



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

DEPARTMENT ORDER

Pike Industries, Inc.  
Cumberland County  
Westbrook, Maine  
A-1109-71-C-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 (the 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 drum hot mix asphalt plant facility located at 95 Warren Ave, 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	Stack ID	Date of Manuf.
Drum Mix Asphalt Plant- Pike #P730	350	100	Distillate Fuel	Baghouse	3	1994
			#4 Fuel Oil (Residual Fuel)			
			#6 Fuel (Residual Fuel)			
			Specification Waste Oil			
			Natural Gas			
			Propane (LPG)			

### Heating Equipment

Equipment	Max. Capacity (MMBtu/hr)	Fuel Type	Maximum Firing Rate	Date of Manuf.
HYCGO-200 (Hot Oil Heater)	2.1	Distillate Fuel	15 gal/hr	2010
		#4 Fuel (Residual Fuel)	15 gal/hr	
		#6 Fuel (Residual Fuel)	15 gal/hr	
		Specification Waste Oil	15 gal/hr	
		Natural Gas	1,997 scf/hr	
		Propane (LPG)	22.3 gal/hr	

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 at the link below.

<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.

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.

Residual Fuel means any fuel meeting the requirements of the following grades of fuel oil as prescribed in ASTM D396: #4 (light), #4, #5 (light), #5 (heavy), and #6.

Specification Waste Oil means a petroleum-based oil which, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, and meets all of the following requirements:

- It has sufficient liquid content to be free flowing;
- It meets all of the constituent and property standards as specified in *Waste Oil Management Rules*, 06-096 C.M.R. ch. 860;
- It does not otherwise exhibit hazardous waste characteristics; and
- It has not been mixed with a hazardous waste.

#### 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 production limit on Asphalt Plant P730, 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 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**

### **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. Asphalt Plant P730**

Pike operates a portable asphalt drum mix plant (P730) with a maximum hourly throughput of 350 ton/hr of asphalt and a 100 MMBtu/hr burner which fires distillate fuel, #4 fuel oil, #6 fuel oil, specification waste oil, natural gas, or liquified petroleum gas (LPG).

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 and Ch. 137 inventory reporting thresholds, asphalt throughput is limited instead of fuel consumption. Accordingly, the annual throughput of the asphalt plant shall not exceed 400,000 tons of asphalt per year on a 12-month rolling total basis.

#### **1. BPT Findings**

The BPT emission limits for P730 were based on the following:

Liquid Fuels (includes distillate fuel, #4 and #6 fuel, and specification waste oil)

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
SO <sub>2</sub>	– 5.8 x 10 <sup>-2</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
NO <sub>x</sub>	– 5.5 x 10 <sup>-2</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
CO	– 0.13 lb/ton based on AP-42 Table 11.1-7 dated 3/04
VOC	– 3.2 x 10 <sup>-2</sup> lb/ton based on AP-42 Table 11.1-8 dated 3/04
Visible Emissions	– 06-096 C.M.R. ch. 101

Natural Gas and LPG

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
SO <sub>2</sub>	– 3.4 x 10 <sup>-3</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
NO <sub>x</sub>	– 2.6 x 10 <sup>-2</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
CO	– 0.13 lb/ton based on AP-42 Table 11.1-7 dated 3/04
VOC	– 3.2 x 10 <sup>-2</sup> lb/ton based on AP-42 Table 11.1-8 dated 3/04
Visible Emissions	– 06-096 C.M.R. ch. 101

The BPT emission limits for Asphalt Plant P730 are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
P730 (Liquid Fuels)	9.40	9.40	9.40	20.30	19.25	45.50	11.20
P730 (Natural Gas/LPG)	9.40	9.40	9.40	1.19	9.10	45.50	11.20

Visible emissions from the asphalt plant baghouse shall not exceed 20% opacity on a six-minute block average basis. This is consistent with the PM limit of 20% opacity 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.

Asphalt Plant P730 is licensed to fire distillate fuel. 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 P730 shall not exceed 0.0015% by weight (15 ppm).

Asphalt Plant P730 is licensed to fire residual fuel. With limited exceptions, no person shall import, distribute, or offer for sale any residual fuel with a sulfur content greater than 0.5% by weight pursuant to 38 M.R.S. §§ 603-A(2)(A)(1) and (2). Therefore, the residual fuel purchased or otherwise obtained for use in P730 shall not exceed 0.5% by weight.

**2. New Source Performance Standards**

Asphalt Plant P730 was manufactured in 1994 and is therefore 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 proposed 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 Asphalt Plant P730 has been streamlined to the more stringent BPT limit, and only this more stringent limit shall be included in the air emission license.

**(2) Opacity**

Visible emissions from Asphalt Plant P730 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 Asphalt Plant P730 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. Records shall also be maintained recording the quantity and analyzed test results of all specification waste oil fired in the unit.

## 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. HYCGO-200 Hot Oil Heater

Pike operates HYCGO-200 to prevent the asphalt from solidifying. It has a maximum design capacity of 2.1 MMBtu/hr and fires distillate fuel, #4 fuel oil, #6 fuel oil, specification waste oil, natural gas, and propane. HYCGO-200 was manufactured in 2010.

HYCGO-200 is licensed to fire distillate fuel. 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 HYCGO-200 shall not exceed 0.0015% by weight (15 ppm).

HYCGO-200 is licensed to fire residual fuel. With limited exceptions, no person shall import, distribute, or offer for sale any residual fuel with a sulfur content greater than 0.5% by weight pursuant to 38 M.R.S. §§ 603-A(2)(A)(1) and (2). Therefore, the residual fuel purchased or otherwise obtained for use in HYCGO-200 shall not exceed 0.5% by weight

#### 1. BPT Findings

The BPT emission limits for HYCGO-200 were based on the following:

##### Liquid Fuels (includes distillate fuel, #4 and #6 fuel oils, and specification waste oil)

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.08 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
SO <sub>2</sub>	– Based on firing specification waste oil (0.7% sulfur by weight maximum)
NO <sub>x</sub>	– 20 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10
CO	– 5 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10
VOC	– 0.34 lb/1000 gal based on AP-42 Table 1.3-3 dated 5/10
Visible Emissions	– 06-096 C.M.R. ch. 101

Natural Gas

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
SO <sub>2</sub>	– 0.6 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
NO <sub>x</sub>	– 100 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
CO	– 84 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
VOC	– 5.5 lb/MMscf based on AP-42 Table 1.4-2 dated 7/98
Visible Emissions	– 06-096 C.M.R. ch. 101

LPG

PM/PM <sub>10</sub> /PM <sub>2.5</sub>	– 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
SO <sub>2</sub>	– 0.1 lb/1000 gal based on AP-42 Table 1.5-1 dated 5/25
NO <sub>x</sub>	– 13 lb/1000 gal based on AP-42 Table 1.5-1 dated 5/25
CO	– 7.5 lb/1000 gal based on AP-42 Table 1.5-1 dated 5/25
VOC	– 1 lb/1000 gal based on AP-42 Table 1.5-1 dated 5/25
Visible Emissions	– 06-096 C.M.R. ch. 101

The BPT emission limits for HYCGO-200 are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
HYCGO-200 (Liquid Fuels)	0.25	0.25	0.25	1.49	0.30	0.08	0.01
HYCGO-200 (Natural Gas)	0.11	0.11	0.11	--	0.20	0.17	0.01
HYCGO-200 (LPG)	0.11	0.11	0.11	--	0.29	0.17	0.02

When firing liquid fuels, visible emissions from HYCGO-200 shall not exceed 20% opacity on a six-minute block average basis.

When firing natural gas or LPG, visible emissions from HYCGO-200 shall not exceed 10% opacity on a six-minute block average basis.

2. New Source Performance Standards

Due to the size, and the fact that it is a hot oil heater and not a steam generating unit, HYCGO-200 is not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

**3. National Emission Standards for Hazardous Air Pollutants**

The HYCGO-200 does not heat water. It does not meet the definition of a “boiler” and therefore is not subject to *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 C.F.R. Part 63 Subpart JJJJJ.

**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 Stockpiles and Roadways**

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.

**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 the following assumptions:

- Processing 400,000 ton/year of asphalt; and
- Operating HYCGO-200 for 8,760 hrs/year.

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)

	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Asphalt Plant P730	5.4	5.4	5.4	11.6	11.0	26.0	6.4
HYCGO-200	0.7	0.7	0.7	6.4	1.3	0.7	0.1
<b>Total TPY</b>	<b>6.1</b>	<b>6.1</b>	<b>6.1</b>	<b>18.0</b>	<b>12.3</b>	<b>26.7</b>	<b>6.5</b>

<b>Pollutant</b>	<b>Tons/year</b>
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:

<b>Pollutant</b>	<b>Tons/Year</b>
PM <sub>10</sub>	25
PM <sub>2.5</sub>	15
SO <sub>2</sub>	50
NO <sub>x</sub>	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 renewal.

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,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License Renewal A-1109-71-C-R, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision of this License Renewal or part thereof shall not affect the remainder of the provision or any other provisions. This License Renewal 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 Pike 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) Asphalt Plant P730**

**A. Fuel Use**

1. Asphalt Plant P730 is licensed to fire distillate fuel, #4 and #6 fuel oils, specification waste oil, natural gas, and propane. [06-096 C.M.R. ch. 115, BPT]
2. The facility 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]
3. The facility shall not purchase or otherwise obtain residual fuel with a maximum sulfur content that exceeds 0.5% by weight. [06-096 C.M.R. ch. 115, BPT]
4. The facility shall not purchase or otherwise obtain specification waste oil with a maximum sulfur content that exceeds 0.7% by weight. [06-096 C.M.R. ch. 115, BPT]

B. The annual throughput of Asphalt Plant P730 shall not exceed 400,000 tons of asphalt per year on a 12-month rolling total basis. Records of asphalt productions shall be kept on a monthly and 12-month rolling total basis. [06-096 C.M.R. ch. 115, BPT]

C. Emissions from Asphalt Plant P730 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 Asphalt Plant P730 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 Asphalt Plant P730 baghouse shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

<b>Pollutant</b>	<b>grs/dscf</b>	<b>lb/hr (Liquid Fuels)</b>	<b>lb/hr (Natural Gas, Propane)</b>
PM	0.03	9.40	9.40
PM <sub>10</sub>	—	9.40	9.40
PM <sub>2.5</sub>	—	9.40	9.40
SO <sub>2</sub>	—	20.30	1.19
NO <sub>x</sub>	—	19.25	9.10
CO	—	45.50	45.50
VOC	—	11.20	11.20

- G. General process emissions from Asphalt Plant P730 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 Asphalt Plant P730 including, but not limited to, the following:
  - 1. Visible emissions from Asphalt Plant P730 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) Hot Oil Heater HYCGO-200**

**A. Fuel**

1. HYCGO-200 is licensed to fire distillate fuel, #4 and #6 oil, specification waste oil, natural gas, and propane. [06-096 C.M.R. ch. 115, BPT]
2. The facility 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]
3. The facility shall not purchase or otherwise obtain residual fuel with a maximum sulfur content that exceeds 0.5% by weight. [06-096 C.M.R. ch. 115, BPT]
4. The facility shall not purchase or otherwise obtain specification waste oil with a maximum sulfur content that exceeds 0.7% by weight. [06-096 C.M.R. ch. 115, BPT]
5. Compliance shall be demonstrated by fuel records showing the type, and the percent sulfur of the fuel used. Fuel sulfur content compliance shall be demonstrated by fuel delivery receipts from the supplier, a statement from the supplier that the fuel delivered meets Maine's fuel sulfur content standards, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]

B. Emissions from HYCGO-200 shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

<b>Unit</b>	<b>PM (lb/hr)</b>	<b>PM<sub>10</sub> (lb/hr)</b>	<b>PM<sub>2.5</sub> (lb/hr)</b>	<b>SO<sub>2</sub> (lb/hr)</b>	<b>NO<sub>x</sub> (lb/hr)</b>	<b>CO (lb/hr)</b>	<b>VOC (lb/hr)</b>
HYCGO-200 (Liquid Fuels)	0.25	0.25	0.25	1.49	0.30	0.08	0.01
HYCGO-200 (Natural Gas)	0.11	0.11	0.11	--	0.20	0.17	0.01
HYCGO-200 (LPG)	0.11	0.11	0.11	--	0.29	0.17	0.02

C. When firing liquid fuels, visible emissions from HYCGO-200 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(2) and § 4(A)(1)(a)(i)]

D. When firing natural gas or propane, visible emissions from HYCGO-200 shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(3)]

**(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**

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.

[06-096 C.M.R. ch. 101, § 4(C)]

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

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 at: [www.maine.gov/dep/air/compliance/forms/relocation](http://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) 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]

(23) 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)]

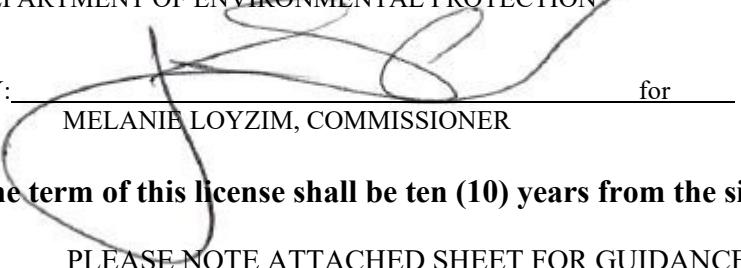
Pike Industries, Inc.  
Cumberland County  
Westbrook, Maine  
A-1109-71-C-R

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Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal

DONE AND DATED IN AUGUSTA, MAINE THIS 5<sup>th</sup> DAY OF JANUARY, 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.**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 7/21/2025  
Date of application acceptance: 7/22/2025

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