



DEPARTMENT ORDER

**Emery Lee and Sons Incorporated
Penobscot County
East Millinocket, Maine
A-169-71-N-N/A**

**Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact Renewal
with Amendment**

FINDINGS OF FACT

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

I. REGISTRATION

A. Introduction

The Air Emission License for Emery Lee and Sons Incorporated (Lee) expired on May 24, 2023. Lee has applied to renew their expired license for the operation of their concrete batch plant and portable crushed stone and gravel facility located at 157 Main Road in East Millinocket, Maine.

This Air Emission License Renewal will also include the addition of a newly purchased rock crusher.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

Concrete Plant

Equipment	Production Rate (cubic yards/hour)	Control Device
Concrete Batch Plant #2	60	baghouse

Rock Crushers

Designation	Powered	Process Rate (tons/hour)	Date of Manufacture	Control Device
Jaw Crusher #2	Generator #3	400	2014	Spray Nozzles
Powerscreen Cone Crusher	CAT Generator	369	2010	Spray Nozzles
Cone Crusher	Generator #4	100	1981	Spray Nozzles

Designation	Powered	Process Rate (tons/hour)	Date of Manufacture	Control Device
Masaba Cone Crusher *	Generator #4	336	2010	Spray Nozzles

* This equipment is being added to this Air Emission License.

Portable Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity	Fuel Type	Firing Rate (gal/hr)	Date of Manuf.	Date of Install.
Generator #3	1.6	225 HP	Distillate fuel	11.7	2014	2016
Generator #4	4.3	400 kW	Distillate fuel	31.4	2005	2018
CAT Generator	2.7	375 HP	Distillate fuel	19.1	2008	2021

Lee may operate other nonmetallic mineral processing equipment not explicitly listed including grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck or railcar loading stations. Requirements for this equipment are included in sections of this license for Nonmetallic Mineral Processing Plants.

Lee may operate small stationary engines smaller than 0.5 MMBtu/hr. These engines are considered insignificant activities and are not required to be included in this license. However, they are still subject to applicable State and Federal regulations. More information regarding requirements for small stationary engines is available on the Department's website at the link below.

<http://www.maine.gov/dep/air/publications/docs/SmallRICEGuidance.pdf>

Additionally, Lee may operate portable engines used for maintenance or emergency-only purposes. These engines are considered insignificant activities and are not required to be included in this license. However, they may still be subject to applicable State and Federal regulations.

C. Definitions

Distillate Fuel means the following:

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

Nonmetallic mineral processing plant means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants (not including concrete batch plants), or any other facility processing nonmetallic minerals.

Portable or Non-Road Engine means an internal combustion engine which is 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. This definition does NOT include engines which remain or will remain at a location (excluding storage locations) for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

An engine is not a non-road (portable) engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road (portable) engine and is subject to applicable stationary engine requirements.

Records or Logs mean either hardcopy or electronic records.

D. Application Classification

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

The previous air emission license for Lee expired on May 24, 2023. A complete application was not submitted prior to the expiration date; therefore, Lee is considered to be an existing source applying for an after-the-fact renewal. The Department has determined the facility is a minor source, and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

E. Facility Classification

With the annual fuel limit on the engines, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Lee is subject to license restrictions that keep facility emissions below major source thresholds for NO_x; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for HAP.

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 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

BPT for an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis pursuant to 06-096 C.M.R. ch. 115.

B. Concrete Batch Plant

The Concrete Batch Plant is rated at 60 cubic yards/hour and includes one silo.

All components of the Concrete Batch Plant shall be maintained so as to prevent PM leaks. To meet the requirements of BPT for particulate matter, emissions from the cement silos and truck filling shall each be vented through a baghouse maintained for 99% removal efficiency. Visible emissions from the baghouse are limited to no greater than 10% opacity on a six-minute block average basis. The facility shall take corrective action if visible emissions from any baghouse exceed 5% opacity on a six-minute block average basis.

C. Nonmetallic Mineral Processing Plants

Rock crushers Jaw Crusher #2, Powerscreen Cone Crusher, Cone Crusher, and Masaba Cone Crusher are portable units which were manufactured in 2014, 2010, and 1981, and 2010 with rated capacities of 400 tons/hr, 369 tons/hr, 100, tons/hr, and 336 tons/hr, respectively. The nonmetallic mineral processing plant also consists of other equipment associated with Jaw Crusher #2, Powerscreen Cone Crusher, Cone Crusher, and Masaba Cone Crusher such as screens and belt conveyors.

1. BPT and BACT Findings

The regulated pollutant from nonmetallic mineral processing plants is particulate matter. To meet the requirements of BPT for existing equipment and BACT for the newly included Masaba Cone Crusher for control of particulate matter emissions, Lee shall maintain water sprays on the nonmetallic mineral processing plant and operate as needed to control visible emissions.

Visible emissions from Jaw Crusher #2, Powerscreen Cone Crusher, Cone Crusher, and Masaba Cone Crusher shall each be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT and BACT]

Visible emissions from equipment associated with Cone Crusher (transfer points on belt conveyors, screening operations, etc.) shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

Visible emissions from equipment associated with Jaw Crusher #2, Powerscreen Cone Crusher, and Masaba Cone Crusher are detailed in the Subpart OOO section below.

2. New Source Performance Standards

The federal regulation *Standards of Performance for Nonmetallic Mineral Processing Plants*, 40 C.F.R. Part 60, Subpart OOO, applies to equipment at nonmetallic mineral processing plants with capacities greater than 25 ton/hr for fixed plants and 150 ton/hr for portable plants. The requirements of Subpart OOO apply to any crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading station at a nonmetallic mineral processing plant greater than the sizes listed above which commenced construction, modification, or reconstruction after August 31, 1983.

Cone Crusher was manufactured prior to August 31, 1983, and has not undergone a modification or reconstruction as defined in 40 C.F.R. Part 60, Subpart OOO. Therefore, this equipment is not subject to this Subpart. [40 C.F.R. § 60.670(e)]

Jaw Crusher #2, Powerscreen Cone Crusher, and Masaba Cone Crusher are part of nonmetallic mineral processing plants, each with maximum capacity greater than 150 ton/hr and manufactured after August 31, 1983. These crushers are therefore affected facilities subject to 40 C.F.R. Part 60, Subpart OOO. **Any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading station associated with these crushers are also affected facilities subject to 40 C.F.R. Part 60, Subpart OOO.** [40 C.F.R. §§ 60.670(c) and (e)]

a. Notification

Lee shall submit notification to the Department and EPA of the date of initial startup of Masaba Cone Crusher postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]

As specified in the Order section of this license, the rock crushers and ancillary equipment subject to 40 C.F.R. Part 60, Subparts A and OOO, Lee shall comply with the notification and recordkeeping requirements of 40 C.F.R. §§ 60.676 and 60.7, except for § 60.7(a)(2) pursuant to § 60.676(h).
[40 C.F.R. §§ 60.676(b), (f), and (i)]

b. Standards

Subpart OOO, Table 3 contains applicable visible emission requirements for affected facilities.

Visible emissions from Jaw Crusher #2, Powerscreen Cone Crusher, and Masaba Cone Crusher shall not exceed 12% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

The Department has determined that the visible emission limit as established above applicable to the rock crushers is more stringent than the applicable limit in 40 C.F.R. Part 60, Subpart OOO. Therefore, the visible emission limit for Jaw Crusher #2, Powerscreen Cone Crusher, and Masaba Cone Crusher has been streamlined to the more stringent limit, and only this more stringent limit shall be included in the air emission license.

Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction before April 22, 2008, shall not exceed 10% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not

exceed 7% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

c. Monitoring Requirements

Lee shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Lee 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 shall be included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]

d. Testing Requirements

Subpart OOO, § 60.675 requires that Lee conduct an initial performance test for visible emissions from Masaba Cone Crusher and from all associated affected facilities subject to Subpart OOO, potentially including **any associated grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station.**

The performance tests for Jaw Crusher #2, and Powerscreen Cone Crusher have previously been completed, and all necessary documentation has been provided to the Department.

Testing shall be completed in accordance with the following:

- (1) An initial performance test shall 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. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
- (2) Each performance test shall be done using the methods set forth in 40 C.F.R. Part 60, Subpart OOO, § 60.675. [40 C.F.R. § 60.675(c)]
- (3) Lee shall submit a test notice to the Department at least seven days prior to conducting a performance test. [40 C.F.R. § 60.675(g)]

Please note, although Lee may submit notifications and conduct performance testing for multiple affected facilities as a group, any new affected facility subsequently brought on-site to replace or operate in conjunction with an affected facility must also comply with all applicable requirements of 40 C.F.R. Part 60, Subpart OOO including notification and testing requirements.

D. Engines

Generators #3, #4, and CAT Generator are portable engines used to power the rock crushers at the facility. Generators #3, #4, and CAT Generator were manufactured in 2014, 2005, and 2008, respectively, have maximum capacities of 1.6 MMBtu/hr (225 HP), 4.3 MMBtu/hr (400 kW), and 2.7 MMBtu/hr (375 HP), respectively, and fire distillate fuel. The fuel fired in Generators #3, #4, and CAT Generator combined shall be limited to 66,000 gallons/year on a calendar year total basis of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). This fuel limit shall apply regardless of where the units are operated.

1. BPT Findings

The BPT emission limits for Generators #3, #4, and CAT Generator were based on the following:

- PM/PM₁₀/PM_{2.5} – 0.12 lb/MMBtu from 06-096 C.M.R. ch. 115, BPT
- SO₂ – Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO_x – 4.41 lb/MMBtu from AP-42 dated 10/96
- CO – 0.95 lb/MMBtu from AP-42 dated 10/96
- VOC – 0.36 lb/MMBtu from AP-42 dated 10/96
- Visible Emissions – 06-096 C.M.R. ch. 115, BPT

The BPT emission limits for the generators are the following:

Unit	Pollutant	lb/MMBtu
Generator #4	PM	0.12

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #3	0.20	0.20	0.20	0.01	7.06	1.52	0.58
Generator #4	0.52	0.52	0.52	0.01	18.97	4.09	1.55
CAT Generator	0.33	0.33	0.33	0.01	11.91	2.57	0.98

Visible emissions from each of the engines shall not exceed 20% opacity on a six-minute block average basis except for periods of startup. During periods of startup, emissions from the engines must meet the normal operating visible emissions standard or Lee may elect to comply with the following work practice standards and alternative visible emissions standard. Use of this alternative for startup is limited to no more than once per day.

- a. The duration of the startup shall not exceed 30 minutes per event;
- b. Visible emissions shall not exceed 50 percent opacity on a six-minute block average basis; and
- c. Lee shall keep records sufficient to document the date, time, and duration of each event. These records shall be maintained for at least six years and provided to the Department upon request.

2. Chapter 169

Generators #3, #4, and CAT Generator are portable engines and are therefore not subject to *Stationary Generators*, 06-096 C.M.R. ch. 169 pursuant to section 1.

3. New Source Performance Standards

Generators #3 and CAT Generator are not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart III.

The definition in 40 C.F.R. § 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.” The regulation further states at 40 C.F.R. § 1068.30 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 for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 60.4200]

Generators #3 and CAT Generator are considered a non-road engines, as opposed to stationary engines, since Generators #3 and CAT Generator are portable and will be moved to various sites within the facility.

Generator #4 was manufactured prior to April 1, 2006. Therefore, Generator #4 is not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart III. [40 C.F.R. § 60.4200]

4. National Emission Standards for Hazardous Air Pollutants

Generators #3, #4, and CAT Generator are not subject to *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. Part 63, Subpart ZZZZ.

The definition in 40 C.F.R. § 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.” The regulation further states at 40 C.F.R. § 1068.30 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 for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 63.6585]

Generators #3, #4, and CAT Generator are considered non-road engines, as opposed to stationary engines, since Generators #3, #4, and CAT Generator are portable and will be moved to various sites within the facility.

E. Stock Piles and Roadways

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20% opacity on a five-minute block average basis.

F. General Process Emissions

Visible emissions from any general process that is not part of a nonmetallic mineral processing plant shall not exceed 20% opacity on a six-minute block average basis.

G. Annual Emissions

The table below provides an estimate of facility-wide annual emissions for the purposes of calculating the facility’s annual air license fee and establishing the facility’s potential to emit (PTE). Only licensed equipment is included, i.e., emissions from insignificant activities are excluded. Similarly, unquantifiable fugitive particulate matter emissions are not included except when required by state or federal regulations. Maximum potential emissions were calculated based on firing 66,000 gal/year of distillate fuel in the generators.

This information does not represent a comprehensive list of license restrictions or permissions. That information is provided in the Order section of this license.

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

	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	CO	VOC
Generators	0.6	0.6	0.6	0.1	20.3	4.4	1.7
Total TPY	0.6	0.6	0.6	0.1	20.3	4.4	1.7

Pollutant	Tons/year
Single HAP	9.9
Total HAP	24.9

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source to demonstrate that Ambient Air Quality Standards (AAQS) will not be exceeded is determined by the Department on a case-by case basis. In accordance with 06-096 C.M.R. ch. 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

Pollutant	Tons/Year
PM ₁₀	25
PM _{2.5}	15
SO ₂	50
NO _x	50
CO	250

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Lee to submit additional information and may require an ambient air quality impact analysis at that time.

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-169-71-N-N/A, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision of this License or part thereof shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

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. § 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 06-096 C.M.R. ch. 115. [06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115]

- (6) The license does not convey any property rights of any sort or any exclusive privilege. [06-096 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 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 C.M.R. ch. 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 C.F.R. 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 C.F.R. 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 C.M.R. ch. 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 the written test report by the Department, or another alternative timeframe approved by the Department, 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 C.F.R. 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 C.M.R. ch. 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 license requirement. [06-096 C.M.R. ch. 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 emissions 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 C.M.R. ch. 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 C.M.R. ch. 115]

- (16) The licensee 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. § 605). [06-096 C.M.R. ch. 115]

SPECIFIC CONDITIONS

(17) **Concrete Batch Plant**

- A. Particulate emissions from the cement silos and truck filling shall each be vented through a baghouse and all components of the concrete batch plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, BPT]
- B. To document maintenance of the cement silo baghouse, the licensee shall keep a maintenance record recording the date and location of all bag failures as well as all routine maintenance and inspections. The maintenance and inspection record shall be kept on-site at the concrete batch plant location. [06-096 C.M.R. ch. 115, BPT]
- C. Visible emissions from the cement silo and truck filling baghouse are limited to no greater than 10% opacity on a six-minute block average basis. Lee shall take corrective action if visible emissions from the baghouse(s) exceed 5% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, 3(B)(3)]
- D. PM emissions from the components of the concrete batching operation other than the cement silo and truck filling baghouse shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, 3(B)(4)]

(18) **Nonmetallic Mineral Processing Plants**

- A. Lee shall install and maintain spray nozzles for control of particulate matter on the nonmetallic mineral processing plants and operate when the units are in operation as needed to control visible emissions. [06-096 C.M.R. ch. 115, BPT]
- B. Lee shall maintain records detailing and quantifying the hours of operation on a daily basis for Jaw Crusher #2, Powerscreen Cone Crusher, Cone Crusher, and Masaba Cone Crusher. The operation records shall be kept on-site at the rock crushing location. [06-096 C.M.R. ch. 115, BPT]

- C. Visible emissions from Jaw Crusher #2, Powerscreen Cone Crusher, Cone Crusher, and Masaba Cone Crusher shall each be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT and BACT]
- D. Visible emissions from nonmetallic mineral processing plant equipment associated with Cone Crusher (transfer points on belt conveyors, screening operations, etc.) shall not exceed 20% opacity on a six-minute block average basis.
[06-096 C.M.R. ch. 115, BPT]
- E. NSPS Subpart OOO Requirements

Lee shall comply with all requirements of 40 C.F.R. Part 60, Subpart OOO applicable to rock crushers Jaw Crusher #2, Powerscreen Cone Crusher, Masaba Cone Crusher, and each associated affected facility including any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station including but not limited to, the following.

1. Lee shall submit notification to the Department of the date of initial startup of Masaba Cone Crusher postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]
2. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction before April 22, 2008, shall not exceed 10% opacity on a six-minute block average basis.
[40 C.F.R. Part 60, Subpart OOO, Table 3]
3. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not exceed 7% opacity on a six-minute block average basis.
[40 C.F.R. Part 60, Subpart OOO, Table 3]
4. Lee shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Lee 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 shall be

included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]

5. An initial performance test shall be completed on rock crusher Masaba Cone Crusher in accordance with the applicable sections of 40 C.F.R. § 60.675. The performance test shall be conducted 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 unit 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. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
6. An initial performance test shall be completed on any affected facilities operated with a rock crusher subject to 40 C.F.R. Part 60, Subpart OOO in accordance with the applicable sections of 40 C.F.R. § 60.675. This potentially includes each associated grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The performance test shall be conducted 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 unit 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. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
7. Lee shall submit a test notice to the Department at least seven days prior to conducting a performance test.
[06-096 C.M.R. ch. 115, BACT and 40 C.F.R. § 60.675(g)]

Note: Although some federal standards, such as 40 C.F.R. Part 60, Subpart OOO, allow for a shorter pretest notification period, the Department requires pretest notification a minimum of 30 days prior to the scheduled date of the performance test unless a variance of this requirement is preapproved by the Department.
[06-096 C.F.R. ch. 115, BPT]

(19) Engines

A. Fuel Use

1. Generators #3, #4, and CAT Generator are licensed to fire distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel

supplier certification, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]

2. Total fuel use for all engines combined shall not exceed 66,000 gal/yr of distillate fuel, regardless of where the units are operated. 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 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #4	PM	0.12	06-096 C.M.R. ch. 115, BPT

C. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #3	0.20	0.20	0.20	0.01	7.06	1.52	0.58
Generator #4	0.52	0.52	0.52	0.01	18.97	4.09	1.55
CAT Generator	0.33	0.33	0.33	0.01	11.91	2.57	0.98

D. Visible Emissions

Visible emissions from each of the engines shall not exceed 20% opacity on a six-minute block average basis except for periods of startup. During periods of startup, emissions from the engines must meet the normal operating visible emissions standard or Lee may elect to comply with the following work practice standards and alternative visible emissions standard. Use of this alternative for startup is limited to no more than once per day. [06-096 C.M.R. ch. 115, BPT]

1. The duration of the startup shall not exceed 30 minutes per event;
2. Visible emissions shall not exceed 50 percent opacity on a six-minute block average basis; and
3. Lee shall keep records sufficient to document the date, time, and duration of each event. These records shall be maintained for at least six years and provided to the Department upon request.

(20) Stockpiles and Roadways

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20% opacity on a five-minute block average basis. [06-096 C.M.R. ch. 101, 3(C)]

(21) General Process Sources

Visible emissions from any general process that is not part of a nonmetallic mineral processing plant shall not exceed 20% opacity on a six-minute block average basis.
[06-096 C.M.R. ch. 101, § 3(B)(4)]

(22) Equipment Relocation [06-096 C.M.R. ch. 115, BPT]

A. Lee shall notify the Bureau of Air Quality, by a written notification, prior to relocation of any equipment carried on this license. It is preferred for notice of relocation to be submitted through the Department's on-line e-notice at:
www.maine.gov/dep/air/compliance/forms/relocation

Written notice may also be sent by mail. Notification sent by mail shall be sent to the address below:

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

The notification shall include the license number the equipment is covered under, identification of the equipment moved, the address of the equipment's new location, the date the equipment will be moved.

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 shall be made to the respective county commissioners. The notification to the Department shall include the date the municipality was notified.

(23) Lee shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 C.M.R. ch. 115, BPT]

**Emery Lee and Sons Incorporated
Penobscot County
East Millinocket, Maine
A-169-71-N-N/A**

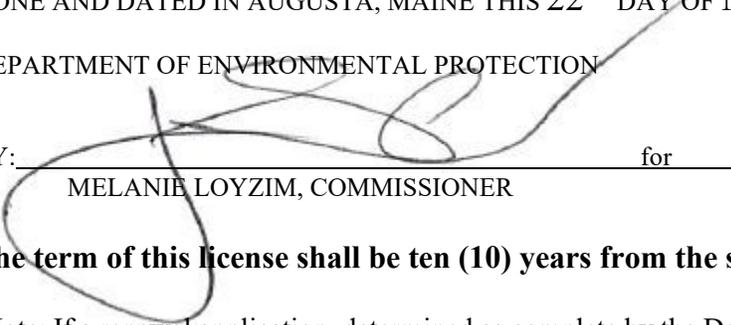
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**Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact Renewal
with Amendment**

- (24) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Lee may be required to submit additional information. Upon written request from the Department, Lee shall provide information necessary to demonstrate AAQS will not be exceeded, potentially including submission of an ambient air quality impact analysis or an application to amend this air emission license to resolve any deficiencies and ensure compliance with AAQS. Submission of this information is due within 60 days of the Department's written request unless otherwise stated in the Department's letter.
[06-096 C.M.R. ch. 115, § 2(O)]

DONE AND DATED IN AUGUSTA, MAINE THIS 22nd DAY OF NOVEMBER, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this license shall be ten (10) years from the signature date above.

[Note: If a renewal application, determined as complete by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 M.R.S. § 10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the license renewal application.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 7/31/23

Date of application acceptance: 8/1/23

Date filed with the Board of Environmental Protection:

This Order prepared by Chris Ham, Bureau of Air Quality.

