



DEPARTMENT ORDER

Lou Silver, Inc.
Penobscot County
Newburgh, Maine
A-750-71-I-N

Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact 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 (the Department) finds the following facts:

I. REGISTRATION

A. Introduction

The Air Emission License for Lou Silver, Inc. (Lou Silver) expired on March 28, 2024. Lou Silver has applied to renew their expired license for the operation of their portable crushed stone and gravel facility located at Silver's Gravel Pit in Newburgh, Maine. The main office is located in Orono, Maine.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

Rock Crushers

Designation	Powered	Process Rate (tons/hour)	Date of Manufacture	Control Device
Jaw Crusher	Generator #2	235	1998	Spray Nozzles
Triple Roll Crusher	Generator #2	235	1960	Spray Nozzles

Engines

Unit ID	Max. Input Capacity (MMBtu/hr)	Max. Output Capacity (kW)	Max. Firing Rate (gal/hr)	Fuel Type	Date of Manuf.
Generator #2	≤ 5.85	≤ 600	≤ 42.7	distillate fuel	≥ 2007

Lou Silver 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.

Lou Silver 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, Lou Silver 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 Lou Silver expired on March 28, 2024. A complete application was not submitted prior to the expiration date; therefore, Lou Silver 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

The facility is licensed as follows:

- As a natural minor source of criteria pollutants, because no license restrictions are necessary to keep facility emissions below major source thresholds for criteria pollutants; 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. Nonmetallic Mineral Processing Plants

The Jaw Crusher and Triple Roll Crusher are portable units which were manufactured in 1998 and 1960, respectively. Each crusher has a rated capacity of 235 tons/hr. These

nonmetallic mineral processing plants also consist of other equipment associated with the Jaw Crusher and Triple Roll Crusher, 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, Lou Silver 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 the Jaw Crusher and Triple Roll Crusher 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)]

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 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.

The Jaw Crusher is part of a nonmetallic mineral processing plant with a maximum capacity of greater than 150 ton/hr and was manufactured after August 31, 1983. This crusher is therefore an affected facility subject to 40 C.F.R. Part 60, Subpart OOO.

The Triple Roll Crusher has a maximum throughput rating greater than 150 tons/hr, but was manufactured prior to 1983. However, the Department has determined that due to the age of the crusher and the considerable impacts crusher equipment operates under, it is likely that this crusher went through a reconstruction or modification after August 1983 and is therefore subject to 40 CFR 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

Lou Silver shall submit notification to the Department and EPA of the date of initial startup of every affected facility (as listed above) 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, for the rock crushers and ancillary equipment subject to 40 C.F.R. Part 60, Subparts A and OOO, Lou Silver 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)]

Please note, although Lou Silver may have already submitted notifications and conducted performance testing for existing equipment, 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, testing, and recordkeeping requirements.

b. Standards

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

Visible emissions from the Jaw Crusher and Triple Roll Crusher shall not exceed 15% 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 in 06-096 C.M.R. ch. 101 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 the Jaw Crusher and Triple Roll 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]

The Department has determined that the visible emission limit in 40 C.F.R. Part 60, Subpart OOO applicable to affected equipment other than rock crushers is more stringent than the applicable limit in 06-096 C.M.R. ch. 101. Therefore, the visible emission limit for has been streamlined to the more stringent limit, and only this more stringent limit shall be included in the air emission license.

c. Monitoring Requirements

Lou Silver shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Lou Silver 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 an initial performance test for visible emissions be conducted on the Jaw Crusher and Triple Roll Crusher and on 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 were completed for the Jaw Crusher and Triple Roll Crusher on May 13, 2013, and all necessary documentation has been provided to the Department.

Please note, although Lou Silver 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.

C. Generator #2

Generator #2 is a portable rental unit used to power the facility's rock crushers. The exact size of the generator rented may change from year to year based on equipment availability.

Generator #2 shall never exceed 600 kW (approximately 5.85 MMBtu/hr), and Lou Silver has accepted a license restriction to this effect.

Generator #2 must be manufactured after January 1, 2007, and Lou Silver shall maintain records to demonstrate the date of manufacture of each rented generator.

The fuel fired in Generator #2 shall not exceed 60,000 gal/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).

1. BPT Findings

Because the size of Generator #2 may vary, the BPT emission limits for Generator #2 were based on the worst-case (i.e., highest) available combination of emission factor and engine size, as follows:

PM/PM ₁₀ /PM _{2.5}	– 0.31 b/MMBtu based on AP-42 Table 3.3-1 assuming a heat input of 2.99 MMBtu/hr
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 3.3-1 dated 10/96 assuming a heat input of 5.85 MMBtu/hr
CO	– 0.85 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96 assuming a heat input of 5.85 MMBtu/hr
VOC	– 0.35 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96 assuming a heat input of 4.2 MMBtu/hr
Visible Emissions	– 06-096 C.M.R. ch. 115, BPT

The BPT emission limits for the generators rented as Generator #2 are the following:

Unit	Pollutant	lb/MMBtu
Generator #2 *	PM	0.12

*If Generator #2 exceeds a heat input of 3.0 MMBtu/hr (approximately 300 kW).

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 #2	0.93	0.93	0.93	0.01	18.72	4.97	1.47

Visible emissions from Generator #2 shall not exceed 20% opacity on a six-minute block average basis.

2. Chapter 169

Stationary Generators, 06-096 C.M.R. ch. 169, is not applicable to Generator #2 because Generator #2 is a portable unit and not a stationary generator.

3. New Source Performance Standards

Generator #2 is 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]

Generator #2 is considered a non-road engine, as opposed to a stationary engine, since Generator #2 is a portable rental unit and will be moved to various sites with the rock crushers.

4. National Emission Standards for Hazardous Air Pollutants

Generator #2 is 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]

Generator #2 is considered a non-road engine, as opposed to a stationary engine, since Generator #2 is a portable rental unit and will be moved to various sites with the rock crushers.

D. 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.

E. Fugitive Emissions Including Stock Piles and Roadways

Lou Silver 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.

Lou Silver 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.

F. 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 60,000 gal/year of distillate fuel in Generator #2 and the worst-case (i.e., highest) available combination of emission factor and engine size.

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
Generator #2	1.3	1.3	1.3	–	18.1	3.9	1.4
Total TPY	1.3	1.3	1.3	–	18.1	3.9	1.4

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 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 Lou Silver 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-750-71-I-N, 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 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] Payment of the annual air emission license fee for Lou Silver is due by the end of August 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). [06-096 C.M.R. ch. 115]

SPECIFIC CONDITIONS

(17) Nonmetallic Mineral Processing Plants

- A. Lou Silver 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. Lou Silver shall maintain records of the dates and times of all operating hours for the Jaw Crusher and Triple Roll 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 the Jaw Crusher and Triple Roll Crusher 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. NSPS Subpart OOO Requirements

Lou Silver shall comply with all requirements of 40 C.F.R. Part 60, Subpart OOO applicable to the Jaw Crusher and Triple Roll 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. Lou Silver shall submit notification to the Department of the date of initial startup of any affected facility 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. Lou Silver shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Lou Silver 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 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)]
6. Lou Silver 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)]

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]

(18) **Generator #2**

A. Fuel Use

1. Generator #2 is 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 Generator #2 shall not exceed 60, 000 gal/yr of distillate fuel. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of annual fuel use shall be kept on a monthly and calendar year total basis. [06-096 C.M.R. ch. 115, BPT]

B. Generator #2 shall be manufactured after January 1, 2007. Lou Silver shall maintain records to demonstrate the date of manufacture of each rented generator.
[06-096 C.M.R. ch. 115, BPT]

C. Lou Silver shall maintain records which demonstrate that Generator #2 is relocated and operated on a basis which maintains its classification as a non-road (portable) engine.
[06-096 C.M.R. ch. 115, BPT]

D. If Generator #2 is larger than 3.0 MMBtu/hr (approx. 300 kW), emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #2	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

E. 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 #2	0.93	0.93	0.93	0.01	18.72	4.97	1.47

F. Visible emissions from Generator #2 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

(19) **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)]

(20) **Fugitive Emissions Including Stockpiles and Roadways**

Lou Silver 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.

Lou Silver 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)]

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

- A. Lou Silver 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 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 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.

(22) **Performance Test Protocol**

For any performance testing required by this license, Lou Silver shall submit to the Department for approval a performance test protocol, as outlined in the Department's

Performance Testing Guidance, at least 30 days prior to the scheduled date of the performance test. [06-096 C.M.R. ch. 115, BPT]

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.

- (23) Lou Silver 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) 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, Lou Silver may be required to submit additional information. Upon written request from the Department, Lou Silver 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 20th DAY OF MARCH, 2025.

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: 1/23/2025

Date of application acceptance: 1/24/2025

This Order prepared by Lynn Muzzey, Bureau of Air Quality.