



DEPARTMENT ORDER

**Haley Construction, Inc.
Piscataquis County
Sangerville, Maine
A-132-71-K-R**

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

FINDINGS OF FACT

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

I. REGISTRATION

A. Introduction

Haley Construction, Inc. (Haley) has applied to renew their Air Emission License for the operation of their concrete batch plant and crushed stone and gravel facility located at 165 Main Street, Sangerville, Maine.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

Heating Equipment

Equipment	Max. Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type, % sulfur	Date of Manuf.	Date of Install.	Stack #
Boiler #1	2.1	15.0	Distillate fuel, 0.5%	1987	1988	1
Boiler #2	2.2	15.7	Distillate fuel, 0.5%	1988	1990	1

Concrete Plant

Equipment	Production Rate (cubic yards/hour)	Control Device(s)
Concrete Batch Plant	75	Baghouse

Storage Silos

<u>Equipment</u>	<u>Storage Capacity (tons)</u>	<u>Date of Install.</u>	<u>Pollution Control Equipment</u>
Silo #1	80	1979	Baghouse
Silo #2	80	1979	Baghouse
Silo #3	75	2005	Baghouse

Rock Crushers

<u>Designation</u>	<u>Powered</u>	<u>Process Rate (tons/hour)</u>	<u>Date of Manufacture</u>	<u>Control Device</u>
Primary	Electrical	65	1987	Spray Nozzles
Secondary	Electrical	65	1987	Spray Nozzles

Generator Unit

<u>Unit ID</u>	<u>Max. Capacity (MMBtu/hr)</u>	<u>Max. Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Date of Manuf.</u>
Generator #1	3.41	24.9	Distillate fuel, 0.0015%	1980

Solvent Cleaners

<u>Equipment</u>	<u>Capacity (gallons)</u>	<u>Solvent</u>
Parts Washer	15	Petroleum distillates

C. Definitions

Distillate Fuel. For the purposes of this license, *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.

Nonmetallic mineral processing plant. For the purposes of this license, *nonmetallic mineral processing plant* means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants (not including concrete batch plants), or any other facility processing nonmetallic minerals.

Portable Engine. For the purposes of this license, *portable 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.

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 application for Haley does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115. With the annual fuel limit on Boilers #1 and #2 and Generator #1, the facility is licensed as follows:

- As a 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.

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. Concrete Batch Plant

The Concrete Batch Plant is rated at 75 cubic yards/hour and includes three silos with capacities of 80 tons, 80 tons, and 75 tons.

To meet the requirements of BPT for control of particulate matter (PM) emissions from the cement silos, particulate emissions shall be vented through a baghouse maintained for 99% removal efficiency. Visible emissions from each cement silo baghouse are limited to no greater than 10% opacity on a six-minute block average basis. The facility shall take corrective action if visible emissions from the baghouses exceed 5% opacity on a six-minute block average basis.

All components of the Concrete Batch Plant shall be maintained so as to prevent PM leaks. Visible emissions from concrete batching operations shall not exceed 20% opacity on a six-minute block average basis.

C. Nonmetallic Mineral Processing Plants

The Primary and Secondary Rock Crushers are portable units which were manufactured in 1987 with rated capacities of 65 tons/hr each. The nonmetallic mineral processing plant also consists of other equipment associated with the Primary and Secondary Rock Crushers, such as screens and belt conveyors.

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, Haley shall maintain water sprays on the nonmetallic mineral processing plant and operate as needed to control visible emissions.

Visible emissions from the Primary and Secondary Rock Crushers shall each be limited to no greater than 10% opacity on a six-minute block average basis.

Visible emissions from nonmetallic mineral processing plant equipment other than crushers (transfer points on belt conveyors, screening operations, etc.) shall not exceed 20% opacity on a six-minute block average basis.

2. New Source Performance Standards

The federal regulation *Standards of Performance for Nonmetallic Mineral Processing Plants*, 40 C.F.R. Part 60, Subpart OOO, applies to equipment at nonmetallic mineral processing plants with capacities greater than 25 ton/hr for fixed plants and 150 ton/hr for portable plants. The requirements of Subpart OOO apply to any crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading station at a nonmetallic mineral processing plant greater than the sizes listed above which commenced construction, modification, or reconstruction after August 31, 1983.

The Primary and Secondary Rock Crushers are part of a nonmetallic mineral processing plant which is physically limited to a maximum capacity of 150 ton/hr or less. Therefore, this equipment is not subject to 40 C.F.R. Part 60, Subpart OOO. [40 C.F.R. § 60.670(c)]

D. Boilers #1-#2

Boilers #1 and #2 have maximum capacities of 2.1 MMBtu/hr and 2.2 MMBtu/hr respectively. Both boilers fire distillate fuel with a maximum sulfur content of 0.5% by weight. Boiler #1 was manufactured in 1987, and Boiler #2 was manufactured in 1988.

1. BPT Findings

The BPT emission limits for the boilers were based on the following:

- PM, PM₁₀ – 0.12 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
- SO₂ – based on firing distillate fuel with a maximum sulfur content of 0.5% by weight
- NO_x – 20 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10
- CO – 5 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10
- VOC – 0.252 lb/1000 gal based on AP-42 Table 1.3-3 dated 5/10
- Visible Emissions – 06-096 C.M.R. ch. 115, BPT

The BPT emission limits for the boilers are the following:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1 (2.1 MMBtu/hr) distillate fuel	0.25	0.25	1.06	0.30	0.08	0.01

Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #2 (2.2 MMBtu/hr) distillate fuel	0.26	0.26	1.11	0.31	0.08	0.01

Visible emissions from the Stack #1 shall not exceed 20% opacity on a six-minute block average basis.

Haley shall be limited to a total of 15,000 gallons of distillate fuel fired the boilers on a calendar year basis.

Both boilers are licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Per 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, beginning July 1, 2018, the distillate fuel purchased or otherwise obtained for use in Boilers #1 and #2 shall not exceed 0.0015% by weight (15 ppm).

2. Periodic Monitoring

Periodic monitoring for the boilers shall include recordkeeping to document fuel use both on a monthly and calendar year total basis. Documentation shall include the volume of fuel used, the type of fuel used, and sulfur content of the fuel.

3. New Source Performance Standards (NSPS): 40 C.F.R. Part 60, Subpart Dc

Due to the sizes and years of manufacture of the boilers, they are not subject to *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

4. National Emission Standards for Hazardous Air Pollutants (NESHAP): 40 C.F.R. Part 63, Subpart JJJJJ

Boiler #1 is considered a hot water heater as defined in 40 C.F.R. § 63.11237, since it is a tankless unit that provides on-demand hot water. Therefore, Boiler #1 is not subject to *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 C.F.R. Part 63, Subpart JJJJJ. [40 C.F.R. §§ 63.11195(f) and 63.11237]

Boiler #2 is subject to the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*,

40 C.F.R. Part 63, Subpart JJJJJ. The unit is considered an existing oil boiler. [40 C.F.R. §§ 63.11193 and 63.11195]

A summary of the currently applicable federal 40 C.F.R. Part 63, Subpart JJJJJ requirements is listed below. At this time, the Department has not taken delegation of this federal rule promulgated by EPA; however, Haley is still subject to the requirements. Notification forms and additional rule information can be found on the following website: <https://www.epa.gov/stationary-sources-air-pollution/compliance-industrial-commercial-and-institutional-area-source>.

a. Compliance Dates, Notifications, and Work Practice Requirements

(1) Initial Notification of Compliance

An Initial Notification submittal to EPA was due no later than January 20, 2014. Haley submitted their initial notification to EPA in December 2017. [40 C.F.R. § 63.11225(a)(2)]

(2) Boiler Tune-Up Program

(i) A boiler tune-up program shall be implemented. [40 C.F.R. § 63.11223]

(ii) Each tune-up shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. Because Boiler #2 has a heat input capacity of less than 5 MMBtu/hr, tune-ups shall be conducted at a frequency of five years. [40 C.F.R. § 63.11223(a) and Table 2]

(iii) The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:

1. As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for oil fired boilers less than or equal to 5 MMBtu/hour. [40 C.F.R. § 63.11223(b)(1)]
2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 C.F.R. § 63.11223(b)(2)]
3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly.

Delay of the inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for oil fired boilers less than or equal to 5 MMBtu/hour. [40 C.F.R. § 63.11223(b)(3)]

4. Optimize total emissions of CO, consistent with manufacturer's specifications. [40 C.F.R. § 63.11223(b)(4)]
5. Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer. [40 C.F.R. § 63.11223(b)(5)]
6. If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up. [40 C.F.R. § 63.11223(b)(7)]

(iv) Tune-Up Report: A tune-up report shall be maintained onsite and, if requested, submitted to EPA. The report shall contain the following information:

1. The concentration of CO in the effluent stream (ppmv) and oxygen (volume percent) measured at high fire or typical operating load both **before** and **after** the boiler tune-up;
2. A description of any corrective actions taken as part of the tune-up of the boiler; and
3. The types and amounts of fuels used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit. [40 C.F.R. § 63.11223(b)(6)]

(v) After conducting the initial boiler tune-up, a Notification of Compliance Status was to be submitted to EPA no later than July 19, 2014.
[40 C.F.R. § 63.11225(a)(4) and 40 C.F.R. § 63.11214(b)]

(3) Compliance Report

A compliance report shall be prepared by March 1st every five years which covers the previous five calendar years. The report shall be maintained by the source and submitted to the Department and/or to the

EPA upon request. The report must include the items contained in §§ 63.11225(b)(1) and (2), including the following:

[40 C.F.R. § 63.11225(b)]

- (i) Company name and address;
- (ii) A statement of whether the source has complied with all the relevant requirements of this Subpart;
- (iii) A statement certifying truth, accuracy, and completeness of the notification and signed by a responsible official and containing the official's name, title, phone number, email address, and signature;
- (iv) The following certifications, as applicable:
 1. "This facility complies with the requirements in 40 C.F.R. § 63.11223 to conduct tune-ups of each boiler in accordance with the frequency specified in this Subpart."
 2. "No secondary materials that are solid waste were combusted in any affected unit."
 3. "This facility complies with the requirement in §§ 63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."

b. Recordkeeping

Records shall be maintained consistent with the requirements of 40 C.F.R. Part 63, Subpart JJJJJ including the following [40 C.F.R. § 63.11225(c)]:

- (1) Copies of notifications and reports with supporting compliance documentation;
- (2) Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
- (3) Records of the occurrence and duration of each malfunction of each applicable boiler; and
- (4) Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.

Records shall be in a form suitable and readily available for expeditious review.

EPA requires submission of Notification of Compliance Status reports for tune-ups through their electronic reporting system. [40 C.F.R. § 63.11225(a)(4)(vi)]

E. Generator #1

Generator #1 is a portable engine used to power the rock crushers. Generator #1 has a maximum capacity of 3.41 MMBtu/hr, firing distillate fuel. The generator was manufactured in 1980. The fuel fired in Generator #1 shall be limited to 20,000 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).

1. BPT Findings

The BPT emission limits for Generator #1 were based on the following:

- PM, PM₁₀ - 0.12 lb/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 - 4.41 lb/MMBtu from AP-42, Table 3.3-1 dated 10/96
- CO - 0.95 lb/MMBtu from AP-42, Table 3.3-1 dated 10/96
- VOC - 0.35 lb/MMBtu from AP-42, Table 3.3-1 dated 10/96
- Visible Emissions - 06-096 C.M.R. ch. 115, BPT

The BPT emission limits for Generator #1 are the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>
Generator #1	PM	0.12

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM₁₀ (lb/hr)</u>	<u>SO₂ (lb/hr)</u>	<u>NO_x (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Generator #1 (3.41 MMBtu/hr) Distillate fuel	0.41	0.41	0.01	15.04	3.24	1.19

Visible emissions from Generator #1 shall not exceed 20% opacity on a six-minute block average basis.

2. New Source Performance Standards

Generator #1 is considered a non-road engine, as opposed to a stationary engine, since Generator #1 is portable and will be moved to provide electrical power to the rock crushers. Therefore, Generator #1 is not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart III. [40 C.F.R. § 60.4200]

3. National Emission Standards for Hazardous Air Pollutants

Generator #1 is considered a non-road engine, as opposed to a stationary engine, since Generator #1 is portable and will be moved to provide electrical power to the rock crushers. Therefore, Generator #1 is 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.” 40 C.F.R. § 1068.30 further states 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 a shorter period of time for an engine located at a seasonal source. An engine located at a seasonal source (a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year) is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. [40 C.F.R. § 63.6585]

F. Parts Washer

The parts washer has a design capacity of 15 gallons. The parts washer is subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130, and records shall be kept documenting compliance.

G. 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 fifteen-second opacity observations which exceed 20% in any one hour.

H. General Process Emissions

Visible emissions from any other 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.

I. Annual Emissions

1. Total Annual Emissions

Haley shall be restricted to the following annual emissions, based on a calendar year total. The tons per year totals were calculated based on fuel limits of a total of 15,000 gallons per year for the boilers and 20,000 gallons per year for the generator:

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

	PM	PM₁₀	SO₂	NO_x	CO	VOC
Boilers #1 and #2	0.1	0.1	0.5	0.2	0.1	0.1
Generator #1	0.2	0.2	0.1	6.0	1.3	0.5
Total TPY	0.3	0.3	0.6	6.2	1.4	0.6

2. Greenhouse Gases

Greenhouse gases are considered regulated pollutants as of January 2, 2011, through 'Tailoring' revisions made to EPA's *Approval and Promulgation of Implementation Plans*, 40 C.F.R. Part 52, Subpart A, § 52.21, *Prevention of Significant Deterioration of Air Quality* rule. Greenhouse gases, as defined in 06-096 C.M.R. ch. 100, are the aggregate group of the following gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. For licensing purposes, greenhouse gases (GHG) are calculated and reported as carbon dioxide equivalents (CO₂e).

The quantity of CO₂e emissions from this facility is less than 100,000 tons per year, based on the following:

- the facility's fuel use limits;
- worst case emission factors from the following sources: U.S. EPA's AP-42, the Intergovernmental Panel on Climate Change (IPCC), and *Mandatory Greenhouse Gas Reporting*, 40 C.F.R. Part 98; and
- global warming potentials contained in 40 C.F.R. Part 98.

No additional licensing actions to address GHG emissions are required at this time.

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
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.

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-132-71-K-R, 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) **Concrete Batch Plant**

- A. Emissions from the cement silos shall be vented through a baghouse, and all components of the concrete batch plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, BPT]
- B. To document maintenance of the cement silo baghouses, the licensee shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance and inspections. The maintenance and inspection record shall be kept on-site at the concrete batch plant location. [06-096 C.M.R. ch. 115, BPT]
- C. Visible emissions from the cement silo baghouses are limited to no greater than 10% opacity on a six-minute block average basis. Haley shall take corrective action if visible emissions from the baghouses exceed 5% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]
- D. PM emissions from the concrete batching operation 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. 115, BPT]

(17) **Nonmetallic Mineral Processing Plants**

- A. Haley shall install and maintain spray nozzles for control of particulate matter on the nonmetallic mineral processing plant. [06-096 C.M.R. ch. 115, BPT]
- B. Haley shall maintain records detailing and quantifying the hours of operation on a daily basis for 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. Visible emissions from the Primary and Secondary Rock Crushers shall each be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101]
- D. Visible emissions from nonmetallic mineral processing plant equipment other than crushers (transfer points on belt conveyors, screening operations, etc.) shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]
- E. The Primary and Secondary Rock Crushers 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)]

(18) **Boilers #1-#2**

- A. Fuel
 - 1. Total fuel use for Boilers #1 and #2 shall not exceed 15,000 gal/yr of distillate fuel, based on a calendar year total basis. [06-096 C.M.R. ch. 115, BPT]
 - 2. Prior to July 1, 2018, distillate fuel fired in Boilers #1 and #2 shall have a maximum sulfur content not to exceed 0.5% by weight. [06-096 C.M.R. ch. 115, BPT]
 - 3. Beginning July 1, 2018, the facility 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, BPT]
 - 4. Compliance shall be demonstrated by fuel records from the supplier showing the quantity, type, and the percent sulfur of the fuel delivered. Records of annual fuel use shall be kept on a monthly and calendar year total basis. [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)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Boiler #1 (2.1 MMBtu/hr) distillate fuel	0.25	0.25	1.06	0.30	0.08	0.01
Boiler #2 (2.2 MMBtu/hr) distillate fuel	0.26	0.26	1.11	0.31	0.08	0.01

C. Visible emissions from Boilers #1 and #2 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

D. Haley shall comply with all requirements of 40 C.F.R. Part 63, Subpart JJJJJJ applicable to Boiler #2 including, but not limited to, the following: [incorporated under 06-096 C.M.R. ch. 115, BPT]

1. The facility shall implement a boiler tune-up program.
[40 C.F.R. § 63.11223]
 - a. Each tune-up shall be conducted at a frequency specified by the rule and based on the size, age, and operations of the boiler. Because Boiler #2 has a heat input capacity of less than 5 MMBtu/hr, tune-ups shall be conducted at a frequency of five years.
[40 C.F.R. § 63.11223(a) and Table 2]
 - b. The boiler tune-up program, conducted to demonstrate continuous compliance, shall be performed as specified below:
 - (1) As applicable, inspect the burner, and clean or replace any component of the burner as necessary. Delay of the burner inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for oil fired boilers less than or equal to 5 MMBtu/hour, boilers with oxygen trim systems, seasonal boilers, and limited use boilers. [40 C.F.R. § 63.11223(b)(1)]
 - (2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern, consistent with the manufacturer's specifications. [40 C.F.R. § 63.11223(b)(2)]
 - (3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure it is correctly calibrated and functioning properly. Delay of the inspection until the next scheduled shutdown is permitted for up to 72 months from the previous inspection for oil fired boilers less than or equal to 5 MMBtu/hour, boilers with oxygen trim systems, seasonal boilers, and limited use boilers. [40 C.F.R. § 63.11223(b)(3)]

- (4) Optimize total emissions of CO, consistent with manufacturer's specifications. [40 C.F.R. § 63.11223(b)(4)]
 - (5) Measure the concentration in the effluent stream of CO in parts per million by volume (ppmv), and oxygen in volume percent, before and after adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer. [40 C.F.R. § 63.11223(b)(5)]
 - (6) If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of start-up.
[40 C.F.R. § 63.11223(b)(7)]
- c. Tune-Up Report: A tune-up report shall be maintained onsite and, if requested, submitted to EPA. The report shall contain the following information:
- (1) The concentration of CO in the effluent stream (ppmv) and oxygen (volume percent) measured at high fire or typical operating load both **before** and **after** the boiler tune-up;
 - (2) A description of any corrective actions taken as part of the tune-up of the boiler; and
 - (3) The types and amounts of fuels used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit. [40 C.F.R. § 63.11223(b)(6)]
- d. After conducting the initial boiler tune-up, a Notification of Compliance Status shall be submitted to EPA.
[40 C.F.R. § 63.11225(a)(4) and 40 C.F.R. § 63.11214(b)]

2. Compliance Report

A compliance report shall be prepared by March 1st every five years which covers the previous five calendar years. The report shall be maintained by the source and submitted to the Department and/or to the EPA upon request. The report must include the items contained in §§ 63.11225(b)(1) and (2), including the following: [40 C.F.R. § 63.11225(b)]

- a. Company name and address;
- b. A statement of whether the source has complied with all the relevant requirements of this Subpart;
- c. A statement certifying truth, accuracy, and completeness of the notification and signed by a responsible official and containing the official's name, title, phone number, email address, and signature;

- d. The following certifications, as applicable:
 - (1) "This facility complies with the requirements in 40 C.F.R. § 63.11223 to conduct tune-ups of each boiler in accordance with the frequency specified in this Subpart."
 - (2) "No secondary materials that are solid waste were combusted in any affected unit."
 - (3) "This facility complies with the requirement in §§ 63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."
3. Records shall be maintained consistent with the requirements of 40 C.F.R. Part 63, Subpart JJJJJ including the following [40 C.F.R. § 63.11225(c)]:
 - a. Copies of notifications and reports with supporting compliance documentation;
 - b. Identification of each boiler, the date of tune-up, procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned;
 - c. Records of the occurrence and duration of each malfunction of each applicable boiler; and
 - d. Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore the malfunctioning boiler.

Records shall be in a form suitable and readily available for expeditious review.

EPA requires submission of Notification of Compliance Status reports for tune-ups through their electronic reporting system.
[40 C.F.R. § 63.11225(a)(4)(vi)]

(19) Generator #1

A. Fuel Use

1. Generator #1 is licensed to fire distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight).
[06-096 C.M.R. ch. 115, BPT]
2. Total fuel use for Generator #1 shall not exceed 20,000 gal/yr of distillate fuel. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of 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:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
Generator #1	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, BPT]:

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM₁₀ (lb/hr)</u>	<u>SO₂ (lb/hr)</u>	<u>NO_x (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Generator #1 (3.41 MMBtu/hr) distillate fuel	0.41	0.41	0.01	15.04	3.24	1.19

D. Visible emissions from Generator #1 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

(20) **Parts Washer**

The Parts Washer at Haley is subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130.

A. Haley shall keep records of the amount of solvent added to each parts washer. [06-096 C.M.R. ch. 115, BPT]

B. The following are exempt from the requirements of 06-096 C.M.R. ch. 130 [06-096 C.M.R. ch. 130]:

1. Solvent cleaners using less than two liters (68 oz.) of cleaning solvent with a vapor pressure of 1.00 mmHg, or less, at 20° C (68° F);
2. Wipe cleaning; and,
3. Cold cleaning machines using solvents containing less than or equal to 5% VOC by weight.

C. The following standards apply to cold cleaning machines that are applicable sources under 06-096 C.M.R. ch. 130.

1. Haley shall attach a permanent conspicuous label to each unit summarizing the following operational standards [06-096 C.M.R. ch. 130]:
 - a. Waste solvent shall be collected and stored in closed containers.
 - b. Cleaned parts shall be drained of solvent directly back to the cold cleaning machine by tipping or rotating the part for at least 15 seconds or until dripping ceases, whichever is longer.

- c. Flushing of parts shall be performed with a solid solvent spray that is a solid fluid stream (not a fine, atomized, or shower type spray) at a pressure that does not exceed 10 psig. Flushing shall be performed only within the freeboard area of the cold cleaning machine.
- d. The cold cleaning machine shall not be exposed to drafts greater than 40 meters per minute when the cover is open.
- e. Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the parts washer.
- f. When a pump-agitated solvent bath is used, the agitator shall be operated to produce no observable splashing of the solvent against the tank walls or the parts being cleaned. Air agitated solvent baths may not be used.
- g. Spills during solvent transfer shall be cleaned immediately. Sorbent material used to clean spills shall then be immediately stored in covered containers.
- h. Work area fans shall not blow across the opening of the parts washer unit.
- i. The solvent level shall not exceed the fill line.

2. The remote reservoir cold cleaning machine shall be equipped with a perforated drain with a diameter of not more than six inches.

[06-096 C.M.R. ch. 130]

(21) **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]

(22) **General Process Sources**

Visible emissions from any general process (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]

(23) Equipment Relocation [06-096 C.M.R. ch. 115, BPT]

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

Written notice may also be sent by fax (207-287-7641) or mail. Notification sent by mail shall be sent to the address below:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location, an identification of the equipment, and the license number pertaining to the relocated equipment.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification shall be made to the respective county commissioners.
- (24)** Haley 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]

Haley Construction, Inc.
Piscataquis County
Sangerville, Maine
A-132-71-K-R

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Departmental
Findings of Fact and Order
Air Emission License
Renewal

- (25) Haley 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 3 DAY OF January, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Cone 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: December 16, 2016

Date of application acceptance: December 19, 2016

Date filed with the Board of Environmental Protection:

This Order prepared by Benjamin Goundie, Bureau of Air Quality.

