STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
Acting COMMISSIONER

Pike Industries, Inc.
York County
Wells, Maine
A-265-71-K-R (SM)

Departmental
Findings of Fact and Order
Air Emission License

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 M.R.S.A., §344 and §590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Pike Industries, Inc. (Pike) located in Wells, Maine has applied to renew their Air Emission License, permitting the operation of their portable hot mix asphalt plant and rock crushers.

B. Emission Equipment

Asphalt Plant

Equipment	Process Rate (tons/hour)	Design Capacity Firing Rate	Control Devices	Date of Manufacture
Rotary Kiln (P806)	365	120 MMBtu/hr, #2, #4, #6 fuel oil and spec. waste oil	Baghouse	1986

Heating Equipment

Equipment	Maximum Capacity	Fuel Type	Maximum Firing Rate
Hot Oil Heater (P806-1)	2.0 MMBtu/hr	#2 fuel oil, #4 fuel oil, #6 fuel oil, spec. waste oil	14.3 gal/hr

Rock Crushers

Designation	Process Rate (tons/hour)	Date of Manufacture	Control Device
C624-1	600	After 1983	Spray Nozzles
C624-2	450	After 1983	Spray Nozzles
C624-3	450	After 1983	Spray Nozzles
C624-4	450	After 1983	Spray Nozzles

C. Application Classification

The application for Pike 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 emissions units only per *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended).

II. BEST PRACTICAL TREATMENT

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. Asphalt Plant

Pike operates a batch hot mix asphalt plant, designated P806, for the production of asphalt at their Wells, Maine facility. The asphalt plant has a maximum design process rate of 365 tons per hour.

The asphalt plant was manufactured in 1986 and is therefore subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt Facilities manufactured after June 11, 1973.

The asphalt plant fires #2, #4, and #6 fuel oil and specification waste oil. Total fuel use shall not exceed 450,000 gallons per 12 month rolling total. Pike shall demonstrate compliance with fuel restrictions by maintaining a record of fuel use for the asphalt plant, which shall include fuel purchase receipts indicating the quantity and supplier certification indicating sulfur content of the purchased fuel. The fuel record shall be maintained on a 12 month rolling total basis.

To meet the requirements of Best Practical Treatment (BPT) and NSPS for the control of particulate matter (PM) emissions, the batch asphalt plant shall vent to a baghouse. Opacity from the asphalt 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 hot mix asphalt plant process rate, the maximum emission rate from the asphalt baghouse shall be limited to 0.03 grs/dscf.

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

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike 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.

Pike shall establish a system of maintenance, inspection, and repair for the asphalt plant baghouse, which shall allow for periodic inspection of the system. Pike shall document compliance by means of a maintenance, inspection, and repair log in which Pike shall record and date all bag failure and all routine maintenance as well as all inspection dates and findings.

General process emissions from the 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.

Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

C. Rock Crushers

The rock crushers C624-1, C624-2, C624-3, and C624-4 are portable units which were manufactured after 1983 with respective rated capacities of 600, 450, 450, and 450 tons/hour. All of the rock crushers are therefore subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983, with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants.

The regulated pollutant from the rock crushers is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate

matter (PM) emissions from the rock crushers, Pike shall maintain water sprays on the rock crushers and operate as needed to control visible emissions. Visible emissions from the rock crushers shall each be limited to no greater than 10% opacity on a six (6) minute block average basis.

D. Hot Oil Heater

Pike operates a hot oil heater with a maximum design capacity of 2.0 MMBtu/hr firing #2 fuel oil. The hot oil heater is used as a heating medium for the asphalt storage silo. Pike shall include the fuel consumed in the hot oil heater as part of the asphalt plant fuel record. The total fuel consumed in the heater shall be included under the licensed asphalt plant fuel restriction of 450,000 gallons per 12 month rolling total. The hot oil heater shall be permitted to fire #2 fuel oil, #4 fuel oil, #6 fuel oil, and specification waste oil with a sulfur content not to exceed 0.5% by weight when firing #2 oil and 0.7% when firing #4, #6, or specification waste oil.

E. Fugitive Emissions

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.

F. General Process Emissions

Visible emissions from any other general process 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.

G. Annual Emission Restrictions

- Total fuel use in the asphalt plant, including the hot oil heater, shall not exceed 450,000 gallons of a combination of #2 fuel oil with a sulfur content of no greater than 0.5% by weight, specification waste oil with a sulfur content of no greater than 0.7% by weight, #4 fuel oil with a sulfur content no greater than 0.7% by weight, and #6 fuel oil with a sulfur content no greater than 0.7% by weight on a 12 month rolling total basis.

H. Facility Emissions

Pike shall be restricted to the following annual emissions, based on a 12 month rolling total:

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

	PM	PM_{10}	SO_2	NO_x	CO	VOC
Asphalt Plant	1.49	1.49	22.2	11.50	38.33	0.79
Total TPY	**1.5**	**1.5**	**22.2**	**11.5**	**38.3**	**0.8**

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 and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

Pollutant	TPY
PM	25
PM_{10}	25
SO_2	50
NO_x	100
CO	250

Based on the total facility licensed emissions, Pike 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-265-71-K-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-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 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) **Batch Asphalt Plant**

A. Emissions from the 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 asphalt plant is operating [06-096 CMR 115, BPT]:

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike 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 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 asphalt plant 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 asphalt plant. [06-096 CMR 115, BPT]

G. Pike shall be limited to the use of 450,000 gallons on a 12 month rolling total basis of #2 fuel oil with a sulfur content not to exceed 0.5% by weight, #4 fuel oil with a sulfur content not to exceed 0.7% by weight, #6 fuel oil with a sulfur content not to exceed 0.7% by weight, and specification waste oil with a sulfur content not to exceed 0.7% in the asphalt plant. Emissions from the baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	5.7
PM_{10}	-	5.7
SO_2	-	84.6
NO_X	-	43.8
CO	-	146
VOC	-	3.0

H. Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and

quantity, origin of the soil and fuel and the disposition of the contaminated soil. [38 MSRA §608-A, and 06-096 CMR 115, BPT]

I. Pike may process up to 5,000 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 MEDEP Chapter 409 (as amended). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]

J. Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]

K. When processing contaminated soils, Pike 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, Pike 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. [06-096 CMR 115, BPT]

(17) **Rock Crushers**

A. Pike shall install and maintain spray nozzles for particulate control on the rock crushers and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [06-096 CMR 115 (BPT) and 06-096 CMR 101]

B. Pike shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

C. Pike shall maintain a log detailing the maintenance on particulate matter control equipment (including spray nozzles). Pike shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required will be included in the maintenance log. The maintenance log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

D. Pike shall either have an initial performance test performed on each of the rock crushers per the applicable sections of 40 CFR Part 60, Subpart OOO, §60.675 or provide documentation to the Department that the initial

performance tests were previously performed. (Documentation that a successful initial performance test was performed outside of Maine may be accepted.)

E. An initial performance test must be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a facility falls within a seasonal shutdown, then with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment

F. Pike shall conduct a performance test at least once every five years from each rock crusher. The performance test requirement will be done sometime within the 5 years of license issuance.

G. Pike shall submit a test notice to the regional inspector at least 7 days prior to a performance test.

(18) **New Source Performance Standards for rock crushers**

The rock crushers are subject to 40 CFR Part 60 Subparts A and OOO and Pike shall comply with the notification and record keeping requirements of 40 CFR Part 60.676 and Part 60.7, except for Section (a)(2) of 60.7 per Subpart OOO, §60.676(h).

(19) **Hot Oil Heater**

A. Pike shall include the fuel consumed in the hot oil heater as part of the asphalt plant fuel record; also the total fuel consumed in the heater shall be included under the currently licensed asphalt plant fuel restriction of 450,000 gallons per 12 month rolling total. [06-096 CMR 115, BPT]

B. Emissions shall not exceed the following:

Equipment	PM (lb/hr)	PM_{10} (lb/hr)	SO_2 (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Hot Oil Heater	1.8	1.8	7.2	4.3	0.5	0.03

C. Visible emissions from the hot oil heater shall not exceed 20% 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]

(20) **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]

(21) **General Process Sources**

Visible emissions from any general process 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]

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

A. Pike 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. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail 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

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

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.

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.

(23) Pike 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]

(24) The Hot Mix Asphalt Plant is subject to 40 CFR Part 60 Subparts A, and I and Pike shall comply with the notification and recordkeeping requirements of 40 CFR Part 60.7.

(25) Pike 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-C].

DONE AND DATED IN AUGUSTA, MAINE THIS 18th DAY OF May, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie L. Loyzim for
JAMES P. BROOKS, 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: 8/19/2010
Date of application acceptance: 9/13/2010

Date filed with the Board of Environmental Protection:

Filed
MAY 23 2011
State of Maine
Board of Environmental Protection

This Order prepared by Amanda L. Gray, Bureau of Air Quality.