



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection  
FROM: Kurt Tidd PE., Bureau of Air Quality  
SUBJECT: Pike Industries, Inc.  
DATE: May 6, 2010

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**Statutory and Regulatory References:**

Maine's Rule for *Major and Minor Source Air Emissions License Regulations* 06-096 CMR 115 authorize the Department to impose reasonable and appropriate license conditions to ensure compliance with emission standards, regulations or orders. Pike Industries Inc. operates its facility under the terms and conditions of Air Emission License A-246-71-I-R and amendments.

**Location:**

Westbrook Maine

**Description:**

Pike Industries, Inc violated requirements of Air Emissions License A-246-71-I-R and amendments by exceeding their 12 month rolling fuel use limit.

**Environmental Issues:**

The Department relies on the licensing of facilities to ensure compliance with State and Federal Laws and Regulations. Through the licensing process, the Department is able to control the amount and types of pollutants that are emitted to the atmosphere within the State.

**Department Recommendation:**

Staff recommends approval of the Consent Agreement which requires Pike Industries to comply with the requirements of Air Emissions License A-246-71-I-R and amendments and provides for Civil Penalties in the amount of seven thousand, five hundred dollars (\$7,500.00). The penalty was a negotiated settlement based on the Bureau of Air Quality's penalty assessment guideline and includes a Supplemental Environmental Project.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

IN THE MATTER OF:

DAVID P. LITTELL
COMMISSIONER

PIKE INDUSTRIES, INC. ) ADMINISTRATIVE CONSENT
CUMBERLAND COUNTY ) AGREEMENT
WESTBROOK, MAINE )
A-246-71-I-R )
EIS # 2009-174-A )

This Agreement, by and among Pike Industries, Inc. ("Pike") the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General, is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

- 1. Pike is a Delaware Corporation registered to do business in Maine as a roadwork contractor.
2. The violations described herein took place at Pike's facility located in Westbrook, Maine.
3. Throughout the period of time addressed by this Agreement, Pike was subject to Maine's Protection and Improvement of Air laws ("Air Act"), 38 M.R.S.A. §§ 581- 610 - C and Air Emission License A-246-71-I-R and amendments.
4. On August 10 2006, the Department granted approval to Pike in Department Licensing Decision A-246-71-J-M to operate an asphalt batch plant, subject to a series of standard and special conditions. Special condition (16)(G) of the license states in relevant part:

(16) Asphalt Plant

G. Pike shall be limited to the use of 400,000 gal/year of combined #2 fuel oil, #4 fuel oil, #6 fuel oil, specification waste oil, with a sulfur content not to exceed 0.5% and 56,000,000 scf/yr of Natural Gas, both on a 12 month rolling total.

- 5. Department staff inspected Pike's Westbrook facility on August 8, 2009 and determined that Pike had exceeded the combined fuel oil limit set forth in Air Emissions License A-246-71-J-M, condition (16)(G). Records provided by Pike document that the Westbrook facility exceeded this combined fuel limit in 2006, 2007 and 2008. The Department issued a Letter of Warning ("LOW") to Pike's Westbrook facility on August 14, 2009.
6. By the conduct described in paragraph five (5), Pike violated Air Emissions License A-246-71-J-M, special condition (16)(G).

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## **Appendix A: Supplemental Environmental Project**

### **Pike Industries, Inc.**

#### **Name of Project:**

Presque Isle Environmental Seminar

#### **Project implementer:**

John Koris, P.E.  
Environmental Manager, Maine  
Pike Industries, Inc.  
58 Main Street  
Westbrook, ME 04092  
(207)591-1125 Office  
(207)212-8558 Cell

#### **Geographic area to benefit the project:**

Aroostook County.

#### **Enforcement action:**

This Supplemental Environmental Project (SEP) is being funded as an element of the Administrative Consent Agreement negotiated between the Department and Pike Industries, Inc. pursuant to the provisions of 38 M.R.S.A. § 349(2-A).

#### **Type of project:**

349 (2)-A (A)4 This project will train owners and operators of mining operations in the environmental regulations related to the operation non metallic mining within the State of Maine. This is an environmental awareness project pursuant to the provisions of 38 M.R.S.A. § 349(2-A)(A)(4).

#### **Project description:**

This seminar will review the current rules, regulations and laws that are related to non metallic mining in the State of Maine. The medias covered will include mining, storm water, erosion control and air emissions. See attached for agenda for this seminar.

#### **Existing Regulatory Requirements:**

This project is not required by any enforcement action nor is it required to have State or Federal permits.

**Total Project Budget: up to \$6,000.00 (SEP)**

<b><u>DESCRIPTION 4-5-10</u></b>	<b><u>NUMBER</u></b>	<b><u>COST</u></b>	<b><u>TOTAL COST</u></b>
<b><u>Hotel Rooms – Hampton Inn</u></b> (J. Koris, J. McGrath, T Johnston)	3	\$127.33	\$381.99
<b><u>Meals (estimated)</u></b> (05/10/10) Dinner (05/11/10) Breakfast	3 3	\$22 = \$66 \$9.50 = \$28.50	\$94.50
<b><u>Mileage – Westbrook - Presque Isle</u></b> All ride together	288 mi. x 2 ways	\$0.50	\$288.00
<b><u>Training - Labor Expenses</u></b> <b><u>Seminar Preparation</u></b> <b><u>(PPT's &amp; Coord)</u></b> J. McGrath J. Koris Ted Johnston <b><u>Travel</u></b> <b><u>Seminar</u></b> J. Koris, P.E J. McGrath. Ted Johnston	20hrs. 12 hrs. 2 hrs  4.5 hrs. 4.5 hrs. 4.5 hrs	\$50/hr \$59.62/hr \$60/hr  \$59.62/hr \$50/hr \$180/hr	\$1000 \$715.44 \$120  \$268.29 \$225 \$810
Consultant/Presenter (Ted Johnston)	Included above.		
<b><u>Seminar Venue</u></b> <b><u>Meeting Room</u></b> Food/beverages – Pastries & coffee – <b><u>Sodas -- Lunch</u></b> <b><u>AV Equipment</u></b>	1 40 attendees  1	\$75.00 \$19.67  Pike Industries Inc.	\$75.00 \$786.80  \$0
<b><u>Invitations</u></b> Printing Cost Postage – 1 <sup>st</sup> mailing Postage – 2 <sup>cd</sup> mailing	40 75 75	\$2.00 \$0.44 \$0.44	\$80.00 \$33.00 \$33.00
<b>Grand Total:</b>			<b>\$4912.00</b>

**Project schedule:**

This seminar will take place on May 11, 2010 as soon as it is approved by the Department and Board.

**Expected project benefits:**

By having this seminar the operators will be more aware of the environmental rules, regulations and laws and will be able to comply with them. This should reduce or eliminate many environmental violations.

**Reporting:**

A follow up report listing the number of attendees, the amount of monies spent and the agenda of the seminar will be submitted to the Department 30 after the date of the seminar.

**Certification:**

*Pike Industries, Inc. certifies that this proposed SEP project is not result of substantive planning that occurred prior to this enforcement action.*

BY:  \_\_\_\_\_ DATE: 4/13/10  
Title Regional manager

DEP – PIKE INDUSTRIES, INC.

GRAVEL PIT WORKSHOP

MAY 11, 2010

9:00AM TO 12:00PM

UNIVERSITY OF MAINE AT PRESQUE ISLE

<u>PRESENTER</u>	<u>TOPIC</u>	<u>TIME</u>
John Koris	Introduction	10 min
Mark Stebbins	MDEP Mining Office & Performance Standards	30 min
Ted Johnston	NOITC Documents	20 min
- - BREAK - -		
Jack McGrath	Variance Process	20 min
John Koris	Stormwater	20 min
Mark Stebbins	Vernal Pools, Wetlands & Wildlife Habitats	20 min
- - BREAK - -		
Jack McGrath	Air Emissions for Crushers	20 min
Ted Johnston/ John Koris	Safety, MSHA & Blasting Regulations	20 min
	Questions & Answers	10 min
Ted Johnston	Closing – MAA Membership Benefits	10 min