



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

Ray Labbe & Sons, Inc.
Sagadahoc County
Bowdoin, Maine
A-527-71-H-R (SM)

Departmental
Findings of Fact and Order
Air Emission License
Renewal

After review of the air emissions license 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 Department finds the following facts:

I. REGISTRATION

A. Introduction

Ray Labbe & Sons, Inc. (Labbe), located in Bowdoin, Maine has applied to renew their Air Emission License, permitting the operation of their crushed stone and mineral processing facility.

The equipment addressed in this license is located on Thurman Drive, Bowdoin, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Rock Crushers

Equipment	Power Source	Process Rate (tons/hr)	Control Device	Date of Manufacture
Primary Crusher LB-121	Diesel	50	Spray Nozzles	Pre-1973
Cone Crusher LB-124	Diesel Generator	100	Spray Nozzles	Pre-1973
Portable Crusher LB-173	Diesel Generator	200	Spray Nozzles	Pre-1983
Cone Crusher LB-174	Electric	150	Spray Nozzles	1977

Associated Diesel Units

Equipment	Fuel Type	Maximum Firing Rate (gallons/hour)	Power Output	Date of Manufacture
Diesel LB-121	Diesel Fuel	5.4	75 kW	Pre-1973
Diesel LB-128	Diesel Fuel	13.3	200 kW	1999
Diesel LB-172	Diesel Fuel	29.9	400 kW	1998

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 04679-2094
(207) 764-0477 FAX: (207) 760-3143

C. Application Classification

The application for Labbe 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 *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended).

With the annual fuel limit placed on the diesel units, the facility is licensed below the major source thresholds and is therefore 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. Rock Crushers

Labbe operates a jaw crusher, designated Primary Crusher LB-121, a cone crusher designated Cone Crusher LB-124, a portable jaw crusher designated Portable Crusher LB-173 and a second cone crusher, designated Cone Crusher LB-174 at their gravel pit located in Bowdoin.

Primary Crusher LB-121 and Cone Crusher LB-124 have maximum throughput ratings of 50 and 100 tons/hr, respectively, and were each manufactured prior to 1973. LB-121 and LB-124 are therefore 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/hr for portable plants and greater than 25 tons/hr for non-portable plants.

Portable Crusher LB-173 and Cone Crusher LB-174 have maximum throughput ratings of 200 and 150 tons/hour, respectively, and were each manufactured prior to 1983. The Department has determined that due to the age of the crushers and the considerable impacts the crusher equipment operate under, it is likely that the crushers went through a reconstruction or modification after August 1983 and are therefore subject to EPA New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart OOO.

As a requirement of 40 CFR Part 60, Subpart OOO, it is necessary that an initial performance test be performed on the applicable crushers. This consists of a certified Method 9 observation. Labbe conducted Method 9 observation testing on both crushers on September 12, 2005 and successfully demonstrated the capability to meet the standards established in Labbe's air emission license. A copy of the final testing report was submitted to and is on file with the Department.

The regulated pollutant from the rock crushers is particulate matter (PM) emissions. To meet the requirements of BPT for control of PM emissions from the rock crushers, Labbe 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-minute block average basis.

C. Diesel Units

Labbe operates three diesel units, designated Diesel LB-121, Diesel LB-128 and Diesel LB-172 as power sources for their crusher units.

Diesel LB-121 was manufactured in the 1950s, has a maximum design firing rate of 5.4 gallons per hour (gal/hr) and directly drives Primary Crusher LB-121. Diesel LB-128 was manufactured in 1999, has a maximum design firing rate of 13.3 gal/hr and is utilized as the power source for Cone Crusher LB-124. Diesel LB-172 has a maximum design firing rate of 29.9 gal/hr and is utilized as the primary power source for Portable Crusher LB-173.

A summary of the BPT analysis for the diesel units are as follows:

SO ₂	0.0015 lb/MMBTU, based 0.0015% sulfur diesel fuel
PM	units LB-121 & LB-128: 0.31 lb/MMBTU, based on AP-42, Table 3.3-1 (10/96); unit LB-172: 0.12 lb/MMBTU, 06-096 CMR 103
NO _x	4.41 lb/MMBTU, AP-42, Table 3.3-1 (10/96)
CO	0.95 lb/MMBTU, AP-42, Table 3.3-1 (10/96)

VOC 0.35 lb/MMBTU, AP-42, Table 3.3-1 (10/96)
Opacity Visible emissions from each diesel unit shall not exceed 20% opacity on a six-minute block average except for no more than two six-minute block averages in a three-hour period.

Labbe shall be limited to firing no greater than 30,000 gallons/year of diesel fuel in the diesel units, with a sulfur content of no greater than 0.0015% (15ppm) sulfur by weight, on a calendar-year basis.

Labbe shall maintain a record of fuel use for the diesel units, which shall include fuel purchase receipts indicating the quantity and date of fuel purchased. The fuel-use records shall be maintained on a monthly as well as on a calendar year basis.

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 minutes in any one-hour period. Compliance shall be determined by an aggregate of the individual fifteen-second opacity observations which exceed 20% in any one hour.

E. General Process Emissions

Visible emissions from any general process (including conveyor belts, transfer points, etc.) associated with a rock crusher subject to 40 CFR Part 60, Subpart OOO shall not exceed an opacity of 7% on a six-minute block average basis.

Visible emissions from any other general process (including rock crusher not subject to 40 CFR Part 60, conveyor belts, bucket elevators, bagging operations, etc.) shall not exceed an opacity of 20% opacity on a six-minute block average basis except for no more than one six-minute block average in a one-hour period.

F. Annual Emissions

1. Labbe shall be restricted to the following annual emissions, on a calendar-year basis.

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

Unit	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Diesel Units	0.6	0.6	0.1	9.0	2.0	0.7
Total TPY	0.6	0.6	0.1	9.0	2.0	0.7

The tons per year limits were calculated based on the annual fuel limit of 30,000 gallons/year.

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 (CO₂e).

Based on Labbe'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, Labbe is below the major source threshold of 100,000 tons of CO₂ 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:

Pollutant	Tons/Year
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the total facility licensed emissions, Labbe 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 BPT,
- 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-527-71-H-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 (38 M.R.S.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]

- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.[06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:

- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
- B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
- C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect 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) Rock Crushers

- A. Labbe shall maintain spray nozzles for particulate control on all rock crushers and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six-minute block average basis. [06-096 CMR 115 (BPT) and 06-096 CMR 101]
- B. Labbe shall maintain a log detailing and quantifying the hours of operation on a daily basis for all rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]
- C. Labbe shall maintain a log detailing the maintenance on particulate matter control equipment (including spray nozzles). Labbe 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. Labbe shall submit a test notice to the regional inspector at least 7 days prior to a performance test. [06-096 CMR 115, BPT]
- E. Any Labbe crushers subject to 40 CFR Part 60 Subparts A and OOO 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).

(17) Diesel Units

- A. Labbe shall be limited to firing no greater than 30,000 gallons/year of diesel fuel in the diesel units, with a sulfur content of no greater than 0.0015% (15ppm) sulfur by weight, on a calendar-year basis. [06-096 CMR 115, BPT]
- B. Labbe shall maintain a record of fuel use for the diesel units, which shall include fuel purchase receipts indicating the quantity and date of fuel purchased. The fuel-use records shall be maintained on a monthly as well as on a calendar year basis. [06-096 CMR 115, BPT]
- C. Visible emissions from each diesel unit shall not exceed 20% opacity on a six-minute block average except for no more than two six-minute block averages in a three-hour period. [06-096 CMR 115, BPT]

(18) **Stockpiles and Roadways**

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

(19) **General Process Sources**

Visible emissions from any general process (including conveyor belts, transfer points, etc.) associated with a rock crusher subject to 40 CFR Part 60, Subpart OOO shall not exceed an opacity of 7% on a six-minute block average basis. [40 CFR 60, Subpart OOO]

Visible emissions from any other general process (including rock crusher not subject to 40 CFR Part 60, conveyor belts, bucket elevators, bagging operations, truck-loading operations, etc.) shall not exceed an opacity of 20% opacity on a six- minute block average basis except for no more than one six-minute block average in a one-hour period. [06-096 CMR 115, BPT]

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

A. Labbe 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 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.

Ray Labbe & Sons, Inc.
Sagadahoc County
Bowdoin, Maine
A-527-71-H-R (SM)

11

Departmental
Findings of Fact and Order
Air Emission License
Renewal

- (21) Labbe 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]
- (22) Labbe 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 17th DAY OF September, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Patricia W. Aho*
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, 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: October 13, 2010

Date of application acceptance: October 19, 2010

Date filed with the Board of Environmental Protection:

This Order prepared by Kevin J. Ostrowski, Bureau of Air Quality.

