



DEPARTMENT ORDER

**Portsmouth Naval Shipyard
York County
Kittery, Maine
A-452-70-H-A**

**Departmental
Findings of Fact and Order
Part 70 Air Emission License
Amendment #3**

FINDINGS OF FACT

After review of the Part 70 license amendment application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes (M.R.S.) § 344 and § 590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

FACILITY	Portsmouth Naval Shipyard (PNS)
LICENSE TYPE	Part 70 Administrative Revision
NAICS CODES	336611 (Ship Building and Repairing)
NATURE OF BUSINESS	National Security (Submarine repair for U.S. Navy)
FACILITY LOCATION	Kittery, Maine

Portsmouth Naval Shipyard (PNS, the Shipyard) is an existing stationary source currently operating under Part 70 License A-452-70-D-R/A, issued July 23, 2015, and Part 70 Significant License Modifications A-452-70-E-A, issued November 3, 2017, and A-452-70-F-A, issued May 24, 2018, and licenses to construct issued under the New Source Review (NSR) program as found in *Minor and Major Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

PNS has requested an amendment to the facility's Part 70 License to clarify fuel burning equipment fuel use recordkeeping requirements.

B. Emission Equipment

The following emission units are addressed by this Part 70 license amendment:

Fuel Burning Equipment

Equipment	Max. Heat Input Capacity (MMBtu/hr)	Max. Firing Rate	Fuel Type, % sulfur	Manuf. Date	Install. Date
Boiler #1	87 [each]	84,466 scf/hr [each]	Natural gas, negl.	2003	2003
Boiler #2		621 gal/hr [each]	Distillate fuel,		
Furnace/Forge	5.2	37.1 gal/hr	Distillate fuel,	1940	1940
Despatch Oven	3.1	3,022 scf/hr	Natural gas, negl.	1954	1954
Boiler #337-1	2.5 [each]	2,439 scf/hr [each]	Natural gas, negl.	2014	2014
Boiler #337-2					
Boiler #298	1.3	9.3 gal/hr	Distillate fuel,	2002	2002
Boiler #310	1.26	9.0 gal/hr	Distillate fuel,	2012	2012
Boiler #373-1	2.0 [each]	1,951 scf/hr [each]	Natural gas, negl.	2015	2015
Boiler #373-2				2004	2004
Boiler #373-3				2015	2015

C. Definitions

Distillate Fuel. For the purposes of this license, *distillate fuel* means the following:

- Fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials (ASTM) in ASTM D396;
- Diesel fuel oil numbers 1 or 2, as defined in ASTM D975;
- Kerosene, as defined in ASTM D3699;
- Biodiesel, as defined in ASTM D6751; or
- Biodiesel blends, as defined in ASTM D7467.

D. Application Classification

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

As defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100, a Part 70 Administrative Revision is for license changes that correct typographical errors; change the name, address, or phone number of any person or facility identified in the Part 70 license or a similar administrative change at the Part 70 source; or result in more frequent monitoring, reporting, recordkeeping or testing requirements.

The requested revision to clarify fuel burning equipment fuel use recordkeeping requirements meets the definition of a Part 70 Administrative Revision and has been processed under *Part 70 Air Emission License Regulations*, 06-096 C.M.R. ch. 140.

II. BEST PRACTICAL TREATMENT (BPT) AND EMISSION STANDARDS

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 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 emission from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Fuel Burning Equipment Fuel Use Recordkeeping Requirement Clarification

Condition (14)B.1.b. of Air Emission License Amendment A-452-70-E-A (November 3, 2017) stated that PNS is required to maintain records of the quantity of fuel consumed in each piece of fuel burning equipment (Boilers, Furnaces, and Ovens). This amendment did not, however, clarify which methods, other than tracking fuel consumption directly through fuel flow meters, the Shipyard may use to track fuel consumption in each unit. PNS has requested that this Condition be amended to provide clarification as to which methods the Shipyard may use to track fuel consumption.

In response to the Shipyard's request, the Department shall replace Condition (14)B.1.b. of Air Emission License Amendment A-452-70-E-A (November 3, 2017) with the following [06-096 C.M.R. ch. 140, BPT]:

PNS shall maintain records of the quantity of fuel consumed on a monthly and 12-month rolling total basis for Boilers #1 and #2. Fuel use for all other units shall be kept on a monthly and 12-month rolling total basis to demonstrate compliance with the facility's fuel limits. For units without a functioning fuel meter, fuel use may be determined using a combination of fuel receipts as purchased and, as necessary, the hours of operation of each unit.

C. Facility Annual Emissions

The facility's licensed annual emissions totals are not changing as a result of this amendment and shall remain as currently licensed.

III. AMBIENT AIR QUALITY ANALYSIS

PNS previously submitted an ambient air quality analysis demonstrating that emissions from the facility, in conjunction with all other sources, do not violate ambient air quality standards (see license A-452-70-A-I, issued on March 1, 2000). An additional ambient air quality analysis is not required for this Part 70 License Amendment.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that emissions from this source:

- will receive Best Practical Treatment;
- will not violate applicable emissions standards; and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants the Part 70 License Amendment A-452-70-H-A pursuant to 06-096 C.M.R. 140 and the preconstruction permitting requirements of *Major and Minor Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115 and subject to the conditions found in Air Emission License A-452-70-D-R/A, in amendments A-452-70-E-A and A-452-70-F-A, and the following condition.

Federally enforceable conditions in this Part 70 license must be changed pursuant to the applicable requirements in 06-096 C.M.R. ch. 115 for making such changes and pursuant to the applicable requirements in 06-096 C.M.R. ch. 140.

For each specific condition which is state enforceable only, state-only enforceability is designated with the following statement: **Enforceable by State-only.**

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.

SPECIFIC CONDITIONS

The following shall replace Part B.1.b. of Condition (14) of Air Emission License Amendment A-452-70-E-A (November 3, 2017):

(14) Fuel Burning Equipment (Boilers, Furnaces, Ovens):

B. Allowable Fuels and Fuel Sulfur Content

1. Allowable Fuels

- b. PNS shall maintain records of the quantity of fuel consumed on a monthly and 12-month rolling total basis for Boilers #1 and #2. Fuel use for all other units shall be kept on a monthly and 12-month rolling total basis to demonstrate compliance with the facility's fuel use limits. For units without a functioning fuel meter, fuel use may be determined using a combination of fuel receipts as purchased and, as necessary, the hours of operation of each unit. [A-452-70-D-R/A (7/23/2015), BPT, A-452-77-6-A (8/20/2014), BPT, A-452-77-8-A (11/19/2015), BPT, & 06-096 C.M.R. ch. 140, BPT]

DONE AND DATED IN AUGUSTA, MAINE THIS 17 DAY OF July, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Core for
PAUL MERCER, COMMISSIONER

The term of this amendment shall be concurrent with the term of Air Emission License A-452-70-D-R/A.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 6, 2018

Date of application acceptance: June 7, 2018

Date filed with the Board of Environmental Protection:

This Order prepared by Jonathan E. Rice, Bureau of Air Quality.

