



DEPARTMENT ORDER

**Pike Industries, Inc.**  
**Somerset County**  
**Fairfield, Maine**  
**A-624-71-I-R/M**

**Departmental**  
**Findings of Fact and Order**  
**Air Emission License**  
**Renewal and Minor Revision**

**FINDINGS OF FACT**

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

**I. REGISTRATION**

**A. Introduction**

Pike Industries, Inc. (Pike) has applied to renew its Air Emission License for the operation of its crushed stone and gravel facility, with portable units, located at 15 Pike Drive, Fairfield, Maine. Pike has also requested a minor revision to its license in order to remove Generator G30641 and Generator G625-AB, leaving only the rock crushers, which are electrically powered, as the only emission equipment.

The main office is located at 95 Warren Avenue, Westbrook, Maine.

**B. Emission Equipment**

The following equipment is addressed in this Air Emission License:

**Rock Crushers**

<b>Emission Unit #</b>	<b>Type of Equipment</b>	<b>Powered</b>	<b>Process Rate (tons/hour)</b>	<b>Date of Manufacture</b>	<b>Control Device</b>
C641-1	Jaw Crusher (primary)	Electric Grid	250	1980	Spray Nozzles
C641-3 <sup>1</sup>	Cone Crusher (secondary)	Electric Grid	155	Late 1950's	Spray Nozzles

<sup>1</sup> Was denoted as 30641-3 in the previous license, A-624-71-H-M (04/17/2014)

**C. 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 application for Pike does not include the licensing of increased emissions or the installation of new or modified equipment, and the amendment will increase emissions by less than 4 ton/year for each single pollutant and less than 8 ton/year for all pollutants combined (emissions will be decreased as a result of the amendment). The license is therefore considered to be a renewal of currently licensed emission units and a minor revision and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115. The facility is licensed as follows:

- As a natural minor source of air emissions, because the licensed emissions are below the 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.

Due to the removal of the Generators, the remaining rock crushers at the facility qualify for alternative permits pursuant to *General Permits for Nonmetallic Mineral Processing Plants*, 06-096 C.M.R. ch. 149. Pike has requested, however, to maintain this license in case other changes are made to the facility in the future that would increase emissions above minimum licensing thresholds pursuant to *Major and Minor Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115.

**II. BEST PRACTICAL TREATMENT**

**A. Introduction**

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

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

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

B. Rock Crushers

The primary and secondary rock crushers are portable units which were manufactured in 1980, and the late 1950's, respectively, with rated capacities of 250 tons/hr and 155 tons/hr, respectively.

1. BPT Findings

The regulated pollutant from the Rock Crushers is particulate matter emissions. To meet the requirements of BPT for control of particulate matter emissions from the Rock Crushers, Pike shall maintain water sprays on the Rock Crushers and operate as needed to control visible emissions. Visible emissions from the Rock Crushers shall be limited to no greater than 10% opacity on a six-minute block average basis.

2. New Source Performance Standards

The primary and secondary rock crushers are not subject to EPA New Source Performance Standards (NSPS) *Standards of Performance for Nonmetallic Mineral Processing Plants*, 40 C.F.R. Part 60, Subpart OOO for nonmetallic mineral processing plants manufactured after August 31, 1983, with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants based on the manufactured date of the crushers. [40 C.F.R. § 60.670(c)]

C. Stock Piles and Roadways

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20% opacity, except for no more than five minutes in any one-hour period during which time visible emissions shall not exceed 30% opacity. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20% in any one hour.

D. General Process Emissions

Visible emissions from any general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, portable screens, etc.) shall not exceed 20% opacity on a six-minute block average basis.

E. Annual Emissions

There are no numerical emission limits for the emission units in this license.

### 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 <sub>10</sub>	25
SO <sub>2</sub>	50
NO <sub>x</sub>	50
CO	250

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

### ORDER

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

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

The Department hereby grants Air Emission License A-624-71-I-R/M, subject to the following conditions.

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

### STANDARD CONDITIONS

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

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

- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in 06-096 C.M.R. ch. 115. [06-096 C.M.R. ch. 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 C.M.R. ch. 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115]
- (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 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 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 Part 70 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]

### **SPECIFIC CONDITIONS**

(16) **Rock Crushers**

- A. Pike shall and maintain spray nozzles for particulate control on the primary and secondary rock crushers and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT and 06-096 C.M.R. ch. 101]
- B. Pike shall maintain records detailing and quantifying the hours of operation on a daily basis for all of the primary and secondary rock crushers. The operation records shall be kept on-site at the rock crushing location. [06-096 C.M.R. ch. 115, BPT]
- C. Pike shall maintain records detailing the maintenance on particulate matter control equipment (including spray nozzles). Pike 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. [06-096 C.M.R. ch. 115, BPT]

(17) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20% opacity, except for no more than five minutes in any one-hour period during which time visible emissions shall not exceed 30% opacity. Compliance shall be determined by an aggregate of the individual fifteen-second opacity observations which exceed 20% in any one hour. [06-096 C.M.R. ch. 115, BPT]

(18) **General Process Sources**

Visible emissions from any general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, portable screens, etc.) shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

(19) **Equipment Relocation** [06-096 C.M.R. ch. 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](http://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 territory where notification shall be made to the respective county commissioners.



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- (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 C.M.R. ch. 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. § 605].

DONE AND DATED IN AUGUSTA, MAINE THIS 8 DAY OF *September*, 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Marc Allen Robert Cove for*  
PAUL MERCER, COMMISSIONER

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 02/21/2017

Date of application acceptance: 02/27/2017

Date filed with the Board of Environmental Protection:

This Order prepared by Colby Fortier-Brown, Bureau of Air Quality.

