



DEPARTMENT ORDER

**Eurovia Atlantic Coast, LLC d/b/a
Northeast Paving
Penobscot County
Hermon, Maine
A-166-71-Q-A**

**Departmental
Findings of Fact and Order
Air Emission License
Amendment #1**

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-166-71-O-R/A on December 23, 2015, for the operation of emission sources associated with their portable hot mix asphalt facility. The license was subsequently transferred to Eurovia Atlantic Coast, LLC d/b/a Northeast Paving (Eurovia) on April 18, 2019 (A-166-71-P-T).

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

Eurovia has requested an amendment to their license in order to make the following changes:

1. Remove the CAT 3412 Generator and Kolman Diesel;
2. Remove the AC Heater; and
3. Add a new generator designated Rental Generator #1.

B. Emission Equipment

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

Heating Equipment

| Equipment | Max. Capacity (MMBtu/hr) | Fuel Type | Date of Manuf. |
|--------------------|-------------------------------------|--|---------------------------|
| <i>AC Heater *</i> | <i>1.3</i> | <i>distillate fuel, propane, natural gas</i> | <i>1979</i> |

Engines

| Unit ID | Max. Capacity (MMBtu/hr) | Max. Firing Rate (gal/hr) | Fuel Type | Date of Manuf. |
|----------------------|--------------------------|---------------------------|-----------------|----------------|
| Rental Generator #1 | 5.0 | 36.5 | distillate fuel | 2023 |
| CAT 3412 Generator * | 3.9 | 28.5 | distillate fuel | 1979 |
| Kolman Diesel * | 0.2 | 1.25 | distillate fuel | 1973 |

* 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.

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 date this license was issued.

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

| Pollutant | Current License (tpy) | Future License (tpy) | Net Change (tpy) | Significant Emission Levels |
|-------------------|-----------------------|----------------------|------------------|-----------------------------|
| PM | 4.4 | 4.5 | 0.1 | 100 |
| PM ₁₀ | 4.4 | 4.5 | 0.1 | 100 |
| PM _{2.5} | 4.4 | 4.5 | 0.1 | 100 |
| SO ₂ | 10.7 | 10.8 | 0.1 | 100 |
| NO _x | 24.7 | 24.6 | -0.1 | 100 |
| CO | 24.9 | 24.9 | 0.0 | 100 |
| VOC | 6.6 | 5.8 | -0.8 | 100 |

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

E. Facility Classification

With the annual throughput limit on the asphalt plant and the fuel limit on the generator, 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 Generator #1

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

Rental Generator #1 will have a maximum heat input capacity of 5.0 MMBtu/hr firing distillate fuel. The fuel fired in Rental Generator #1 will be included in the facility's combined annual engine fuel limit of 50,000 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 unit is operated while under the control of Eurovia.

1. BACT Findings

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

- PM/PM₁₀/PM_{2.5} – 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 – 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 Rental Generator #1 are the following:

| Unit | Pollutant | lb/MMBtu |
|---------------------|-----------|----------|
| Rental Generator #1 | 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 |

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

2. Additional BACT Requirements

- a. Rental Generator #1 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 Generator #1 at the same location the generator is being operated.
- c. Rental Generator #1 shall have a heat input capacity no larger than 5.0 MMBtu/hr.

3. Chapter 169

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

4. New Source Performance Standards

Rental Generator #1 is not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart IIII.

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 Generator #1 is considered a non-road engine, as opposed to a stationary engine, since Rental Generator #1 is portable and will be moved to various sites with the asphalt plant.

5. National Emission Standards for Hazardous Air Pollutants

Rental 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.” 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 Generator #1 is considered a non-road engine, as opposed to a stationary engine, since Rental Generator #1 is portable and will be moved to various sites with the asphalt plant.

C. Annual Emissions

The table below provides an estimate of facility-wide annual emissions for the purposes of calculating the facility’s annual air license fee and establishing the facility’s potential to emit (PTE). Only licensed equipment is included, i.e., emissions from insignificant activities are excluded. Similarly, unquantifiable fugitive particulate matter emissions are not included except when required by state or federal regulations. Maximum potential emissions were calculated based on the following assumptions:

- Processing 320,400 ton/year of asphalt;
- Firing 4,200 MMBtu/year of fuel in the Terex Hot Oil Heater; and
- Firing 50,000 gal/year of distillate fuel in the generator.

This information does not represent a comprehensive list of license restrictions or permissions. That information is provided in the Order section of this license.

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

| | PM | PM₁₀ | PM_{2.5} | SO₂ | NO_x | CO | VOC |
|----------------------|------------|------------------------|-------------------------|-----------------------|-----------------------|-------------|------------|
| Asphalt Plant #32 | 3.8 | 3.8 | 3.8 | 9.6 | 9.1 | 21.4 | 5.3 |
| Rental Generator #1 | 0.5 | 0.5 | 0.5 | 0.1 | 15.2 | 3.3 | 0.4 |
| Terex Hot Oil Heater | 0.2 | 0.2 | 0.2 | 1.1 | 0.3 | 0.2 | 0.1 |
| Total TPY | 4.5 | 4.5 | 4.5 | 10.8 | 24.6 | 24.9 | 5.8 |

| Pollutant | Tons/year |
|------------------|------------------|
| Single HAP | 9.9 |
| Total HAP | 24.9 |

III.AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source to demonstrate that Ambient Air Quality Standards (AAQS) will not be exceeded 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:

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

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

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-166-71-Q-A, subject to the conditions found in Air Emission License A-166-71-O-R/A, in the transfer A-166-71-P-T, 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

Conditions (17) and (18) of Air Emission License A-166-71-O-R/A are deleted.

The following are new conditions of Air Emission License A-166-71-O-R/A:

(25) Rental Generator #1

A. Fuel Use

1. Rental Generator #1 is 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 fuel in the tank on-site.
[06-096 C.M.R. ch. 115, BACT]
2. Total fuel use for Rental Generator #1 shall not exceed 50,000 gal/yr of distillate fuel, regardless of where the unit is 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, BACT]

B. Emissions shall not exceed the following:

| Unit | Pollutant | lb/MMBtu | Origin and Authority |
|---------------------|-----------|----------|---------------------------------------|
| Rental 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]:

| 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 |

D. Visible Emissions

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

- E. Rental Generator #1 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. [06-096 C.M.R. ch. 115, BACT]

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- F. Eurovia shall maintain a copy of the certificate of conformity as issued by the EPA for Rental Generator #1 at the same location the generator is being operated.
[06-096 C.M.R. ch. 115, BACT]
- G. Rental Generator #1 shall have a heat input capacity no larger than 5.0 MMBtu/hr.
[06-096 C.M.R. ch. 115, BACT]
- (26) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Eurovia may be required to submit additional information. Upon written request from the Department, Eurovia shall provide information necessary to demonstrate AAQS will not be exceeded, potentially including submission of an ambient air quality impact analysis or an application to amend this air emission license to resolve any deficiencies and ensure compliance with AAQS. Submission of this information is due within 60 days of the Department's written request unless otherwise stated in the Department's letter.
[06-096 C.M.R. ch. 115, § 2(O)]

DONE AND DATED IN AUGUSTA, MAINE THIS 24th DAY OF AUGUST, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this license amendment shall be ten (10) years from the issuance of Air Emission License A-166-71-O-R/A (issued 12/23/2015).

[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: 7/16/23

Date of application acceptance: 7/20/23

Date filed with the Board of Environmental Protection:

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

