



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

**Pike Industries, Inc.
Knox County
Washington, Maine
A-239-71-M-T/R (SM)**

**Departmental
Findings of Fact and Order
Air Emission License
Transfer/Renewal**

FINDINGS OF FACT

After review of the air emissions license transfer and 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 Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

Pike Industries, Inc. (Pike) has requested both a transfer and renewal of Air Emissions License A-239-71-L-R for the equipment at its Washington, Maine facility. Pike requested the transfer of Air Emission License A-239-71-L-R from Marriners, Inc. of Washington, Maine to Pike Industries, Inc. through a transfer and renewal application submittal to the Bureau of Air Quality dated June 10, 2014.

The site includes a hot mix asphalt (HMA) plant, however, the crusher units currently on the license have been liquidated and removed. This air emission license incorporates both the transfer and the air emission license renewal applications. The equipment addressed in this license is located at 73 Jefferson Road, Washington, Maine.

Transfer Information

1. *Title, Right, or Interest*

Pike submitted copies of a quitclaim deed with covenant transferring ownership of the facility from Marriners, Inc. to Pike Industries, Inc. signed April 8, 2014. The parties have provided sufficient evidence of title, right, or interest in the facility to allow the transfer of the facility's licenses.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

2. *Financial Capacity and Intent*

Pike states that they possess the financial capacity to operate this facility similarly as their other facilities in compliance with its air emission license.

3. *Technical Capacity and Intent*

Pike states that they possess the technical capacity to operate this facility similarly as their other facilities in compliance with its air emission license.

4. *Full Name and Address*

The full name and address of the new owner is:

Pike Industries, Inc.
3 Eastgate Park Road
Belmont, NH 03220

5. *Certification*

Pike certifies that there will be no increase in air emissions beyond that provided for in the air emission license, either in quantity or type.

B. Emission Equipment

Asphalt Batch Plant (P818)

Equipment	Process Rate (tons/hour)	Design Capacity Firing Rate	Control Devices	Date of Manufacture
Asphalt Batch Plant (P818)	140	76.7 MMBtu/hr, 0.5% S (distillate) 0.7% S (spec. waste oil)	Baghouse	1981

C. Application Classification

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 transfer and 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 (CMR) 115 (as amended). With the annual fuel limit on the asphalt plant, the facility is licensed below the major source thresholds for criteria pollutants and is

considered a synthetic minor. Also, with the annual fuel limit, the facility is licensed below the major source thresholds for hazardous air pollutants (HAP) and is considered an area source of 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 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved

B. Asphalt Batch Plant

The Asphalt Batch Plant is rated at 140 tons/hr with a 76.7 MMBtu/hr burner firing distillate fuel and specification waste oil. Fuel use shall not exceed 650,000 gallons on a calendar year total.

Prior to July 1, 2016 or by the date otherwise stated in 38 MRSA §603-A(2)(A)(3), the distillate fuel fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning July 1, 2016 or on the date specified in the statute, the facility shall fire distillate fuel with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire distillate fuel with a maximum sulfur content limit of 0.0015% by weight (15 ppm). The specific dates contained in this paragraph reflect the current dates in the statute as of the effective date of this license; however, if the statute is revised, the facility shall comply with the revised dates upon promulgation of the statute revision.

1. Asphalt Batch Plant BPT Findings

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

PM/PM ₁₀	–	0.03 gr/dscf and 8.8 lb/hr and the use of a baghouse
SO ₂	–	based on firing specification waste oil (0.7% sulfur by weight)
NO _x	–	0.12 lb/ton based on AP-42, Table 11.1-5, dated 3/04
CO	–	0.40 lb/ton based on AP-42, Table 11.1-5, dated 3/04
VOC	–	0.0082 lb/ton based on AP-42, Table 11.1-6, dated 3/04
Opacity	–	06-096 CMR 101

Emissions from the asphalt plant baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	8.8
PM ₁₀	-	8.8
SO ₂	-	54.1
NO _x	-	16.8
CO	-	56.0
VOC	-	1.2

Opacity - 06-096 CMR 101, *Visible Emission Regulation*: visible emissions from the asphalt plant baghouse shall not exceed 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. This is consistent with the 40 CFR Part 60, Subpart I PM limit of 20% opacity.

2. New Source Performance Standards

The portable batch asphalt plant was manufactured in 1981 and is therefore subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) 40 Code of Federal Regulation (CFR) Part 60, Subpart I *Standards of Performance for Hot Mix Asphalt Facilities* constructed or modified after June 11, 1973.

3. Control Equipment

The asphalt plant shall be controlled by a baghouse.

4. Periodic Monitoring

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

- a. 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%.
- b. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

Pike shall keep records of baghouse failures and baghouse maintenance.

Pike shall keep records of fuel use and receipts for the asphalt batch plant which shall be maintained for at least six years and made available to the Department upon request. A log shall also be maintained recording the quantity and sulfur content of the specification waste oil fired in the dryer.

Per 40 CFR Part 60, Subpart I, the facility has conducted a performance test for PM within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after initial startup of such facility. Per 40 CFR Part 60, Subpart I, §60.93(b)(1), the facility shall use Method 5 to determine the PM concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).

5. Contaminated Soils

Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department (regional inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

C. Rock Crushers

The crusher units previously licensed for this site have been dismantled/removed therefore will no longer be listed on the license. Rock crushing currently operating on site are being done by portable rock crushing equipment from other Pike sites that have valid air emissions licenses with the Department.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

E. General Process Emissions

Visible emissions from any general process (including conveyor belts, transfer points, etc.) associated with an NSPS rock crusher shall not exceed an opacity of 7% on a six (6) minute block average basis. [40 CFR 60, Subpart OOO]

Visible emissions from any other general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 115, BPT]

F. Facility Emissions

Pike shall be restricted to the following annual emissions, based on a calendar year:

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

	PM	PM₁₀	SO₂	NO_x	CO	VOC
Asphalt Batch Plant	5.2	5.2	32.1	10.0	33.2	0.7
Total TPY	5.2	5.2	32.1	10.0	33.2	0.7

Emissions are based on the burning of 650,000 gallons per year of distillate fuel oil or specification waste oil with a maximum sulfur content of 0.7%.

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>TPY</u>
PM	25
PM ₁₀	25
SO ₂	50
NO _x	50
CO	250

Based on the total facility licensed emissions, Pike is below the emissions level required for modeling and monitoring.

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 approves of the transfer of this air emissions license to Pike Industries, Inc. and grants Air Emission License A-239-71-M-T/R subject to the following conditions.

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

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing

tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).

- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]

- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
[06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect 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 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) **Asphalt Batch Plant**

A. Fuel Use

1. Pike shall be limited to the use of a total of 650,000 gallons (calendar year basis) of distillate fuel and specification waste oil (not to exceed 0.7% sulfur by weight) in the asphalt plant. [06-096 CMR 115, BPT]
2. Prior to July 1, 2016 or by the date specified in 38 MRSA §603-A(2)(A)(3), the distillate fuel fired in the asphalt plant shall be

- ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning July 1, 2016 or on the date specified in the statute, the facility shall fire distillate fuel with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire distillate fuel with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [06-096 CMR 115, BPT and 38 MRSA §603-A(2)(A)(3)]
3. Fuel use records and receipts for the Asphalt Batch Plant shall be maintained for at least six years and made available to the Department upon request. Fuel use records shall be kept on a monthly and calendar year basis. [06-096 CMR 115, BPT]
 4. A log shall be maintained recording the sulfur content of the specification waste oil fired in the asphalt plant. [06-096 CMR 115, BPT]
- B. Emissions from the Asphalt Batch Plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]
- C. The performance of the baghouse shall be constantly monitored by either one of the following at all times the hot mix asphalt plant is operating.
[06-096 CMR 115, BPT]:
1. 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 with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.
- D. To document maintenance of the baghouse, the licensee shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BPT]
- E. Emissions from the Asphalt Batch Plant baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	8.8
PM ₁₀	-	8.8
SO ₂	-	54.1
NO _x	-	16.8
CO	-	56.0
VOC	-	1.2

- F. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- G. The Asphalt Batch Plant is subject to 40 CFR Part 60 Subparts A and I, and Pike shall comply with all applicable requirements, including the notification and recordkeeping requirements of 40 CFR Part 60.7 and the initial performance test requirements of 40 CFR Part 60.8 (testing within 60 days after achieving the maximum operation production rate, but not later than 180 days after initial startup).
- H. Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department (regional inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. [06-096 CMR 115, BPT]
- I. Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]
- J. 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 of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]

(17) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(18) **General Process Sources**

Visible emissions from any general process (including conveyor belts, transfer points, etc.) associated with an NSPS rock crusher shall not exceed an opacity of 7% on a six (6) minute block average basis. [40 CFR 60, Subpart 000]

Visible emissions from any other general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 115, BPT]

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

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

Written notice may also be sent by fax (207-287-7641) or 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 address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized

Pike Industries, Inc.
Knox County
Washington, Maine
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territory where notification shall be made to the respective county commissioners.

- (20) Pike shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]
- (21) Pike shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605].

DONE AND DATED IN AUGUSTA, MAINE THIS th 24 DAY OF October, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Maureen Allen Robert Corne for
PATRICIA W. AHO, COMMISSIONER

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

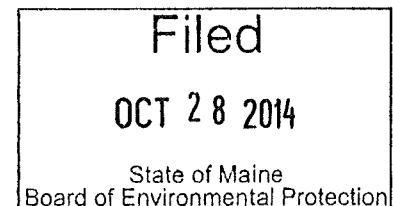
[Note: If a complete renewal application, as determined by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 MRSA §10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the renewal of the license.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 12, 2014

Date of application acceptance: June 19, 2014

Date filed with the Board of Environmental Protection:



This Order prepared by Edwin Cousins, Bureau of Air Quality.