STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

Pike Industries, Inc. **Franklin County** **Phillips, Maine** **A-731-71-L-R**	**Departmental** **Findings of Fact and Order** **Air Emission License** **Renewal**

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 (Department) finds the following facts:

I. Registration

A. Introduction

Pike Industries, Inc. (Pike) has applied to renew their Air Emission License for the operation of their portable hot mix asphalt plant and crushed stone and gravel facility located at 3 Gravel Lane, Phillips, Maine. The main office is located at 95 Warren Avenue, Westbrook, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Asphalt Plant

Equipment	Process Rate (tons/hour)	Design Capacity (MMBtu/hr)	Fuel Type	Control Device	Date of Manuf.
Plant 729	250	92	Distillate Fuel Propane	Baghouse	1984

Heating Equipment

Equipment	Max. Capacity (MMBtu/hr)	Fuel Type	Maximum Firing Rate	Date of Manuf.
EP-1 (Hot Oil Heater)*	0.5	Distillate Fuel	4 gal/hr	2007

*Below licensing threshold, listed for inventory purposes only

Concrete Plant

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

Rock Crushers

Designation	Powered	Process Rate (tons/hour)	Date of Manufacture	Control Device
Rock Crusher #2	EP-4	150	2000	Spray Nozzles
Rock Crusher #3	EP-8	150	2008	Spray Nozzles

Engines

Unit ID	Max. Capacity (MMBtu/hr)	Max. Firing Rate (gal/hr)	Fuel Type	Date of Manuf.
EP-2	5.32	38	Distillate Fuel	2004
EP-4	2.93	21	Distillate Fuel	2000
EP-8	1.6	11	Distillate Fuel	2008

Pike 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.

Pike 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; http://www.maine.gov/dep/air/publications/docs/SmallRICEGuidance.pdf.

Additionally, Pike 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 application for Pike does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and 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 Generators EP-2, EP-4, and EP-8, and the processing limit on Drum Asphalt Plant 729, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Pike is subject to license restrictions that keep facility emissions below major source thresholds for NO_x and CO; 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 (BPT)

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

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. Drum Asphalt Plant 729

Pike operates a portable drum mix asphalt plant (Plant 729) with a maximum hourly throughput of 250 ton/hr of asphalt and a 92 MMBtu/hr burner which fires distillate fuel and propane.

Emission factors for asphalt plants are available based on tons of asphalt produced, and there is no linear relationship between plant output and burner firing rate. Therefore, to ensure annual emissions are limited to less than major source thresholds, asphalt throughput is limited instead of fuel consumption. Accordingly, the annual throughput of the asphalt plant shall not exceed 500,000 tons of asphalt per year on a calendar year total basis.

1. BPT Findings

The BPT emission limits for Drum Asphalt Plant 729 were based on the following:

Distillate Fuel

$PM/PM_{10}/PM_{2.5}$ – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
SO_2 – 0.011 lb/ton based on AP-42 Table 11.1-5 dated 3/04
NO_x – 0.055 lb/ton based on AP-42 Table 11.1-5 dated 3/04
CO – 0.13 lb/ton based on AP-42 Table 11.1-5 dated 3/04
VOC – 0.032 lb/ton based on AP-42 Table 11.1-6 dated 3/04
Visible Emissions – 06-096 C.M.R. ch. 101

Propane

$PM/PM_{10}/PM_{2.5}$ – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
SO_2 – 3.4×10^{-3} lb/ton based on AP-42 Table 11.1-5 dated 3/04
NO_x – 0.026 lb/ton based on AP-42 Table 11.1-5 dated 3/04
CO – 0.13 lb/ton based on AP-42 Table 11.1-5 dated 3/04
VOC – 0.032 lb/ton based on AP-42 Table 11.1-6 dated 3/04
Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Drum Asphalt Plant 729 are the following:

Unit	Fuel	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)
Plant 729	Distillate Fuel	8.42	8.42	8.42	2.75	13.75	32.50	8.00
Plant 729	Propane	8.42	8.42	8.42	0.85	6.50	32.50	8.00

Visible emissions from Plant 729 baghouse shall not exceed 20% opacity on a six-minute block average basis. This is consistent with the 20% opacity limit contained in *Standards of Performance for Hot Mix Asphalt Facilities,* 40 C.F.R. Part 60, Subpart I.

General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis.

With limited exceptions, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm) pursuant to 38 M.R.S. § 603-A(2)(A)(3). Therefore, the distillate fuel purchased

or otherwise obtained for use in Plant 729 shall not exceed 0.0015% by weight (15 ppm).

2. New Source Performance Standards

Drum Asphalt Plant 729 was manufactured in 1984 and is therefore ***not*** subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) *Standards of Performance for Hot Mix Asphalt Facilities,* 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart I for facilities constructed or modified after June 11, 1973.

a. Notification

Pike was required to submit notification to EPA and the Department of the date of initial startup. [40 C.F.R. § 60.7(a)(3)]

b. Standards

(1) Particulate Matter (PM)
The asphalt plant shall not exceed an emission limit of 0.04 gr/dscf. [40 C.F.R. § 60.92(a)(1)]

The Department has determined that the BPT particulate matter emission limit is more stringent than the applicable limit in 40 C.F.R. Part 60, Subpart I. Therefore, the particulate matter limit for the asphalt plant has been streamlined to the more stringent BPT limit, and only this more stringent limit shall be included in the Order of this air emission license.

(2) Opacity
Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch.101, § 4(B)(1)]

3. Control Equipment

Emissions from Drum Asphalt Plant 729 shall be controlled by a baghouse.

4. Periodic Monitoring

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

a. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if visible emissions exceed 20% opacity.
b. Personnel available on-site with a current EPA 40 C.F.R. Part 60, Appendix A, Method 9 visible emissions certification: When visible emissions exceed 20% opacity, the hot mix asphalt plant is operating with insufficient control, and corrective action shall be taken immediately.

Pike shall keep records of baghouse failures, baghouse maintenance, and baghouse inspections.

To document maintenance of the baghouse, Pike shall keep records of the date and location of all bag failures, the date and a description of all routine and non-routine maintenance, and the date and results of all inspections. These records shall be kept on-site at the asphalt plant location.

5. Contaminated Soils

a. Soils Contaminated with Gasoline and Distillate Fuel

Pike may process up to 10,000 cubic yards per calendar year of soil contaminated by gasoline or distillate fuel without prior approval from the Department's Bureau of Air Quality.

This limit may be exceeded with prior written authorization from the Department's Bureau of Air Quality. Requests will be evaluated on a case-by-case basis taking into account the nature and amount of the contaminated soil to be processed, the location where the processing will occur, and the potential for fugitive emissions.

b. General Requirements for Processing of Contaminated Soils

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

Pike shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating material and quantity, origin of the soil and contaminating material, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and any other applicable state rules or statutes.

When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

Any approval from the Department's Bureau of Air Quality to process contaminated soil does not supersede requirements from other Department bureaus. Similarly, approvals to process contaminated soil granted by another Department bureau does not supersede the limits imposed by this air emission license.

C. Rock Crushers #2 and #3

Rock Crushers #2 and #3 are portable units which were manufactured in 2000 and 2008, respectively, with rated capacity of 150 tons/hr each. The nonmetallic mineral processing plant also consists of other equipment associated with Rock Crushers #2 and #3, such as screens and belt conveyors.

1. BPT Findings

The regulated pollutant from nonmetallic mineral processing plants is particulate matter. To meet the requirements of BPT for control of particulate matter emissions, Pike shall install and maintain water sprays on the nonmetallic mineral processing plants and operate as needed, when the units are in operation, to control visible emissions.

2. Visible Emissions

Visible emissions from Rock Crushers #2 and #3 shall each be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(2)]

Visible emissions from nonmetallic mineral processing plant equipment other than crushers (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. 101, § 4(B)(4)]

3. 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 greater than 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.

Rock Crushers #2 and #3 are part of a portable nonmetallic mineral processing plant which is physically limited to a maximum capacity of 150 ton/hr. Therefore, this equipment is not subject to 40 C.F.R. Part 60, Subpart OOO. [40 C.F.R. § 60.670(c)]

D. Generators EP-2, EP-4, and EP-8

Generators EP-2, EP-4, and EP-8 are portable units used to power Plant 729, RC #2, and RC #3 respectively. EP-2, EP-4, and EP-8 have maximum capacities of 5.32 MMBtu/hr, 2.93 MMBtu/hr, and 1.6 MMBtu/hr, respectively, and all three fire distillate fuel. The generators were manufactured in 2004, 2000, and 2008, respectively. The fuel fired in Generators EP-2, EP-4, and EP-8 combined shall be limited to 35,000 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 EP-2 are based on the following:

$PM/PM_{10}/PM_{2.5}$	–	0.12 lb/MMBtu based on 06-096 C.M.R. ch. 103
SO_2	–	Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
NO_x	–	3.2 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
CO	–	0.85 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
VOC	–	0.09 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
Visible Emissions	–	06-096 C.M.R. ch. 101

The BPT emission limits for EP-4 and EP-8 are based on the following:

$PM/PM_{10}/PM_{2.5}$	–	0.12 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
SO_2	–	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 Table 3.3-1 dated 4/25
CO	–	0.95 lb/MMBtu from AP-42 Table 3.3-1 dated 4/25
VOC	–	0.36 lb/MMBtu from AP-42 Table 3.3-1 dated 4/25
Visible Emissions	–	06-096 C.M.R. ch. 101

The BPT emission limits for EP-2, EP-4, and EP-8 are the following:

Unit	Pollutant	lb/MMBtu
EP-2	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)
EP-2	0.64	0.64	0.64	0.01	17.02	4.52	0.48
EP-4	0.35	0.35	0.35	--	12.92	2.78	1.05
EP-8	0.19	0.19	0.19	--	7.06	1.52	0.58

2. Visible Emissions

EP-8
Visible emissions from EP-8 shall not exceed 20% opacity on a six-minute block average basis.

EP-2 and EP-4
Visible emissions from EP-2 and EP-4 shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Facility shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

a. The duration of the startup shall not exceed 30 minutes per event;
b. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
c. Pike shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

3. Chapter 169

Generators EP-2, EP-4, and EP-8 were installed prior to the effective date of *Stationary Generators*, 06-096 C.M.R. ch. 169 and are therefore exempt from this rule pursuant to section 1.

4. New Source Performance Standards (NSPS)

   Generators EP-2, EP-4, and EP-8 are not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines,* 40 C.F.R. Part 60, Subpart IIII.

   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 EP-2, EP-4, and EP-8 are considered non-road engines, as opposed to stationary engines, since Generators EP-2, EP-4, and EP-8 are portable and will be moved to various sites with the asphalt plant.

E. General Process Emissions

   Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis.

F. Fugitive Emissions

   Pike shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

   Pike shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

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 the following assumptions:

- Processing 500,000 tons/yr of asphalt in Plant 729; and
- Firing 35,000 gal/yr distillate fuel in the Generators EP-2, EP-4, and EP-8.

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**
Plant 729	8.4	8.4	8.4	2.8	13.8	32.5	8.0
Generators (EP-2, EP-4, and EP-8)	0.3	0.3	0.3	--	10.6	2.3	0.9
Total TPY	**8.7**	**8.7**	**8.7**	**2.8**	**24.4**	**34.8**	**8.9**

Pollutant	**Tons/year**
Single HAP	7.9
Total HAP	19.9

III. Ambient Air Quality Analysis

The level of ambient air quality impact modeling required for a minor source 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 Pike 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, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-731-71-L-R 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 beginning actual construction of a modification, unless specifically provided for in Chapter 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] Payment of the annual air emission license fee for Pike is due by the end of May of each year. [38 M.R.S. § 353-A(3)]

(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).

Specific Conditions

(17) **Drum Asphalt Plant 729**

A. Fuel Use

1. Drum Asphalt Plant 729 is licensed to fire distillate fuel and propane. [06-096 C.M.R. ch. 115, BPT]
2. Pike shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm). [06-096 C.M.R. ch. 115, BPT]

B. The annual throughput of Drum asphalt Plant 729 shall not exceed 500,000 tons of asphalt per calendar year. Records of asphalt productions shall be kept on a monthly and calendar year total basis. [06-096 C.M.R. ch. 115, BPT]

C. Emissions from Drum Asphalt Plant 729 shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, BPT]

D. The performance of the baghouse shall be monitored by either one of the following at all times the hot mix asphalt plant is operating: [06-096 C.M.R. ch. 115, BPT]

1. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
2. Personnel available on-site with a current EPA Method 9 visible emissions certification: When visible emissions exceed 20% opacity, the asphalt plant is operating with insufficient control, and corrective action shall be taken immediately.

E. To document maintenance of the baghouse, Pike shall keep records of the date and location of all bag failures, the date and a description of all routine and non-routine maintenance, and the date and results of all inspections. These records shall be kept on-site at the asphalt plant location. [06-096 C.M.R. ch. 115, BPT]

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

Pollutant	grs/dscf	Firing Distillate Fuel (lb/hr)	Firing Propane (lb/hr)
PM	0.03	8.42	8.42
PM_{10}	–	8.42	8.42
$PM_{2.5}$	–	8.42	8.42
SO_2	–	2.75	0.85
NO_x	–	13.75	6.50
CO	–	32.50	32.50
VOC	–	8.00	8.00

G. General process emissions from the hot mix asphalt plant 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, § 4(B)(4)]

H. Pike shall comply with all requirements of 40 C.F.R. Part 60, Subpart I applicable to Drum Asphalt Plant 729 including, but not limited to, the following:

Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch. 101, § 4(B)(1)]

I. Contaminated Soils

1. Soils Contaminated with Gasoline and Distillate Fuel

Pike may process up to 10,000 cubic yards per calendar year of soil contaminated by gasoline or distillate fuel without prior approval from the Department's Bureau of Air Quality.

This limit may be exceeded with prior written authorization from the Department's Bureau of Air Quality. Requests will be evaluated on a case-by-case basis taking into account the nature and amount of the contaminated soil to be processed, the location where the processing will occur, and the potential for fugitive emissions.

2. General Requirements for Contaminated Soils

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

b. Pike shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating material and quantity, origin of the soil and contaminating material, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and any other applicable state rules or statutes.

c. When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

[06-096 C.M.R. ch. 115, BPT]

(18) **Nonmetallic Mineral Processing Plants**

A. Pike shall install and maintain spray nozzles for control of particulate matter on the nonmetallic mineral processing plants and operate as needed, when the units are in operation, to control visible emissions. [06-096 C.M.R. ch. 115, BPT]

B. Pike shall maintain records of the dates and times of all operating hours for Rock Crushers #2 and #3. 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 Rock Crushers #2 and #3 shall each be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(2)]

D. Visible emissions from nonmetallic mineral processing plant equipment other than crushers (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. 101, § 4(B)(4)]

(19) **Generators EP-2, EP-4, and EP-8**

A. Fuel Use

1. Generators EP-2, EP-4, and EP-8 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 Generators EP-2, EP-4, and EP-8 combined shall not exceed 35,000 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
EP-2	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

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)
EP-2	0.64	0.64	0.64	0.01	17.02	4.52	0.48
EP-4	0.91	0.91	0.91	--	12.92	2.78	1.05
EP-8	0.50	0.50	0.50	--	7.06	1.52	0.58

D. Visible Emissions

EP-8
Visible emissions from EP-8 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(4)]

EP-2 and EP-4
Visible emissions from EP-2 and EP-4 shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Pike shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

1. The duration of the startup shall not exceed 30 minutes per event;
2. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
3. Pike shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

[06-096 C.M.R. ch. 101, § 4(A)(4)]

(20) **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, § 4(B)(4)]

(21) **Fugitive Emissions**

A. Pike shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

B. Pike shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

[06-096 C.M.R. ch. 101, § 4(C)]

(22) **Equipment Relocation**

A. Pike shall provide written notification to the Bureau of Air Quality 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; www.maine.gov/dep/air/compliance/forms/relocation or other electronic system provided by the Department.

The notification shall include the license number in which the equipment is addressed, identification of the equipment moved, the address of the equipment's new location, and 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) **Order Availability**

Pike shall keep a copy of this Order on site with the licensed equipment and ensure the operator(s) are familiar with the terms of this Order.
[06-096 C.M.R. ch. 115, BPT]

(24) **Additional Information**

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, Pike may be required to submit additional information. Upon written request from the Department, Pike 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 28th DAY OF MAY, 2026.

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: 10/29/2024
Date of application acceptance: 11/1/2024

This Order prepared by Jack Doran, Bureau of Air Quality.