



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

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COMMISSIONER

**The Lane Construction Corporation  
Washington County  
Charlotte, Maine  
A-978-71-C-R/A (SM)**

**Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal & Amendment**

**FINDINGS OF FACT**

After review of the air emission license amendment and renewal 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 Maine Department of Environmental Protection (Department) finds the following facts:

**I. REGISTRATION**

**A. Introduction**

1. The Lane Construction Corporation (Lane) located in Bangor, Maine has applied to renew their Air Emission License, permitting the operation of their portable hot mix asphalt plant and crushed stone and gravel facility.
2. The equipment addressed in this license is located at 1 Scott's Way, Charlotte, Washington County, ME.
3. Lane has requested an amendment to this license to add Cummins 855 which was previously licensed on A-646-71-E-R, and to remove the currently licensed hot oil heater and replace it with a smaller unit that is below licensing requirements, and to add natural gas and propane as licensed fuels for the #67 Asphalt Plant and the hot oil heater (which, due to its small size, is considered and insignificant activity and is mentioned in this license for completeness purposes only).

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

B. Emission Equipment

**Asphalt Plant**

<u>Equipment</u>	<u>Process Rate</u> (TPH)	<u>Design Capacity Firing Rate</u>	<u>Control Devices</u>	<u>Stack ID</u>	<u>Date of Manufacture</u>
Drum mix asphalt plant #67	200	70.0 MMBtu/hr, #2 fuel oil, 0.5% S spec. waste oil, 0.7% S <b>natural gas, propane</b>	Baghouse	67	Plant - 1984 Burner -2010

**Heating Equipment**

<u>Equipment</u>	<u>Max. Capacity</u> MMBtu/hr	<u>Fuel Type</u>	<u>Max. Firing Rate</u>
SFO70 Hot Oil Heater – included for completeness only	0.7	#2 fuel oil, 0.5% S <b>natural gas, propane</b>	5 gal/hr

**Rock Crushers**

<u>Designation</u>	<u>Powered</u>	<u>Process Rate</u> TPH	<u>Date of Manufacture</u>	<u>Control Device</u>
PRI2540CR	Electric	325	Pre-1973	Spray Nozzles

**Generator Units**

<u>Equipment</u>	<u>Maximum Capacity</u> MMBtu/hr	<u>Maximum Firing Rate</u> gal/hr	<u>Fuel Type</u>
CAT 3406	3.12	20.4	Diesel fuel, 0.0015% sulfur
Deutz F3L912	0.9	6.5	Diesel fuel, 0.0015% sulfur
Cummings 855	2.1	15	Diesel fuel, 0.0015% sulfur

C. Application Classification

The application for Lane includes the licensing of new equipment, however does not include an increase in emissions, therefore the license is considered to be a renewal and amendment of current licensed emissions units only per *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended). With the fuel limits on the asphalt plant and hot oil heater, and on the generators, the facility is licensed below the major source thresholds and is considered a synthetic minor.

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

The drum mix asphalt plant is rated at 200 tons per hour with a 70 MMBtu/hr burner. Fuel use shall not exceed 700,000 gallons of specification waste oil or #2 fuel oil, or 95,150,000 standard cubic feet of natural gas, or 1,083,000 gallons of propane, or any combination thereof, not to exceed 98,000 million British thermal units per year (MMBtu/yr) on a calendar year basis.

Prior to January 1, 2016 or by the date otherwise stated in 38 MRSA §603-A(2)(A)(3), the #2 fuel oil fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). The specific dates contained in this paragraph reflect the current dates in the statute as of the effective date of this license; however, if the statute is revised, the facility shall comply with the revised dates upon promulgation of the statute revision.

The portable drum mix asphalt plant was manufactured in 1984 and is therefore subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) 40 Code of Federal Regulation (CFR) Part 60, Subpart I *Standards of Performance for Hot Mix Asphalt Facilities* constructed or modified after June 11, 1973.

The BPT emission limits for the asphalt plant when firing **#2 fuel oil and specification waste oil**, were based on the following:

Particulate Matter (PM)	– 0.03 gr/dscf and 21,932 dscfm; 5.64 lb/hr, and the use of a baghouse. This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 0.04 gr/dscf.
Sulfur Dioxide (SO <sub>2</sub> )	– firing specification waste oil (0.7% sulfur max.): 0.058 lb/ton of product from AP-42, Table 11.1-7 (dated 3/04) for drum mix; 11.60 lb/hr; firing #2 fuel oil (0.5% sulfur max.): 0.011 lb/ton of product from AP-42, Table 11.1-7 (dated 3/04) for drum mix asphalt plants.
Nitrogen Oxide (NO <sub>x</sub> )	– 0.055 lb/ton of product from AP-42, Table 11.1-7 (dated 3/04) for drum mix; 11.00 lb/hr
Carbon Monoxide (CO)	– 0.13 lb/ton of product from AP-42, Table 11.1-7 (dated 3/04) for drum mix; 26.00 lb/hr
Volatile Organic Compound (VOC)	– 0.032 lb/ton of product from AP-42, Table 11.1-8 (dated 3/04) for drum mix; 6.40 lb/hr

Opacity

- 06-096 CMR 101, *Visible Emission Regulation*: visible emissions from the asphalt batch plant baghouse shall not exceed 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous three (3) hour period. This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 20% opacity.

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 one (1) hour period.

The BACT emission limits for the asphalt plant, **firing natural gas or propane**, were based on the following:

- Particulate Matter (PM) – 0.03 gr/dscf and 21,932 dscfm; 5.64 lb/hr and the use of a baghouse. This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 0.04 gr/dscf.
- Sulfur Dioxide (SO<sub>2</sub>) – 0.0034 lb/ton of product from AP-42, Table 11.1-7 (dated 3/04); 0.68 lb/hr
- Nitrogen Oxide (NO<sub>x</sub>) – 0.026 lb/ton of product from AP-42, Table 11.1-7 (dated 3/04) for drum mix; 5.20 lb/hr
- Carbon Monoxide (CO) – 0.13 lb/ton from AP-42, Table 11.1-7 (dated 3/04) for drum mix; 26.00 lb/hr
- Volatile Organic Compound (VOC) – 0.032 lb/ton of product from AP-42, Table 11.1-8 (dated 3/04) for drum mix; 6.40 lb/hr
- Opacity - 06-096 CMR 101, *Visible Emission Regulation*: visible emissions from the asphalt batch plant baghouse shall not exceed 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous three (3) hour period. This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 20% opacity.

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 one (1) hour period.

*Control Equipment*

The portable asphalt drum plant shall be controlled by a baghouse.

*Periodic Monitoring*

The performance of the baghouse shall be constantly monitored by either one of the following at all times the drum 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.

Lane shall keep records of baghouse failures and baghouse maintenance.

Lane shall keep records of fuel use and receipts for the asphalt drum mix asphalt plant which 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 fired in the dryer.

40 CFR Part 60, Subpart I, Lane shall conduct a performance test for PM within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after initial startup of such facility. Per 40 CFR Part 60, Subpart I, §60.93(b)(1). The initial performance test was successfully completed on July 17<sup>th</sup>, 1997.

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. Rock Crusher PRI2540CR

The PRI2540CR rock crusher is a portable unit which was manufactured prior to 1973 and has a rated capacity of 325 tons per hour.

The PRI2540CR rock crusher is *not* subject to EPA New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983, with capacities greater than 150 tons per hour for portable plants and greater than 25 tons per hour for non-portable plants based on the date of manufacture of the unit.

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

D. Generators

The CAT 3406 has a maximum capacity of 3.12 MMBtu/hr, firing diesel fuel, with a maximum sulfur content of 0.0015%. The generator was manufactured in 1998 and installed in 2007.

The Deutz F3L912 has a maximum capacity of 0.9 MMBtu/hr, firing diesel fuel, with a maximum sulfur content of 0.0015%. The generator was manufactured in 1984 and installed in 2007.

Cummins 855 has a maximum capacity of 2.1 MMBtu/hr, firing diesel fuel, with a maximum sulfur content of 0.0015%. The generator was manufactured in 1980 (estimated) and installed in 1980 (estimated).

The diesel fuel fired in the CAT 3406, Deutz F3L912, and the Cummins 855 generators shall be limited to 50,000 gallons per year, combined, on a calendar year basis.

The CAT 3406, Deutz F3L912, and the Cummins 855 generators were each manufactured prior to April 1, 2006. Therefore, the three generators are not subject to New Source Performance Standards 40 CFR Part 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*.

The CAT 3406, Deutz F3L912, and the Cummins 855 generators are considered non-road engines, as opposed to stationary engines, since they are portable and will be moved to various sites with the asphalt plant. Therefore, the three generators are not subject to 40 CFR Part 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*. The definition in 40 CFR Part 1068.30 states that a non-road engine is an internal combustion engine that meets certain criteria, including: "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." 40 CFR Part 1068.30 further states that an engine is not a non-road engine if it remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. An engine located at a seasonal source (a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year) is an engine that remains at a seasonal source during the full annual operating period of the seasonal source.

The BPT emission limits for the generators were based on the following:

CAT 3406:

PM/PM <sub>10</sub>	- 0.12 lb/MMBtu from 06-096 CMR 103; 0.37 lb/hr
SO <sub>2</sub>	- combustion of diesel fuel with a max. sulfur content not to exceed 15 ppm (0.0015% sulfur); 0.01 lb/hr
NO <sub>x</sub>	- 4.41 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 13.76 lb/hr
CO	- 0.95 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 2.96 lb/hr
VOC	- 0.35 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 1.10 lb/hr
Opacity	- 06-096 CMR 101: Visible emissions shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a three (3) hour period.

Deutz F3L912:

PM/PM <sub>10</sub>	- 0.12 lb/MMBtu from 06-096 CMR 103; 0.28 lb/hr
SO <sub>2</sub>	- combustion of diesel fuel with a max. sulfur content not to exceed 15 ppm (0.0015% sulfur); 0.01 lb/hr
NO <sub>x</sub>	- 4.41 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 3.97 lb/hr
CO	- 0.95 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 0.86 lb/hr
VOC	- 0.35 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 0.32 lb/hr
Opacity	- 06-096 CMR 101: Visible emissions shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a three (3) hour period.

Cummins 855:

PM/PM <sub>10</sub>	– 0.12 lb/MMBtu from 06-096 CMR 103; 0.25 lb/hr
SO <sub>2</sub>	– combustion of diesel fuel with a max. sulfur content not to exceed 15 ppm (0.0015% sulfur); 0.01 lb/hr
NO <sub>x</sub>	– 4.41 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 9.26 lb/hr
CO	– 0.95 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 2.00 lb/hr
VOC	– 0.35 lb/MMBtu from AP-42, Table 3.3-1, dated 10/96; 0.74 lb/hr
Opacity	– 06-096 CMR 101: Visible emissions shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a three (3) hour period.

E. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed 20% opacity, except for no more than five (5) minutes in any one (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 general process (including conveyor belts, transfer points, bucket elevators, bagging operations, etc.) associated with an NSPS rock crusher shall not exceed 7% opacity on an average of not less than five (5) six (6) minute block average basis. [06-096 CMR 115, BPT and/or 40 CRF 60, Subpart 000]

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

G. Facility Emissions

1. Lane shall be restricted to the following annual emissions, based on a calendar year, and the following:

- 700,000 gallons per year of specification waste oil or #2 fuel oil, or 95,150,000 standard cubic feet of natural gas, or 1,083,000 gallons of propane, or any combination thereof not to exceed 98,000 MMBtu/year, fired in the asphalt plant
- 50,000 gallons per year of diesel fuel fired in the three generators combined

**Total Licensed Annual Emissions for the Facility**  
**Tons per year**  
(used to calculate the annual license fee)

<u>Equipment</u>	<u>PM</u>	<u>PM<sub>10</sub></u>	<u>SO<sub>2</sub></u>	<u>NO<sub>x</sub></u>	<u>CO</u>	<u>VOC</u>
Asphalt Plant & Hot Oil Heater	4.0	4.0	8.1	7.7	18.2	4.5
Generators	0.4	0.4	0.1	15.1	3.3	1.2
<b>Total TPY</b>	<b>4.4</b>	<b>4.4</b>	<b>8.2</b>	<b>22.8</b>	<b>21.5</b>	<b>5.7</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) means the aggregate group of the following gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gases (GHG) for purposes of licensing are calculated and reported as carbon dioxide equivalents (CO<sub>2</sub>e).

Based on the facility's fuel use limit(s), the worst case emission factors from AP-42, IPCC (Intergovernmental Panel on Climate Change), and *Mandatory Greenhouse Gas Reporting*, 40 CFR Part 98, and the global warming potentials contained in 40 CFR Part 98, Lane is below the major source threshold of 100,000 tons of CO<sub>2</sub>e per year. Therefore, no additional licensing requirements are needed to address GHG emissions at this time.

### 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 is not required for a renewal if the total emissions of any pollutant released do not exceed the following 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

Based on the total facility licensed emissions, Lane is below the emissions level required for modeling.

### 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-978-71-C-R/A, 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) Drum Mix Asphalt Plant**

**A. Fuel Use**

1. Lane shall be limited to the use of a total of 700,000 gallons of specification waste oil (not to exceed 0.7% sulfur) or #2 fuel oil (not to exceed 0.5% sulfur), or 95,150,000 standard cubic feet of natural gas, or 1,083,000 gallons of propane, or any combination thereof not to exceed 98,000 MMBtu/year, in the hot mix asphalt plant, based on a calendar year. [06-096 CMR 115, BPT]
2. Prior to January 1, 2016 or by the date specified in 38 MRSA §603-A(2)(A)(3), the fuel oil fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [06-096 CMR 115, BACT and 38 MRSA §603-A(2)(A)(3)] .
3. Fuel use records and receipts for the hot mix asphalt plant shall be maintained for at least six years and made available to the Department upon request. Fuel use records shall be kept on a monthly and calendar basis. [06-096 CMR 115, BPT]
4. A log shall be maintained recording the quantity and analyzed test results of all specification waste oil fired in the asphalt plant. [06-096 CMR 115, BPT]

**B. 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]**

**C. The performance of the baghouse shall be constantly monitored by either one of the following at all times the hot 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.

- D. 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]
- E. Emissions from the asphalt plant baghouse shall not exceed the following [06-096 CMR 115, BPT]:

<u>Pollutant</u>	<u>grs/dscf</u>	<u>lb/hr</u> <u>spec. waste</u>	<u>lb/hr</u> <u>#2 fuel</u>	<u>lb/hr</u> <u>nat. gas,</u> <u>propane</u>
PM	0.03	5.64	5.64	5.64
PM <sub>10</sub>	-	5.64	5.64	5.64
SO <sub>2</sub>	-	11.60	2.20	0.68
NO <sub>x</sub>	-	11.00	11.00	5.20
CO	-	26.00	26.00	26.00
VOC	-	6.40	6.40	6.40

- F. 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 three (3)-hour period. [06-096 CMR 101]
- G. 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 one (1) hour period. [06-096 CMR 101]
- H. The Hot Mix Asphalt Plant is subject to 40 CFR Part 60 Subparts A and I, and Lane shall comply with all applicable requirements, including the notification and recordkeeping requirements of 40 CFR Part 60.7 and the initial performance test requirements of 40 CFR Part 60.8 (testing within 60 days after achieving the maximum operation production rate, but not later than 180 days after initial startup). The initial performance test was successfully completed on July 17<sup>th</sup>, 1997.
- I. 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.

- J. Lane 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, 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. [06-096 CMR 115, BPT]

(17) **Rock Crusher**

- A. Lane shall install and maintain spray nozzles for particulate control on the PRI2540CR Rock Crusher 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. Lane shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the primary, secondary and tertiary rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]
- C. Lane shall maintain a log detailing the maintenance on particulate matter control equipment (including spray nozzles). Lane 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. The crusher shall not be attached or clamped via cable, chain, turnbuckle, bolt, or other means (except electrical connections) to any anchor, slab, or structure (including bedrock) that must be removed prior to transportation. [06-096 CMR 115, BPT]

(18) **Portable Generators**

A. Fuel Use

1. The CAT 3406, Deutz F3L912, and the Cummins 855 generators shall fire only diesel fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur). [06-096 CMR 115, BACT]
2. Total fuel use for the CAT 3406, Deutz F3L912, and the Cummins 855 generators, combined, shall not exceed 50,000 gallons per year of diesel fuel. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of annual fuel use shall be kept on a monthly and calendar year basis. [06-096 CMR 115, BPT]

B. Emissions from the generators shall not exceed the following [06-096 CMR 115, BPT]:

<u>Equipment</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>
CAT 3406	0.37	0.37	0.01	13.76	2.96	1.09
Deutz F3L912	0.28	0.28	0.01	3.97	0.86	0.32
Cummins 855	0.25	0.25	0.01	9.26	2.00	0.74

C. Visible emissions from each of the three generators shall not exceed 20% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous three (3)-hour period. [06-096 CMR 101]

(19) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed 20% opacity, 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]

(20) **General Process Sources**

Visible emissions from any general process (including conveyor belts, transfer points, bucket elevators, bagging operations, etc.) associated with an NSPS rock crusher shall not exceed 7% opacity on an average of not less than five (5) six (6) minute block average basis. [06-096 CMR 115, BPT and/or 40 CRF 60, Subpart 000]

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

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

- A. Lane shall notify the Bureau of Air Quality, by a written notification, 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 submitted through the Department's on-line e-notice at:  
[www.maine.gov/dep/air/compliance/forms/relocation](http://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.

The Lane Construction  
Washington County  
Charlotte, Maine  
A-978-71-C-R/A (SM)

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Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal & Amendment

- (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]
- (23) 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 M.R.S.A. §605].

DONE AND DATED IN AUGUSTA, MAINE THIS 10 DAY OF June, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Core for  
PATRICIA W. AHO, 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 MRSA §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: 10/26/2012

Date of application acceptance: 11/05/2012

Date filed with the Board of Environmental Protection:

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.



