



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

BETH NAGUSKY
ACTING COMMISSIONER

Lane Construction Corporation
Penobscot County
Medway, Maine
A-14-71-M-R (SM)

Departmental
Findings of Fact and Order
Air Emission License

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., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Lane Construction (Lane), located in Medway, Maine has applied to renew their Air Emission License, permitting the operation of their hot mix asphalt plant and hot oil heater.

B. Emission Equipment

Lane is licensed to operate the following equipment:

Asphalt Plant:

Equipment	Process Rate (tons/hour)	Design Capacity Firing Rate	Control Devices	Stack ID	Date of Manufacture
Rotary Dryer	120	49.3 MMBtu/hr, 352 gal/hr, #2 fuel oil, #4 fuel oil and specification waste oil (0.7% S)	baghouse	56A	Pre-1973

Additional Fuel Burning Equipment

Equipment	Maximum Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type, % sulfur
Hot Oil Heater	2.0	14.3	#2 fuel oil and specification waste oil (0.7% S)

C. Application Classification

The application for Lane 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 current licensed emission units only and has been processed through 06-096 CMR 115 of the Department's regulations. With the fuel limit on the asphalt plant and hot oil heater, the facility is licensed below the major source thresholds and is considered a synthetic minor.

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 (last amended December 24, 2005). 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. Asphalt Batch Plant

The batch mix asphalt plant was manufactured prior to 1973 and is therefore not subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt Facilities manufactured after June 11, 1973.

The batch mix asphalt plant fires #2 fuel oil, #4 fuel oil, and specification waste oil, each with a sulfur content not to exceed 0.7%. Fuel use for the asphalt plant and hot oil heater combined shall not exceed 250,000 gal/year based on a 12 month rolling total. The asphalt plant and the hot oil heater share the same fuel tank and therefore will have the same fuel type and sulfur content requirements.

To meet the requirements of Best Practical Treatment (BPT) for the control of particulate matter (PM) emissions, the batch mix asphalt plant shall vent to a baghouse. Opacity from the asphalt batch plant baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

Based on the above batch mix asphalt plant process rate, the maximum emission rate from the asphalt baghouse shall be limited to 0.03 grs/dscf (4.67 lb/hr).

The performance of the baghouse shall be constantly monitored by either one of the following at all times the batch mix asphalt plant is operating:

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

General process emissions from the batch mix asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

Lane may process up to 10,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 CMR 409 (last amended June 16, 2006). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Virgin Oil Definition:

Virgin oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.

Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

C. Hot Oil Heater

A summary of the BPT analysis for the Hot Oil Heater (2.0 MMBtu/hr) is the following:

1. Annual fuel use for the asphalt plant and hot oil heater (combined) is limited to 250,000 gallons due to the shared fuel tank.
2. *Low Sulfur Fuel*, 06-096 CMR 106 (last amended June 9, 1999) regulates fuel sulfur content. However the use of #2 fuel oil and specification waste oil, each with a sulfur content not to exceed 0.7% is more stringent and shall be considered BPT.
3. PM and PM₁₀ emission rates were based upon BPT of 0.12 lb/MMBtu.
4. NO_x, CO and VOC emission rates were based upon AP-42 data dated 10/98 for boilers with a heat input less than 100 MMBtu/hr.
5. Opacity from the Hot Oil Heater shall not exceed 20% opacity on a six (6) minute block average basis, except for one (1) six (6) minute block average in a 3-hour period.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

E. General Process Emissions

Visible emissions from any other general process (conveyor belts, bucket elevators, bagging operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1), six (6) minute block average in a 1-hour period.

F. Annual Emissions

Annual Emissions from the hot oil heater will be negligible compared to those from the asphalt plant. Therefore, annual emissions are calculated based on the firing of 250,000 gallons per year of #2 fuel oil, #4 fuel oil or specification waste oil through the asphalt plant. (based on a 12 month rolling total)

Total Annual Emission for the Facility
(used to calculate the annual license fee)

<u>Pollutant</u>	<u>Tons/Year</u>
PM	1.66
PM ₁₀	1.66
SO ₂	12.34
NO _x	5.00
CO	16.67
VOC	1.50

III. AMBIENT AIR QUALITY ANALYSIS

According to the 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Based on the above total facility emissions, Lane is below the emissions level required for modeling and monitoring.

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,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-14-71-M-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. [06-096 CMR 115]
- (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 38 M.R.S.A. § 353. [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 emission 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) **Asphalt Batch Plant**

- A. Emissions from the batch hot mix asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]
- B. The performance of the baghouse shall be constantly monitored by either one of the following at all times the batch mix asphalt plant is operating [06-096 CMR 115, BPT]:
1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
 2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

- C. To document maintenance of the baghouse, the licensee shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BPT]
- D. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2), six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- E. General process emissions from the batch mix asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1), six (6) minute block average in a 1-hour period. [06-096 CMR 101]
- F. Fuel use records and receipts for the batch mix asphalt shall be maintained for at least six years and made available to the Department upon request. A log shall also be maintained recording the quantity and analyzed test results of all specification waste oil in the dryer. [MEDEP Chapter 115, BPT]
- G. Lane shall be limited to the use of 250,000 gal/year in the asphalt plant and hot oil heater combined (12 month rolling total) of #2 fuel oil, #4 fuel oil, and specification waste oil, each with a sulfur content not to exceed 0.7%. Emissions from the baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	4.67
PM ₁₀	-	4.67
SO ₂	-	34.76
NO _x	-	14.40
CO	-	48.00
VOC	-	4.32

- H. Lane may process up to 10,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 CMR 409 (last amended June 16, 2006). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Virgin Oil Definition:

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Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

[38 MSRA §608-A, and 06-096 CMR 115, BPT]

- I. The licensee shall not process contaminated soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]
- J. When processing contaminated soils, the licensee shall maintain records which specify the quantity and type of contaminant in the soil, the origin of the soil and the contaminant, and the characterization of the contaminated soil. In addition when processing contaminated soil, the licensee shall maintain records of processing temperature, asphalt feed rate, fuel use, soil moisture content, and dryer throughput, on an hourly basis. [06-096 CMR 115, BPT]

(17) **Hot Oil Heater**

- A. Emissions from the Hot Oil Heater shall be limited to the following [06-096 CMR 115, BPT]:

Pollutant	lb/hr
PM	0.16
PM ₁₀	0.16
SO ₂	1.41
NO _x	0.79
CO	0.07
VOC	0.01

- B. Visible emissions from the Hot Oil Heater shall not exceed 20 percent on a six (6) minute block average basis, except for no more than one (1), six (6) minute block average in a 3-hour period. [06-096 CMR 101]

(18) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(19) **General Process Sources**

Visible emissions from any other general process (conveyor belts, bucket elevators, bagging operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 115, BPT]

(20) **Equipment Relocation** [06-096 CMR 115, BPT]

A. Lane shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. The notification shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment. Written notice may be sent by mail, facsimile (fax), or e-mail.

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

(21) Lane 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 MRSA §605-C].

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A-14-71-M-R (SM)

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Findings of Fact and Order
Air Emission License

- (22) Lane shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]

DONE AND DATED IN AUGUSTA, MAINE THIS 30th DAY OF September, 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Brooks for
BETH NAGUSKY, ACTING COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 3/11/2009

Date of application acceptance: 4/1/2009

Date filed with the Board of Environmental Protection:

This Order prepared by Jonathan Voisine, Bureau of Air Quality.

