



DEPARTMENT ORDER

**Eurovia Atlantic Coast LLC
Penobscot County
Hermon, Maine
A-257-71-W-A**

**Departmental
Findings of Fact and Order
Air Emission License
Amendment #4**

FINDINGS OF FACT

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

I. REGISTRATION

A. Introduction

Eurovia Atlantic Coast LLC (Eurovia) was issued Air Emission License A-257-71-R-R/A on December 19, 2016, for the operation of emission sources associated with their hot mix asphalt plant and crushed stone and gravel facility. The license was subsequently amended as follows:

Amendment	Date Issued	Brief Description
A-257-71-S-M	2/2/2017	Decrease the throughput limit for the hot mix asphalt plant and increase fuel limit for HYCGO-200 Hot Oil Heater
A-257-71-T-T	4/18/2019	Transfer of license from The Lane Construction Corporation to Eurovia Atlantic Coast LLC
A-257-71-U-A	10/16/2020	Add bulk asphalt storage terminal, lower the throughput limit for the hot mix asphalt plant, and remove all crushers and associated engines
A-257-71-V-A	2/14/2022	Revise size of bulk terminal hot oil heaters, add asphalt blending tanks, reduce bulk terminal throughput limit, add emergency generator, and lower throughput limit for the hot mix asphalt plant

The equipment addressed in this license amendment is located at 1067 Odlin Road, Hermon, Maine.

Eurovia has requested a minor modification to their license in order to replace the existing batch mix asphalt plant with a drum mix asphalt plant and correct the inadvertent omission of Emergency Generator #1 from the Order section of a previous license amendment.

In addition, the Department is taking this opportunity to address the new applicable requirements *Control of Petroleum Storage Facilities*, 06-096 C.M.R. ch. 171.

B. Emission Equipment

The following equipment is addressed in this air emission license amendment:

Asphalt Plant

Equipment	Process Rate (tons/hour)	Max. Capacity (MMBtu/hr)	Fuel Type, % sulfur	Firing Rate	Control Device	Date of Manuf.
Drum Mix Plant #26	500	≤125*	Distillate Fuel, 0.0015% Spec. waste oil, 0.7%	714 gal/hr	Baghouse	2015
			Propane, negl.	1,092 gal/hr		
			Natural Gas, negl.	97,087 scf/hr		

*Eurovia intends to install a burner with a max heat input of 125 MMBtu/hr but may initially start up using a 100 MMBtu/hr burner.

Stationary Engines

Equipment	Max. Input Capacity (MMBtu/hr)	Rated Output Capacity (kW)	Fuel Type, % sulfur	Firing Rate (scf/hr)	Date of Manf.	Date of Install.
Emergency Generator #1	1.8	150	Natural gas, Negligible	1,778	2021	2021

Asphalt Tanks

Equipment	Capacity (gallons)	Product Stored	Roof Type	Temperature	Date Installed
Tank #1	2,350,000	Asphalt	Fixed	275 – 310 °F	2021
Tank #2	2,350,000			275 – 310 °F	2021
Tank #3	2,350,000			275 – 310 °F	2021
Blending Tank #5	10,000	Polymer Modified Asphalt		360 °F	2021
Blending Tank #6	10,000			360 °F	2021
Tank #8	60,000			330 °F	2021
Tank #9	60,000			330 °F	2021

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.

Heated Bulk Storage Tank means a bulk storage tank with a capacity greater than 30,000 gallons containing asphalt. Pursuant to this definition, Eurovia's Tanks #1, #2, #3, #8 and #9 are heated bulk storage tanks.

Records or Logs mean either hardcopy or electronic records.

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.

Virgin oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils, and other industrial oils, that are not characterized as waste oil.

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 modification of a minor source is considered a major or minor modification based on whether or not expected emission increases exceed the "Significant Emissions" levels as defined in the Department's *Definitions Regulation*, 06-096 Code of Maine Rules (C.M.R.) ch. 100. The emission increases are determined by subtracting the current licensed annual emissions preceding the modification from the maximum future licensed annual emissions, as follows:

Pollutant	Current License (tpy)	Future License (tpy)	Net Change (tpy)	Significant Emission Levels
PM	16.4	23.1	6.7	100
PM ₁₀	16.4	13.1	-3.3	100
PM _{2.5}	—	12.5	12.5	100
SO ₂	19.1	29.0	9.9	100
NO _x	41.4	42.8	1.4	100
CO	99.7	77.7	-22.0	100
VOC	19.4	27.6	8.2	100

This modification is determined to be a minor modification and has been processed as such.

E. Facility Classification

With the annual production limit on the asphalt plant and the annual facility-wide limits on volatile organic compounds (VOC) and hazardous air pollutants (HAP), the facility is licensed as follows:

- As a synthetic minor source of air emissions for SO₂, NO_x, CO, and VOC because Eurovia is subject to license restrictions that 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 (BPT)

A. Introduction

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

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental, and energy impacts.

B. Drum Mix Plant #26

Eurovia proposes to replace the existing batch mix asphalt plant with a stationary drum mix asphalt plant (Drum Mix Plant #26). Drum Mix Plant #26 was manufactured in 2015 and has previously been operated by Eurovia in another state. Drum Mix Plant #26 has a burner with a maximum heat input of 125 MMBtu/hr and may fire natural gas, propane, distillate fuel, or specification waste oil.

Emission factors for asphalt plants are available based on tons of asphalt produced, and there is no linear relationship between plant output and burner firing rate. Therefore, to ensure annual emissions are limited to less than major source thresholds, asphalt throughput is limited instead of fuel consumption. Accordingly, Eurovia has proposed that annual throughput for Drum Mix Plant #26 not exceed 1,000,000 tons of asphalt per year on a 12-month rolling total basis.

1. BACT/BPT Findings

The BACT emission limits for Drum Mix Plant #26 were based on the following:

Distillate Fuel and Specification Waste Oil

- PM – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BACT
- PM₁₀ – 1.16 x 10⁻² lb/ton based on AP-42 Tables 11.1-1 and 4 dated 3/04
- PM_{2.5} – 1.03 x 10⁻² lb/ton based on AP-42 Tables 11.1-1 and 4 dated 3/04
- SO₂ – 5.8 x 10⁻² lb/ton based on AP-42 Table 11.1-7 dated 3/04 for waste oil-fired dryers
- NO_x – 5.5 x 10⁻² 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 10⁻² lb/ton based on AP-42 Table 11.1-8 dated 3/04
- Visible Emissions – 06-096 C.M.R. ch. 115, BACT

Natural Gas and Propane

- PM – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BACT
- PM₁₀ – 1.16 x 10⁻² lb/ton based on AP-42 Tables 11.1-1 and 4 dated 3/04
- PM_{2.5} – 1.03 x 10⁻² lb/ton based on AP-42 Tables 11.1-1 and 4 dated 3/04
- SO₂ – 3.4 x 10⁻³ lb/ton based on AP-42 Table 11.1-7 dated 3/04
- NO_x – 2.6 x 10⁻² 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 10⁻² lb/ton based on AP-42 Table 11.1-8 dated 3/04
- Visible Emissions – 06-096 C.M.R. ch. 115, BACT

The BACT emission limits for Drum Mix Plant #26 are the following:

Unit	PM (lb/hr)	PM₁₀ (lb/hr)	PM_{2.5} (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Drum Mix Plant #26 <i>(distillate fuel & waste oil)</i>	15.81	5.80	5.15	29.00	27.50	65.00	16.00
Drum Mix Plant #26 <i>(natural gas & propane)</i>	15.81	5.80	5.15	1.70	13.00	65.00	16.00

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

General process emissions from Drum Mix Plant #26 shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis.

Drum Mix Plant #26 is licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Pursuant to 38 M.R.S. § 603-A(2)(A)(3), as of July 1, 2018, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm). Therefore, the distillate fuel purchased or otherwise obtained for use in the asphalt plant shall not exceed 0.0015% by weight (15 ppm).

2. New Source Performance Standards

Drum Mix Plant #26 was manufactured in 2015 and is therefore subject to *Standards of Performance for Hot Mix Asphalt Facilities*, 40 C.F.R. Part 60, Subpart I for facilities constructed or modified after June 11, 1973.

a. Standards

(1) Particulate Matter (PM)

Drum Mix Plant #26 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 BACT particulate matter emission limit is more stringent than the applicable limit in 40 C.F.R. Part 60, Subpart I. Therefore, the particulate matter limit for the asphalt plant has been streamlined to the more stringent BACT limit, and only this more stringent limit shall be included in the air emission license.

(2) Opacity

Visible emissions from Drum Mix Plant #26 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.115, BACT]

b. Initial Compliance Requirements

The following initial performance tests were required to be performed within 60 days after achieving the maximum production rate at which the asphalt plant will be operated but not later than 180 days after the initial startup:

- (1) An initial performance test for PM using 40 C.F.R. Part 60, Appendix A, Method 5. [40 C.F.R. § 60.93(b)(1)]

- (2) An initial performance test for opacity using 40 C.F.R. Part 60, Appendix A, Method 9. [40 C.F.R. § 60.93(b)(2)]

Eurovia has provided evidence that these initial performance tests were performed on Drum Mix Plant #26 in Massachusetts in October 2019.

3. Control Equipment

Emissions from Drum Mix Plant #26 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, Eurovia 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.

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

Eurovia shall keep records of fuel use and tons of asphalt produced for Drum Mix Plant #26 which shall be maintained for at least six years and made available to the Department upon request. 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

Eurovia 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. Soils Contaminated with Virgin Oil

Eurovia may process up to 10,000 cubic yards per calendar year of soil contaminated with virgin oil as defined in this license/amendment 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.

Processing of virgin oil contaminated soils may also require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 C.M.R. ch. 409, before processing of virgin oil contaminated soils may occur. The material shall be handled in accordance with the requirements of the Department's Bureau of Remediation and Waste Management.

c. General Requirements for Processing of Contaminated Soils

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

Eurovia 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, Eurovia 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, Eurovia 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. Emergency Generator #1

Emergency Generator #1 was added to the facility in Air Emission License Amendment A-257-71-V-A (issued 2/14/2022). However, the conditions associated with this equipment were inadvertently left out of the Order section. The conditions associated with the operation of Emergency Generator #1 are therefore included in this license amendment.

D. Chapter 171 Applicable Requirements

Control of Petroleum Storage Facilities, 06-096 C.M.R. ch. 171, became effective on August 4, 2023. This rule contains the following applicable requirements specific to Eurovia.

1. Heated Bulk Storage Tanks (Tanks #1, #2, #3, #8, and #9)

a. Insulation

The heated bulk storage tanks shall be fully insulated in a manner that minimizes temperature fluctuation of the stored material. [06-096 C.M.R. ch. 171, § 4(B)]

b. Testing and Monitoring Requirements

(1) Eurovia shall continuously monitor and record on an hourly average basis the liquid temperature of each in-service heated bulk storage tank. This monitor shall record accurate and reliable data at least 95% of the source operating time in each calendar quarter. A minimum of one data point in at least two of the four distinct 15-minute quadrants constitutes a valid hour.

[06-096 C.M.R. ch. 171, § 6(A)(1)]

(2) Eurovia shall conduct emissions testing for VOC and HAP on the heated bulk storage tanks at least twice per calendar year with at least four months between tests. Testing shall occur during periods when the tank is being heated. Upon approval by the Department, Eurovia may conduct emissions testing on a representative tank storing the same product in lieu of testing all tanks. [06-096 C.M.R. ch. 171, §§ 6(A)(2) and (6)]

(3) Eurovia shall use the results of emissions testing to develop emission factors for both standing losses and working losses. These emission factors shall be used for reporting emissions pursuant to *Emissions Statements*, 06-096 C.M.R. ch. 137. [06-096 C.M.R. ch. 171, § 6(A)(3)]

(4) Emissions testing shall be conducted in accordance with the facility's Performance Test Protocol as approved by the Department and the Bureau of Air Quality's Performance Testing Guidance. [06-096 C.M.R. ch. 171, § 6(A)(4)]

Eurovia 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]

The Department's Performance Testing Guidance is available online at:
<https://www.maine.gov/dep/air/emissions/testing.html>

c. Recordkeeping Requirements

Eurovia shall keep the following records for each in-service heated bulk storage tank:

- (1) The quantity on a monthly basis of any product added to the tank;
 - (2) Safety Data Sheets (SDS) for the products identified in (1) above; and
 - (3) The temperature of the stored liquid on an hourly average basis.
- [06-096 C.M.R. ch. 171, § 7(A)]

2. Inspections Using Optical Gas Imaging

Eurovia shall perform inspections in accordance with the following:

- a. At least once per calendar quarter, Eurovia shall conduct an inspection survey of each heated bulk storage tank, each distillate fuel tank, and each facility fugitive emissions component using optical gas imaging equipment. The first inspection survey shall be performed in the first full calendar quarter after the Department's approval of the optical gas imaging leak detection and repair plan, but in no case shall the first inspection survey be performed later than June 30, 2024.
[06-096 C.M.R. ch. 171, § 5(A)(1)]
- b. The optical gas imaging equipment used must meet the following specifications as verified by the manufacturer:
 - (1) Capable of imaging gases in the spectral range for benzene; and
 - (2) Capable of imaging a gas that is half methane and half propane at a concentration of 10,000 ppm at a flow rate of ≤ 60 grams per hour from a quarter inch diameter orifice.

[06-096 C.M.R. ch. 171, § 5(A)(2)]

- c. Eurovia was required to submit an optical gas imaging leak detection and repair plan by October 3, 2023. [06-096 C.M.R. ch. 171, § 5(A)(3)] This plan was submitted on October 2, 2023.
- d. If visible emissions are observed from a fugitive emissions component using optical gas imaging equipment, within two calendar days Eurovia shall determine whether a leak, as defined by 06-096 C.M.R. ch. 171, is present by using photo ionization detection (PID) technology or flame ionization detection (FID) technology. Alternatively, Eurovia may elect to presume that a leak is present without further confirmation. If a leak is determined or presumed to be present, Eurovia shall initiate corrective action and repair the leak within 15 calendar days.
 - (1) If the presence of a leak cannot be confirmed due to safety concerns or physical constraints, Eurovia shall presume the leak to be confirmed and initiate corrective action and repair the leak within 15 calendar days.
 - (2) If a leak cannot be repaired within 15 days, Eurovia shall notify the Department of the leak, the reason for the delay, and the expected date of the repair. Eurovia shall promptly notify the Department of the date that the leak is successfully repaired. A fugitive emissions component is considered repaired when the optical gas imaging equipment shows no indication of visible emissions or there is no longer indication of a leak as that term is defined in this regulation under normal use conditions.

[06-096 C.M.R. ch. 171, § 5(A)(5)]

- e. For all quarterly inspections conducted using optical gas imaging equipment, Eurovia shall keep the following records:
 - (1) The date of the inspection;
 - (2) Identification and description of the equipment and areas inspected;
 - (3) A description of any leaks detected;
 - (4) An electronic recording of the optical gas imaging equipment images; and
 - (5) A description of any resulting corrective actions or repairs and the dates they were made.

[06-096 C.M.R. ch. 171, § 7(B)]

3. Fenceline Monitoring

Eurovia is not subject to the fenceline monitoring requirements in 06-096 C.M.R. ch. 171, § 6(B). Although it is a petroleum storage facility, Eurovia does not operate any tanks equipped with either internal or external floating roofs.

E. 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 1,000,000 ton/year of HMA in Drum Mix Plant #26;
- A heat input limit for HYCGO-200 Hot Oil Heater of 15,000 MMBtu/year;
- Worst-case by pollutant emissions from HYCGO-200 Hot Oil Heater of firing either propane, natural gas, or distillate fuel with a sulfur content of 0.0015% by weight;
- Unlimited fuel use in Terminal HOHs #1, #2, and #3;
- Operating Emergency Generator #1 for 100 hours/year;
- Combined throughput for Tanks #1, #2, and #3 of 10.5 million gallons per year;
- Combined throughput for Tanks #8 and #9 of 3.15 million gallons per year;
- Combined throughput for Blending Tanks #5 and #6 of 3.15 million gallons per year; and
- Potential emissions from Tanks #1 - #9 were estimated using the methodology contained in EPA’s AP-42, Fifth Edition, Volume 1, Chapter 7, dated 3/2020 using #6 fuel oil as a surrogate for asphalt. These emission estimates are considered conservatively high.

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	Total HAP
Drum Mix Plant #26	15.8	5.8	5.2	29.0	27.5	65.0	–	–
HYCGO-200 Hot Oil Heater	0.1	0.1	0.1	–	1.1	0.6	–	–
Terminal HOH #1	2.4	2.4	2.4	–	4.7	4.0	–	–
Terminal HOH #2	2.4	2.4	2.4	–	4.7	4.0	–	–
Terminal HOH #3	2.4	2.4	2.4	–	4.7	4.0	–	–
Emerg. Generator #1	–	–	–	–	0.1	0.1	–	–
Facility-wide limit	–	–	–	–	–	–	27.6	9.9
Total TPY	23.1	13.1	12.5	29.0	42.8	77.7	27.6	9.9

III. AMBIENT AIR QUALITY ANALYSIS

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

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

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

This determination is based on information provided by the applicant regarding the expected construction and operation of the proposed 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 Eurovia to submit additional information and may require an ambient air quality impact analysis at that time.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License Amendment A-257-71-W-A subject to the conditions found in Air Emission License A-257-71-R-R/A; in amendments A-257-71-S-M, A-257-71-U-A, and A-257-71-V-A; and the following conditions.

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

For clarity, the following shall replace all Conditions in Air Emission Licenses A-257-71-R-R/A, A-257-71-S-M, A-257-71-U-A, and A-257-71-V-A.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S. § 347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 C.M.R. ch. 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 C.M.R. ch. 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115]
- (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) Drum Mix Plant #26

A. Fuel Use

1. Drum Mix Plant #26 is licensed to fire distillate fuel, specification waste oil, natural gas, and propane. [06-096 C.M.R. ch. 115, BACT]

2. Eurovia 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, BACT]
- B. The annual throughput of Drum Mix Plant #26 shall not exceed 1,000,000 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, BACT]
 - C. Emissions from the asphalt plant 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, BACT]
 - D. The performance of the baghouse shall be monitored by either one of the following at all times the hot mix asphalt plant is operating: [06-096 C.M.R. ch. 115, BACT]
 1. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Eurovia 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, Eurovia shall keep records of the date and location of all bag failures, the date and a description of all 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, BACT]
 - F. Emissions from the baghouse shall not exceed the following:

Emission Unit	Pollutant	grs/dscf	Origin and Authority
Drum Mix Plant #26	PM	0.03	06-096 C.M.R. ch. 115, BACT

- G. Emissions from the baghouse shall not exceed the following [06-096 C.M.R. ch. 115, BACT]:

Unit	PM (lb/hr)	PM₁₀ (lb/hr)	PM_{2.5} (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Drum Mix Plant #26 <i>(distillate fuel & waste oil)</i>	15.81	5.80	5.15	29.00	27.50	65.00	16.00
Drum Mix Plant #26 <i>(natural gas & propane)</i>	15.81	5.80	5.15	1.70	13.00	65.00	16.00

H. General process emissions from the hot mix asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 3(B)(4)]

I. Eurovia shall comply with all requirements of 40 C.F.R. Part 60, Subpart I applicable to Drum Mix Plant #26 including, but not limited to, the following:

Visible emissions from Drum Mix Plant #26 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. 115, BACT]

J. Contaminated Soils

1. Soils Contaminated with Gasoline and Distillate Fuel

Eurovia 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. Soils Contaminated with Virgin Oil

Eurovia may process up to 10,000 cubic yards per calendar year of soil contaminated with virgin oil as defined in this license/amendment 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.

Processing of virgin oil contaminated soils may also require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 C.M.R. ch. 409, before processing of virgin oil contaminated soils may occur. The material shall be handled in accordance with the requirements of the Department's Bureau of Remediation and Waste Management.

3. General Requirements for Contaminated Soils

- a. Eurovia shall not process soils which are classified as hazardous waste or which have unknown contaminants.
- b. Eurovia 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, Eurovia 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, Eurovia shall maintain records on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

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

(18) **HYCGO-200 Hot Oil Heater**

A. Fuel Use

1. The HYCGO-200 Hot Oil Heater is licensed to fire distillate fuel with a maximum sulfur content of 0.0015% by weight, propane, and natural gas.
[06-096 C.M.R. ch. 115, BPT]
2. Total fuel use for the HYCGO-200 Hot Oil Heater shall not exceed 15,000 MMBtu (equivalent to approximately 107,140 gal of distillate fuel) on a 12-month rolling total basis. [06-096 C.M.R. ch. 115, BPT]
3. Compliance shall be demonstrated by fuel records from the supplier showing the quantity, type, and the percent sulfur of the fuel delivered (if applicable). Fuel use shall be converted to MMBtu on a monthly and 12-month rolling total basis using heating values of 0.14 MMBtu/gal for distillate fuel, 0.0905 MMBtu/gal for propane, and 0.00103 MMBtu/scf for natural gas. [06-096 C.M.R. ch. 115, BPT]

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

Unit	PM (lb/hr)	PM₁₀ (lb/hr)	PM_{2.5} (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
HYCGO-200 Hot Oil Heater <i>(distillate fuel)</i>	0.03	0.03	0.03	1.06	0.30	0.08	0.01
HYCGO-200 Hot Oil Heater <i>(propane)</i>	0.005	0.005	0.005	0.001	0.30	0.17	0.02
HYCGO-200 Hot Oil Heater <i>(natural gas)</i>	0.004	0.004	0.004	0.001	0.20	0.17	0.01

C. Visible Emissions

1. Visible emissions from the HYCGO-200 Hot Oil Heater when firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]
2. Visible emissions from the HYCGO-200 Hot Oil Heater when firing propane or natural gas shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

(19) Emergency Generator #1

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

Unit	PM (lb/hr)	PM₁₀ (lb/hr)	PM_{2.5} (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Emergency Generator #1	0.02	0.02	0.02	1.55	1.02	0.22

B. Visible Emissions

Visible emissions from Emergency Generator #1 shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BACT]

C. Emergency Generator #1 shall meet the applicable requirements of 40 C.F.R. Part 60, Subpart JJJJ, including the following:
 [incorporated under 06-096 C.M.R. ch. 115, BACT]

1. Manufacturer Certification

The engine shall be certified by the manufacturer as meeting the emission standards for new nonroad spark ignition engines found in 40 C.F.R. Part 60, Subpart JJJJ, Table 1.

2. Non-Resettable Hour Meter

A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 60.4237 and 06-096 C.M.R. ch. 115, BACT]

3. Annual Time Limit for Maintenance and Testing

- a. As an emergency engine, the unit shall be limited to 100 hours/year for maintenance checks and readiness testing. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity). The limits are based on a calendar year. Compliance shall be demonstrated by records (electronic or written log) of all engine operating hours. [40 C.F.R. § 60.4243(d) and 06-096 C.M.R. ch. 115, BACT]
- b. Eurovia shall keep records that include maintenance conducted on the engine and the hours of operation of the engine recorded through the non-resettable hour meter. Documentation shall include the number of hours the unit operated for emergency purposes, the number of hours the unit operated for non-emergency purposes, and the reason the engine was in operation during each time. [40 C.F.R. § 60.4245(b)]

4. Operation and Maintenance

The engine shall be operated and maintained according to the manufacturer's written instructions or procedures developed by Eurovia that are approved by the engine manufacturer. Eurovia may only change those settings that are permitted by the manufacturer. [40 C.F.R. § 60.4243]

Eurovia shall have available for review by the Department a copy of the manufacturer's emission-related written instructions for engine operation and maintenance. [06-096 C.M.R. ch. 115, BACT]

(20) **Terminal HOHs #1, #2, and #3**

- A. Terminal HOHs #1, #2, and #3 shall each have a maximum heat input capacity not to exceed 11.1 MMBtu/hr. [06-096 C.M.R. ch. 115, BACT]
- B. Terminal HOHs #1, #2, and #3 shall fire only natural gas. [06-096 C.M.R. ch. 115, BACT]

C. Emissions shall not exceed the following:

Emission Unit	Pollutant	lb/MMBtu	Origin and Authority
Terminal HOH #1	PM	0.05	06-096 C.M.R. ch. 115, BACT
Terminal HOH #2	PM	0.05	06-096 C.M.R. ch. 115, BACT
Terminal HOH #3	PM	0.05	06-096 C.M.R. ch. 115, BACT

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

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	PM_{2.5} (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Terminal HOH #1	0.56	0.56	0.56	0.01	1.08	0.91	0.06
Terminal HOH #2	0.56	0.56	0.56	0.01	1.08	0.91	0.06
Terminal HOH #3	0.56	0.56	0.56	0.01	1.08	0.91	0.06

- E. Visible emissions from Terminal HOHs #1, #2, and #3 shall each not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 3(A)(3)]
- F. Eurovia shall maintain records of the amounts of natural gas combusted in the HOHs during each calendar month. [40 C.F.R. § 60.48c(g)]

(21) Asphalt Tanks (Tanks #1 - #9)

- A. Eurovia shall store only asphalt or polymer modified asphalt (PMA) in their heated petroleum storage tanks. [06-096 C.M.R. ch. 115, BACT]
- B. Eurovia shall keep records of the quantity (on a monthly basis) of any product(s) blended with the asphalt and subsequently stored in Tanks #1, #2, #3, #8, and #9. Eurovia shall keep records of Safety Data Sheets (SDS) for any product(s) added to the asphalt on-site and subsequently stored in Tanks #1, #2, #3, #8, and #9. [06-096 C.M.R. ch. 115, BACT and 06-096 C.M.R. ch. 171, §§ 7(A)(1) and (2)]
- C. VOC- and HAP-containing chemicals shall be stored in vapor-tight, non-leaking containers. The containers shall be kept closed at all times except when the container is being filled, emptied, or is otherwise actively in use. [06-096 C.M.R. ch. 115, BACT]
- D. Tanks #1 - #3 and Tanks 8 and #9 shall each be fully insulated in a manner that minimizes temperature fluctuation of the stored material. [06-096 C.M.R. ch. 171, § 4(B)]
- E. Tanks #1, #2, and #3 combined shall not exceed an annual throughput of 10.5 million gallons per year on a 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]

- F. Blending Tanks #5 and #6 combined shall not exceed an annual throughput of 3.15 million gallons per year on a 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]
- G. Tanks #8 and #9 combined shall not exceed an annual throughput of 3.15 million gallons per year on a 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]
- H. The asphalt stored in Tanks #1, #2, and #3 shall not exceed an hourly average liquid temperature of 310 °F. Compliance shall be demonstrated by the temperature monitoring required by this license. [06-096 C.M.R. ch. 115, BACT]
- I. Testing and Monitoring Requirements
 - 1. Eurovia shall continuously monitor and record on an hourly average basis the liquid temperature of each in-service heated bulk storage tank. This monitor shall record accurate and reliable data at least 95% of the source operating time in each calendar quarter. A minimum of one data point in at least two of the four distinct 15-minute quadrants constitutes a valid hour. [06-096 C.M.R. ch. 171, §§ 6(A)(1) and 7(A)(3)]
 - 2. Eurovia shall conduct emissions testing for VOC and HAP on the heated bulk storage tanks at least twice per calendar year with at least four months between tests. Testing shall occur during periods when the tank is being heated. Upon approval by the Department, Eurovia may conduct emissions testing on a representative tank storing the same product in lieu of testing all tanks. [06-096 C.M.R. ch. 171, §§ 6(A)(2) and (6)]
 - 3. Eurovia shall use the results of emissions testing to develop emission factors for both standing losses and working losses. These emission factors shall be used both for demonstrating compliance with the annual facility-wide VOC and HAP emission limits and for reporting emissions pursuant to *Emission Statements*, 06-096 C.M.R. ch. 137. [06-096 C.M.R. ch. 171, § 6(A)(3) and 06-096 C.M.R. ch. 115, BPT]
 - 4. During any emissions testing, the product in the receiving tank must be heated to normal operating temperature. [06-096 C.M.R. ch. 115, BPT]
 - 5. Emissions testing shall be conducted in accordance with the facility's Performance Test Protocol as approved by the Department and the Bureau of Air Quality's Performance Testing Guidance. [06-096 C.M.R. ch. 171, § 6(A)(4)]
 - 6. Eurovia 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]

- J. Eurovia shall conduct routine inspections of all asphalt tanks (Tanks #1 - #9) at a minimum of once every month. Visual inspections shall include the roof and around the perimeter of the tank. [06-096 C.M.R. ch. 115, BACT]
- K. Eurovia shall maintain logs of all inspections documenting any detected leaks, holes, tears, or other openings, and the corrective action taken including the date of the corrective action. Repairs shall be undertaken as soon as practicable. If an inspection is not performed because the tank is empty, this should also be noted in the log. [06-096 C.M.R. ch. 115, BACT]
- L. Eurovia shall comply with all requirements of 40 C.F.R. Part 60, Subpart Kb applicable to Tanks #8 and #9 including, but not limited to the following:
1. Eurovia shall maintain readily accessible records showing the dimensions of each storage vessel (Tanks #8 and #9) and an analysis showing the capacity of each storage vessel. These records shall be kept for the life of the facility. [40 C.F.R. §§ 60.116b(a) & (b)]
 2. Eurovia shall maintain the following records for each storage vessel (Tanks #8 and #9):
 - a. Product stored;
 - b. Period of storage (i.e., note any time when the tank is empty); and
 - c. Maximum true vapor pressure of the product stored. [40 C.F.R. § 60.116b(c)]

The maximum true vapor pressure is calculated based on the highest calendar-month average of the storage temperature (i.e., by taking the average product temperature over the course of a calendar month). [40 C.F.R. § 60.116b(e)(1)]
 3. Eurovia shall notify DEP and EPA within 30 days if the maximum true vapor pressure of the liquid exceeds 5.2 kPa (expected at 348 °F). [40 C.F.R. § 60.116b(d)]

(22) Facility-Wide Emission Limits

- A. Eurovia shall not exceed a facility-wide emission limit of 27.6 tpy of VOC on a 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]
- B. Eurovia shall not exceed a facility-wide emission limit of 9.9 tpy for all HAP combined on a 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]
- C. Compliance with the facility-wide VOC emission limit shall be demonstrated by calculating actual emissions at least once annually. [06-096 C.M.R. ch. 115, BACT]

- D. Compliance with the facility-wide HAP emission limit shall be demonstrated by calculating actual emissions at least once annually. [06-096 C.M.R. ch. 115, BACT]
- E. Eurovia shall maintain records necessary to calculate annual VOC or HAP emissions for any consecutive 12-month period and shall provide a demonstration of compliance with the facility-wide VOC and HAP emission limits for any consecutive 12-month period upon request by the Department. [06-096 C.M.R. ch. 115, BACT]
- F. Actual emissions of VOC and HAP shall be calculated as follows with all emissions summed to provide an annual total:
[06-096 C.M.R. ch. 115, BACT]
1. Heated Asphalt Tanks
 - a. Until site-specific emissions data is available, VOC and HAP emissions from Tanks #1 - #9 shall be calculated in accordance with the methodology contained in the most current version of EPA's Compilation of Air Emission Factors (AP-42), Fifth Edition, Volume 1, Chapter 7, *Liquid Storage Tanks*.¹
 - b. Site-specific emissions data for VOC and HAP emissions from working losses (i.e., emissions during tank filling) shall be determined through emissions testing conducted annually with no more than 14 months between tests, unless or until the Department notifies Eurovia in writing that testing is no longer required.
 - c. Testing shall be performed on representative tanks, one from Tanks #1 - #3, one from Blending Tanks #5 or #6, and one from Tanks #8 or #9.
 - d. Emissions testing of VOC and HAP emissions from Blending Tanks #5 and #6 shall be performed upstream of (e.g., prior to) the carbon bed or other similar control device.

2. Tank Maintenance

VOC and HAP emissions from tank maintenance operations (both planned and unplanned), including tank degassing and cleaning, shall be calculated in accordance with the methodology contained in the most current version of AP-42, Fifth Edition, Volume 1, Chapter 7.

¹ <https://www3.epa.gov/ttn/chief/ap42/ch07/index.html>

3. Facility Piping

Eurovia shall keep an updated inventory of system components (e.g., valves, pump seals, connectors, flanges, etc.) and the number of each, and calculate fugitive emissions using emission factors obtained from EPA's *Protocol for Equipment Leak Emission Estimates*, EPA-453/R-95-017, dated November 1995.

4. Drum Mix Plant #26

VOC emissions from Drum Mix Plant #26 shall be estimated based on the tons of HMA produced and an emission factor of 0.0032 lb VOC/ton HMA based on AP-42 Table 11.1-8 dated 3/04. HAP emissions shall be estimated based on standard emission factors provided in AP-42 or other emission factors as approved by the Department.

5. Combustion Equipment

Other combustion equipment, including Terminal HOHs #1, #2, and #3 emit small amounts of VOC and HAP due to incomplete combustion. Emissions from this equipment shall be estimated based on the amount of fuel fired and the equipment's licensed emission limits or other emission factors as approved by the Department.

G. Eurovia shall keep the following records in order to calculate emissions as described above for compliance demonstration with the facility-wide annual VOC emission limit: [06-096 C.M.R. ch. 115, BACT]

1. Monthly throughput for Tanks #1, #2, and #3 (combined);
2. Monthly throughput for Tanks #8 and #9 (combined);
3. Monthly throughput for Blending Tanks #5 and #6 (combined);
4. Equipment and product information necessary to calculate emissions from the heated asphalt tanks in accordance with AP-42, Chapter 7;
5. Process and product information necessary to calculate emissions from tank maintenance operations in accordance with AP-42, Chapter 7;
6. Equipment and product information necessary to calculate emissions from facility piping in accordance with EPA's *Protocol for Equipment Leak Emission Estimates*;
7. Tons of HMA produced in Drum Mix Plant #26; and
8. Fuel use on a monthly basis for Terminal HOHs #1, #2, and #3 (either individually or combined).

(23) Chapter 171 Applicable Requirements

The following requirements for inspections using optical gas imaging are applicable requirements of 06-096 C.M.R. ch. 171 not addressed elsewhere in this Order.

Eurovia shall perform inspections in accordance with the following:

A. At least once per calendar quarter, Eurovia shall conduct an inspection survey of each heated bulk storage tank, each distillate fuel tank, and each facility fugitive emissions component using optical gas imaging equipment. The first inspection survey shall be performed in the first full calendar quarter after the Department's approval of the optical gas imaging leak detection and repair plan, but in no case shall the first inspection survey be performed later than June 30, 2024.

[06-096 C.M.R. ch. 171, § 5(A)(1)]

B. The optical gas imaging equipment used must meet the following specifications as verified by the manufacturer:

1. Capable of imaging gases in the spectral range for benzene; and

2. Capable of imaging a gas that is half methane and half propane at a concentration of 10,000 ppm at a flow rate of ≤ 60 grams per hour from a quarter inch diameter orifice.

[06-096 C.M.R. ch. 171, § 5(A)(2)]

C. If visible emissions are observed from a fugitive emissions component using optical gas imaging equipment, within two calendar days, Eurovia shall determine whether a leak, as defined by 06-096 C.M.R. ch. 171, is present by using photo ionization detection (PID) technology or flame ionization detection (FID) technology. Alternatively, Eurovia may elect to presume that a leak is present without further confirmation. If a leak is determined or presumed to be present, Eurovia shall initiate corrective action and repair the leak within 15 calendar days.

1. If the presence of a leak cannot be confirmed due to safety concerns or physical constraints, Eurovia shall presume the leak to be confirmed and initiate corrective action and repair the leak within 15 calendar days.

2. If a leak cannot be repaired within 15 days, Eurovia shall notify the Department of the leak, the reason for the delay, and the expected date of the repair. Eurovia shall promptly notify the Department of the date that the leak is successfully repaired. A fugitive emissions component is considered repaired when the optical gas imaging equipment shows no indication of visible emissions or there is no longer indication of a leak as that term is defined in this regulation under normal use conditions.

[06-096 C.M.R. ch. 171, § 5(A)(5)]

D. For all quarterly inspections conducted using optical gas imaging equipment, Eurovia shall keep the following records:

1. The date of the inspection;
2. Identification and description of the equipment and areas inspected;
3. A description of any leaks detected;
4. An electronic recording of the optical gas imaging equipment images; and
5. A description of any resulting corrective actions or repairs and the dates they were made.

[06-096 C.M.R. ch. 171, § 7(B)]

(24) Performance Test Protocol

For any emissions testing required by this license, Eurovia 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]

(25) Annual Emission Statement

A. In accordance with *Emission Statements*, 06-096 C.M.R. ch. 137, Eurovia shall annually report to the Department, in a format prescribed by the Department, the information necessary to accurately update the State's emission inventory. The emission statement shall be submitted as specified by the date in 06-096 C.M.R. ch. 137.

B. Eurovia shall keep the following records in order to comply with 06-096 C.M.R. ch. 137:

1. The amount of each type of fuel fired in Drum Mix Plant #26, HYCGO-200 Hot Oil Heater, Terminal HOHs #1, #2, and #3, and Emergency Generator #1;
2. The sulfur content of the distillate fuel and specification waste oil fired in Drum Mix Plant #26 and HYCGO-200 Hot Oil Heater;
3. The amount (tons) of HMA produced by Drum Mix Plant #26;
4. Capacity of each heated asphalt tank (Tank #1 - #9);
5. Monthly throughput for Tanks #1, #2, and #3 (combined);
6. Monthly throughput for Blending Tanks #5 and #6 (combined);
7. Monthly throughput for Tanks #8 and #9 (combined);
8. Calculations of the facility-wide VOC and/or HAP emissions on a calendar year total basis; and
9. Hours each emission unit was active or operating on a monthly basis.

[06-096 C.M.R. ch. 137]

C. In reporting year 2023 and every third year thereafter, Eurovia shall report to the Department emissions of hazardous air pollutants as required by 06-096 C.M.R. ch. 137, § (3)(C). Eurovia shall pay the annual air quality surcharge, calculated by the Department based on these reported emissions of hazardous air pollutants, by the date required in Title 38 M.R.S. § 353-A(3). [38 M.R.S. § 353-A(1-A)]

(26) Fugitive Emissions

Eurovia 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.

Eurovia 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. 115, BPT]

(27) General Process Sources

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101]

- (28) 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, Eurovia may be required to submit additional information. Upon written request from the Department, Eurovia 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 18th DAY OF OCTOBER, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this license amendment shall be ten (10) years from the issuance of Air Emission License A-257-71-R-R/A (issued 12/19/2016).

[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: 8/30/2023

Date of application acceptance: 8/31/2023

Date filed with the Board of Environmental Protection:

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

