a synthetic minor. The facility is also licensed below the major source thresholds for hazardous air pollutants (HAP) and is considered an area source of 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 CMR 100 (as amended). 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 CMR 100 (as amended). BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Generator

T-Mobile operates one emergency generator. The emergency generator is a generator set consisting of an engine and an electrical generator. The emergency generator has an engine rated at 7.6 MMBtu/hr which fires distillate fuel. The emergency generator was manufactured in 2005.

1. BACT Findings

The BACT emission limits for the Generator is based on the following:

- PM/PM10 - 0.12 lb/MMBtu from 06-096 CMR 103
- SO<sub>2</sub> - 0.0015 lb/MMBtu, based on the 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  
Opacity - 06-096 CMR 115, BACT

The BACT emission limits for the Generators is the following:

Unit	Pollutant	lb/MMBtu
Generator	PM	0.12

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator (7.6 MMBtu/hr) Distillate fuel	0.91	0.91	0.01	24.26	6.44	0.68

Visible emissions from the Generator shall not exceed an opacity of 20% on a six-minute block average basis. [06-096 CMR 115, BACT]

The emergency generator 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 generator shall be equipped with a non-resettable hour-meter to record operating time. To demonstrate compliance with the operating hours limit, T-Mobile shall keep records of the total hours of operation and the hours of emergency operation for the unit.

Emergency generators are only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Emergency generators are not to be used for prime power when reliable offsite power is available; nor to operate or to be contractually obligated to be available for more than 15 hours per calendar year 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. NSPS

### 40 CFR Part 60 Subpart IIII

The federal regulation 40 CFR Part 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE)* is not applicable to the emergency engine listed above since the unit was manufactured before April 1, 2006.

3. NESHAP

40 CFR Part 63, Subpart ZZZZ

The federal regulation 40 CFR Part 63, Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines* 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 Subpart ZZZZ since it is categorized as a commercial emergency engine and it does not operate and is not contractually obligated to be available for more than 15 hours per calendar year 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 as specified in §63.6640(f)(4)(ii).

Operation of the emergency engine such that it exceeds 15 hours per calendar year 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 as specified in §63.6640(f)(4)(ii), would cause the engine to be subject to 40 CFR Part 63, Subpart ZZZZ, and require compliance with all applicable requirements.

C. Fugitive Emissions

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed an opacity of 20%. Compliance shall be determined by an aggregate of the individual fifteen-second opacity observations which exceed 20% in any one hour.

D. Annual Emissions

1. Total Annual Emissions

T-Mobile shall be restricted to the following annual emissions, based on a calendar year total. The tons per year limits were calculated based on 100 hours of use for the emergency generator.

**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>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Generator	0.05	0.05	0.001	1.2	0.3	0.03
<b>Total TPY</b>	<b>0.05</b>	<b>0.05</b>	<b>0.001</b>	<b>1.2</b>	<b>0.3</b>	<b>0.03</b>

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 (CO<sub>2</sub>e).

The quantity of CO<sub>2</sub>e 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 40 CFR Part 98, *Mandatory Greenhouse Gas Reporting*; and
- global warming potentials contained in 40 CFR Part 98.

No additional licensing actions to address GHG emissions are required at this time.

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source shall be determined by the Department on a case-by case basis. In accordance with 06-096 CMR 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:

<u>Pollutant</u>	<u>Tons/Year</u>
PM <sub>10</sub>	25
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.

**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-1120-71-A-N 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) Generator**

- A. T-Mobile 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 hours spent for emergency operation, including what classified the operation as emergency and how many hours spent for non-emergency.  
[06-096 CMR 115, BACT]



- B. If the engine is operated during a period of demand response or deviation from standard voltage or frequency, or to supply power during a non-emergency situation as part of a financial arrangement with another entity, T-Mobile shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [06-096 CMR 115, BACT]
- C. The fuel sulfur content for the Generator shall be limited to 0.0015% sulfur by weight. Compliance shall be demonstrated by fuel records from the supplier documenting the type of fuel delivered and the sulfur content of the fuel. [06-096 CMR 115, BACT]
- D. Emissions shall not exceed the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
Generator	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

- E. Emissions shall not exceed the following [06-096 CMR 115, BACT]:

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Generator (7.6 MMBtu/hr) distillate fuel	0.91	0.91	0.01	24.26	6.44	0.68

- F. Visible Emissions

Visible emissions from the Generator shall not exceed an opacity of 20% on a six-minute block average basis. [06-096 CMR 115, BACT]

- G. The emergency generator is only to be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. The Generator is not to be used for prime power when reliable offsite power is available; nor to operate or to be contractually obligated to be available for more than 15 hours per calendar year 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 CMR 115, BACT]

(17) **Fugitive Emissions**

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed an opacity of 20%. Compliance shall be determined by an aggregate of

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the individual fifteen-second opacity observations which exceed 20% in any one-hour.  
[06-096 CMR 101]

- (18) T-Mobile 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 7 DAY OF June, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Cone for  
PAUL MERCER, 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 M.R.S.A. §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: 03/31/2016

Date of application acceptance: 04/11/2016

Date filed with the Board of Environmental Protection:

This Order prepared by Colby Fortier-Brown, Bureau of Air Quality.

