



DEPARTMENT ORDER

**Eurovia Atlantic Coast LLC
d/b/a Dirigo Materials
Penobscot County
Bangor, Maine
A-590-71-M-A**

**Departmental
Findings of Fact and Order
Air Emission License
Amendment #2**

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 (the Department) finds the following facts:

I. REGISTRATION

A. Introduction

The Lane Construction Corporation was issued Air Emission License A-590-71-J-R/A on November 30, 2016, for the operation of emission sources associated with their portable crushed stone and gravel facility located at 765 Odlin Road, Bangor, Maine. The license was subsequently transferred to Eurovia Atlantic Coast LLC d/b/a Dirigo Materials (Eurovia) on April 18, 2019 (A-590-71-K-T) and amended on June 21, 2021 (A-590-71-L-A).

The main office is located at 953 Odlin Road, Bangor, Maine.

Eurovia has requested an amendment to their license in order to remove two rock crushers and two engines which have been sold and add two portable rented generators.

B. Emission Equipment

The following equipment is addressed in this Air Emission License Amendment:

Rock Crushers

Designation	Process Rate (tons/hour)	Date of Manufacture	Control Device
<i>PRIKLE TKJAW *</i>	<i>400</i>	<i>2009</i>	<i>Spray Nozzles</i>
<i>TERSANH440 *</i>	<i>460</i>	<i>2009</i>	<i>Spray Nozzles</i>

* This equipment has been sold and will be removed from this license.

Engines

Unit ID	Max. Capacity (MMBtu/hr)	Max. Firing Rate (gal/hr)	Fuel Type
Rental Generator #1	5.0	36.5	distillate fuel
Rental Generator #2	5.0	36.5	distillate fuel
Diesel KLETKJAW *	2.14	15.0	distillate fuel
Night Generator *	0.085	0.6	distillate fuel

* This equipment has been sold and will be removed from this license.

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.

D. Application Classification

All rules, regulations, or statutes referenced in this air emission license refer to the amended version in effect as of the issued date of this license.

The modification of a minor source is considered a major or minor modification based on whether or not expected emissions 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. This amendment will not increase licensed emissions of any pollutant. Therefore, this amendment is determined to be a minor modification and has been processed as such.

E. Facility Classification

With the annual fuel limit on the generators, the facility is licensed as follows:

- As a synthetic minor source of air emissions for NO_x, 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

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 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. Rental Generators

Eurovia is renting two portable Generators to power its portable rock crushers. The rented generators will be returned to the rental company at the conclusion of the rock crushing season. Subsequent years will either have the same generators rented again and operated at the facility, or generators with similar specifications. The following conditions will serve to ensure that the generators rented each season will meet the minimum requirements of 06-096 C.M.R. ch. 115, BACT.

Rental Generators #1 and #2 will each have a maximum heat input capacity of 5.0 MMBtu/hr firing distillate fuel. The fuel fired in Rental Generators #1 and #2 will be included in the facility’s combined annual limit of 60,000 gallons/year on a calendar year total basis of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). This fuel limit shall apply regardless of where the units are operated while under the control of Eurovia.

1. BACT Findings

The BACT emission limits for Rental Generators #1 and #2 were based on the following:

- PM/PM₁₀/PM_{2.5} – 0.12 b/MMBtu from 06-096 C.M.R. ch. 103
- SO₂ – Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO_x – 3.2 lb/MMBtu from AP-42, Table 3.4-1 dated 10/96
- CO – 0.85 lb/MMBtu from AP-42, Table 3.4-1 dated 10/96
- VOC – 0.09 lb/MMBtu from AP-42, Table 3.4-1 dated 10/96
- Visible Emissions – 06-096 C.M.R. ch. 115, BACT

The BACT emission limits for the generators are the following:

Unit	Pollutant	lb/MMBtu
Rental Generator #1	PM	0.12
Rental Generator #2	PM	0.12

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Rental Generator #1	0.60	0.60	0.60	0.01	16.00	4.25	0.45
Rental Generator #2	0.60	0.60	0.60	0.01	16.00	4.25	0.45

Visible emissions from Rental Generators #1 and #2 shall each not exceed 20% opacity on a six-minute block average basis.

2. Additional BACT Requirements

- a. Rental Generators #1 and #2 shall be certified to a Tier 4 Final standard and operated according to the manufacturer’s written instructions. Eurovia shall have available for review by the Department a copy of the manufacturer’s emission-related instructions for engine operation and maintenance.

- b. Eurovia shall maintain a copy of the certificate of conformity as issued by the EPA for Rental Generators #1 and #2 at the same location the generators are being operated.
 - c. Rental Generators #1 and #2 shall each have a heat input capacity no larger than 5.0 MMBtu/hr.
3. Chapter 169

Rental Generators #1 and #2 are portable units and are therefore not subject to *Stationary Generators*, 06-096 C.M.R. ch. 169 pursuant to section 3(A).

4. New Source Performance Standards

Rental Generators #1 and #2 are not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart III.

The definition in 40 C.F.R. § 1068.30 states that a non-road engine is an internal combustion engine that meets certain criteria, including: “Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.” The regulation further states at 40 C.F.R. § 1068.30 that an engine is not a non-road engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 60.4200]

Rental Generators #1 and #2 are non-road engines, as opposed to a stationary engines, since Rental Generators #1 and #2 are portable and will be moved and operated at various locations.

5. National Emission Standards for Hazardous Air Pollutants

Rental Generators #1 and #2 are not subject to *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. Part 63, Subpart ZZZZ.

The definition in 40 C.F.R. § 1068.30 states that a non-road engine is an internal combustion engine that meets certain criteria, including: “Portable or transportable, meaning designed to be and capable of being carried or moved from one location to

another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.” The regulation further states at 40 C.F.R. § 1068.30 that an engine is not a non-road engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 63.6585]

Rental Generators #1 and #2 are non-road engines, as opposed to a stationary engines, since Rental Generators #1 and #2 are portable and will be moved and operated at various locations.

C. Annual Emissions

This license amendment will not change the facility’s licensed annual emissions.

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 Amendment A-590-71-M-A, subject to the conditions found in Air Emission License A-590-71-J-R/A, in amendments A-590-71-K-T and A-590-71-L-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.

SPECIFIC CONDITIONS

The following shall replace Specific Conditions (16) and (17) of Air Emission License Amendment A-590-71-L-A.

(16) Nonmetallic Mineral Processing Plants

- A. Eurovia shall install and maintain spray nozzles for control of particulate matter on all nonmetallic mineral processing plants. [06-096 C.M.R. ch. 115, BPT]
- B. Eurovia shall maintain records detailing and quantifying the hours of operation on a daily basis for all of the crushers for each day the units are operated. The operation records shall be kept on-site at the rock crushing location. [06-096 C.M.R. ch. 115, BPT]
- C. Visible emissions from Rock Crusher 54STDELJ shall be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § (3)(B)(2)]
- D. Visible emissions from nonmetallic mineral processing plant equipment other than crushers (transfer points on belt conveyors, screening operations, etc.) associated with Rock Crusher 54STDELJ shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101 § (3)(B)(4)]
- E. Rock Crushers SECJCI K300 Cone, TERJCI K350 Cone, and PRIPIO FT2650 JAW shall not be attached or clamped via cable, chain, turnbuckle, bolt, or other means (except electrical connections) to any anchor, slab, or structure (including bedrock) that must be removed prior to transportation. [06-096 C.M.R. ch. 115, BPT and 40 C.F.R. § 60.670(c)(2)]
- F. NSPS Subpart OOO Requirements

Eurovia shall comply with all requirements of 40 C.F.R. Part 60, Subpart OOO applicable to Rock crushers SECJCI K300 Cone, TERJCI K350 Cone, and PRIPIO FT2650 JAW and each associated affected facility including any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station.

 - 1. Eurovia shall submit notification to the Department of the date of initial startup of any affected facility postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall

also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]

2. Visible emissions from Rock Crushers SECJCI K300 Cone, TERJCI K350 Cone, and PRIPIO FT2650 JAW shall not exceed 12% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
3. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction before April 22, 2008, shall not exceed 10% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
4. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not exceed 7% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
5. Eurovia shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Eurovia shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required shall be included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]
6. For the rock crushers and ancillary equipment subject to 40 C.F.R. Part 60, Subparts A and OOO, Eurovia shall comply with the notification and recordkeeping requirements of 40 C.F.R. §§ 60.676 and 60.7, except for § 60.7(a)(2) pursuant to § 60.676(h). [40 C.F.R. §§ 60.676(b), (f), and (i)]

Note: Although some federal standards, such as 40 C.F.R. Part 60, Subpart OOO, allow for a shorter pretest notification period, the Department requires pretest notification a minimum of 30 days prior to the scheduled date of the performance test unless a variance of this requirement is preapproved by the Department. [06-096 C.F.R. ch. 115, BPT]

(17) Portable Generators

A. Fuel Use

1. Genset 3412, Cat C-15, Cat C9.3, and Rental Generators #1 and #2 are licensed to fire distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of the tank containing the fuel to be fired.
[06-096 C.M.R. ch. 115, BACT for Rental Generators #1 and #2, 06-096 C.M.R. ch. 115, BPT for all others]

2. Total fuel use for all engines combined shall not exceed 60,000 gal/yr of distillate fuel, regardless of where the units are operated while under the control of Eurovia. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of annual fuel use shall be kept on a monthly and calendar year basis.
[06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Cat C-15	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)
Cat C9.3	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)
Genset 3412	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)
Rental Generator #1	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)
Rental Generator #2	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

C. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BACT for Rental Generators #1 and #2, 06-096 C.M.R. ch. 115, BPT for all others]:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Cat C-15	0.55	0.55	0.55	0.01	14.72	3.91	0.41
Cat C9.3	0.50	0.50	0.50	0.01	13.44	3.57	0.38
Genset 3412	0.64	0.64	0.64	0.01	17.02	4.52	0.48
Rental Generator #1	0.60	0.60	0.60	0.01	16.00	4.25	0.45
Rental Generator #2	0.60	0.60	0.60	0.01	16.00	4.25	0.45

D. Visible Emissions

Visible emissions from the Cat C9.3 and Rental Generators #1 and #2 shall each not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BACT for Rental Generators #1 and #2, 06-096 C.M.R. ch. 115, BPT for Cat C9.3]

Visible emissions from Cat C-15, and Genset 3412 shall each not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Eurovia may comply with the following work practice standards in lieu of the numerical visible emissions standard. [06-096 C.M.R. ch. 101, § 3(A)(4)]

1. Maintain a log (written or electronic) of the date, time, and duration of all generator startups.
2. Operate the engines in accordance with the manufacturer's emission-related operating instructions.
3. Minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations shall apply.
4. Operate the engines, including any associated air pollution control equipment, at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Department that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the unit.

E. Additional Requirements for Rental Generators #1 and #2

1. Rental Generators #1 and #2 shall be certified to a Tier 4 Final standard and operated according to the manufacturer's written instructions. Eurovia shall have available for review by the Department a copy of the manufacturer's emission-related instructions for engine operation and maintenance.
2. Eurovia shall maintain a copy of the certificate of conformity as issued by the EPA for Rental Generators #1 and #2 at the same location the generators are being operated.

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**Departmental
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- Rental Generators #1 and #2 shall each have a heat input capacity no larger than 5.0 MMBtu/hr.

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

The following is a new Specific Condition of Air Emission License A-590-71-J-R/A.

- If the Department determines that any parameter value pertaining to construction and operation of the proposed 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 8th DAY OF AUGUST, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this amendment shall be concurrent with the term of Air Emission License A-590-71-J-R/A.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 6/1/23

Date of application acceptance: 6/2/23

Date filed with the Board of Environmental Protection:

This Order prepared by Chris Ham, Bureau of Air Quality.

