



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

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**The Lane Construction Corporation
Androscoggin County
Lewiston, Maine
A-488-71-K-R/A (SM)**

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

FINDINGS OF FACT

After review of the air emission license renewal and 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 Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (Department) finds the following facts:

I. REGISTRATION

A. Introduction

The Lane Construction Corporation (Lane) has applied to renew their Air Emission License permitting the operation of emission sources associated with their portable drum mix asphalt plant.

Lane has also requested an amendment to their license in order to change the base location of the equipment in this license from Westbrook to Lewiston, Maine, to remove the Diesel Kolman, Genset 3412, and the CEI Heater from this license, to add the HYCGO 200 Hot Oil Heater to this license, and to include a heat input limit of 4,200 MMBtu/year for the HYCGO 200 Hot Oil Heater (equivalent to approximately 30,000 gal/yr of distillate fuel).

The Department has recently changed from limiting asphalt plants, including hot mix asphalt (HMA) plants, by fuel use to limiting them by throughput to better estimate potential emissions; therefore the Department has imposed a throughput limit of 300,000 tons of HMA per year to replace the previously licensed fuel limit of 112,000 MMBtu/year for the #38 Drum Plant and the CEI Heater combined.

The equipment addressed in this license is located at 18 Gendron Drive, Lewiston, Maine.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

Asphalt Plant

<u>Equipment</u>	<u>Process Rate (tons/hour)</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Fuel Type, % Sulfur</u>	<u>Firing Rate</u>	<u>Control Device</u>	<u>Date of Manuf.</u>
#38 Drum Plant	300	100	distillate fuel, 0.5% spec. waste oil, 0.7%	709 gal/hr	Baghouse	1985/ 1990 (Drum)
			propane, negl.	1,105 gal/hr		
			natural gas, negl.	97,087 scf/hr		

Generators

<u>Unit ID</u>	<u>Max. Capacity (MMBtu/hr)</u>	<u>Firing Rate (gal/hr)</u>	<u>Fuel Type, % Sulfur</u>	<u>Date of Manuf.</u>
Night Generator*	0.3	2.4	distillate fuel, 0.0015%	1994

*included for completeness purposes only

Heating Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Fuel Type, % Sulfur</u>	<u>Maximum Firing Rate</u>	<u>Date of Manuf.</u>
HYCGO 200* (Hot Oil Heater)	2.1	distillate fuel, 0.5%	15 gal/hr	2014 (est.)
		propane, negl.	23.2 gal/hr	
		natural gas, negl.	2,039 scf/hr	

*New to this license

Storage Silos

<u>Equipment</u>	<u>Capacity (tons)</u>	<u>Date of Installation</u>	<u>Control Device</u>
Storage Silo #H1	150	2012	-
Storage Silo #H2	150	2012	-

C. Definitions

Distillate Fuel means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials 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.

Virgin Oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils that are not characterized as waste oil.

D. Application Classification

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

<u>Pollutant</u>	<u>Current License (TPY)</u>	<u>Future License (TPY)</u>	<u>Net Change (TPY)</u>	<u>Significant Emission Levels</u>
PM	4.9	4.3	-0.6	100
PM ₁₀	4.9	4.3	-0.6	100
SO ₂	12.0	9.8	-2.2	100
NO _x	21.8	8.6	-13.2	100
CO	28.9	19.7	-9.2	100
VOC	7.4	4.9	-2.5	50
CO ₂ e	<100,000	<100,000	<100,000	100,000

This amendment will not increase emissions of any pollutant above the significant emission levels, therefore this application is determined to be a renewal with a minor modification and has been processed as such. The Department has determined the facility is a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended). With the annual production limit on the #38 Drum Plant and the annual fuel limit on the HYCGO 200 Hot Oil Heater, the facility is licensed below the major source thresholds for criteria pollutants and is considered a synthetic minor. With the annual production limit on the #38 Drum Plant and the annual fuel limit on the HYCGO 200 Hot Oil Heater, the facility is licensed below the major source thresholds for hazardous air pollutants (HAP) and is considered an area source of 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 CMR 100 (as amended). 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 CMR 100. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

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. #38 Drum Plant

Lane operates a portable HMA plant (#38 Drum Plant) with a maximum hourly throughput of 300 ton/hr of HMA and a 100 MMBtu/hr burner that is capable of firing distillate fuel with a maximum sulfur content of 0.5% by weight, specification waste oil with a maximum sulfur content of 0.7% by weight, propane, or natural gas. In the past it has been assumed that there is a linear relationship between the fuel required for an HMA plant burner and the plant output. Meaning, it is assumed that to operate at 100% throughput requires the burner to fire at 100%, to operate at 75% throughput requires the burner to fire at 75%, etc. This assumption allows for an HMA plant to have its annual emissions limited by placing a fuel limit on the burner.

However, in some cases it has been determined that the HMA plant is operated significantly more efficiently than originally anticipated. This allows the burner to operate at a lower firing rate than would be expected for the HMA output. Since emission factors for HMA plants are based on tons of HMA produced, without the previously mentioned linear relationship between plant output and burner firing rate, a fuel limit on the HMA plant is not sufficient to limit the equipment's annual emissions.

Therefore, to ensure annual emissions are limited to less than major source thresholds, HMA throughput is limited instead of fuel consumption. Accordingly,

the annual throughput of the #38 Drum Plant shall not exceed 300,000 tons of HMA on a calendar year total basis.

1. BPT Findings

The BPT emission limits for the #38 Drum Plant when firing distillate fuel or specification waste oil were based on the following:

- PM/PM₁₀ – 0.03 gr/dscf and the use of a baghouse
- SO₂ – 0.058 lb/ton HMA based on AP-42, Table 11.1-7, dated 3/04
- NO_x – 0.055 lb/ton HMA based on AP-42, Table 11.1-7, dated 3/04
- CO – 0.13 lb/ton HMA based on AP-42, Table 11.1-7, dated 3/04
- VOC – 0.032 lb/ton HMA based on AP-42, Table 11.1-8, dated 3/04
- Opacity – 06-096 CMR 101

The BPT emission limits for the #38 Drum Plant when firing natural gas or propane were based on the following:

- PM/PM₁₀ – 0.03 gr/dscf and the use of a baghouse
- SO₂ – 0.0034 lb/ton HMA based on AP-42, Table 11.1-7, dated 3/04
- NO_x – 0.026 lb/ton HMA based on AP-42, Table 11.1-7, dated 3/04
- CO – 0.13 lb/ton HMA based on AP-42, Table 11.1-7, dated 3/04
- VOC – 0.032 lb/ton HMA based on AP-42, Table 11.1-8, dated 3/04
- Opacity – 06-096 CMR 101

The BPT emission limits for the #38 Drum Plant are the following:

<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>
#38 Drum Plant Distillate fuel/spec. waste oil	8.30	8.30	17.40	16.50	39.00	9.60
#38 Drum Plant Natural gas/propane	8.30	8.30	1.02	7.80	39.00	9.60

Per 06-096 CMR 101, *Visible Emission Regulation*: visible emissions from the asphalt plant baghouse shall not exceed 20% on a six-minute block average basis, except for no more than two six-minute block averages in a continuous three-hour period. This is consistent with the 40 CFR Part 60, Subpart I PM limit of 20% opacity.

General process emissions from the #38 Drum Plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis except for no more than one six-minute block average in a one-hour period.

The #38 Drum Plant is licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Per 38 M.R.S.A. §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 the #38 Drum Plant shall not exceed a sulfur content of 0.0015% by weight (15 ppm).

2. New Source Performance Standards

The #38 Drum Plant was manufactured in 1985 and is therefore subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) 40 Code of Federal Regulation (CFR) Part 60, Subpart I, *Standards of Performance for Hot Mix Asphalt Facilities* constructed or modified after June 11, 1973. The performance test for Subpart I was successfully completed by Lane on May 31, 1985.

3. Control Equipment

The emissions from the #38 Drum Plant shall be controlled by a baghouse.

4. Periodic Monitoring

The performance of the baghouse shall be constantly monitored by either one of the following at all times the #38 Drum Plant is operating:

- a. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
- b. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the #38 Drum Plant is operating with insufficient control and corrective action shall be taken immediately.

Lane shall keep records of baghouse failures and baghouse maintenance.

Lane shall keep records of fuel use and tons of asphalt produced while firing each type of fuel for the #38 Drum Plant which shall be maintained for at least six years and made available to the Department upon request. Records shall also be maintained recording the quantity and analyzed test results of all specification waste oil fired in the dryer.

5. Contaminated Soils

Lane may process up to 10,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from

the Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 CMR 409 (as amended). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

C. HYCGO 200 Hot Oil Heater

The HYCGO 200 Hot Oil Heater has a maximum heat input capacity of 2.1 MMBtu/hr and is capable of firing distillate fuel with a maximum sulfur content of 0.5% by weight, propane, or natural gas in the process of heating oil for heat transfer purposes. The HYCGO 200 Hot Oil Heater was manufactured in 2014 (estimated). Fuel use for the HYCGO 200 Hot Oil Heater shall not exceed the equivalent of 4,200 MMBtu/yr for all fuel combined on a calendar year total basis (approximately 30,000 gal/yr of distillate fuel). When converting fuel use to MMBtu, Lane shall use heating values of 0.14 MMBtu/gallon for distillate fuel, 0.00103 MMBtu/scf for natural gas, and 0.0905 MMBtu/gallon for propane.

1. BACT Findings

The BACT emission limits for the HYCGO 200 Hot Oil Heater when firing distillate fuel were based on the following:

- PM/PM₁₀ – 2 lb/1000 gal based on AP-42, Table 1.3-1, dated 5/10
- SO₂ – 0.5 lb/MMBtu 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 – 0.34 lb/1000 gal based on AP-42, Table 1.3-3, dated 5/10
- Opacity – 06-096 CMR 101

The BACT emission limits for the HYCGO 200 Hot Oil Heater when firing propane were based on the following:

- PM/PM₁₀ – 0.2 lb/1000 gal based on AP-42, Table 1.5-1, dated 7/08
- SO₂ – 0.054 lb/1000 gal based on AP-42, Table 1.5-1, dated 7/08
- NO_x – 13.0 lb/1000 gal based on AP-42, Table 1.5-1, dated 7/08
- CO – 7.5 lb/1000 gal based on AP-42, Table 1.5-1, dated 7/08
- VOC – 1.0 lb/1000 gal based on AP-42, Table 1.5-1, dated 7/08
- Opacity – 06-096 CMR 101

The BACT emission limits for the HYCGO 200 Hot Oil Heater when firing natural gas were based on the following:

- PM/PM₁₀ – 1.9 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
- SO₂ – 0.6 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
- NO_x – 100 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
- CO – 84 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
- VOC – 5.5 lb/MMscf based on AP-42, Table 1.4-2, dated 7/98
- Opacity – 06-096 CMR 101

The BACT emission limits for the HYCGO 200 Hot Oil Heater are the following:

<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>
HYCGO 200 Hot Oil Heater Distillate fuel	0.03	0.03	1.06	0.30	0.08	0.01
HYCGO 200 Hot Oil Heater Propane	0.005	0.005	0.001	0.30	0.17	0.02
HYCGO 200 Hot Oil Heater Natural gas	0.004	0.004	0.001	0.20	0.17	0.01

Visible emissions from the HYCGO 200 Hot Oil Heater when firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis, except for no more than one six-minute block average in a three-hour period.

Visible emissions from the HYCGO 200 Hot Oil Heater when firing propane or natural gas shall not exceed 10% opacity on a six-minute block average basis, except for no more than one six-minute block average in a three-hour period.

The HYCGO 200 Hot Oil Heater is licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Per 38 M.R.S.A. §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 the HYCGO 200 Hot Oil Heater shall not exceed a sulfur content of 0.0015% by weight (15 ppm).

2. Periodic Monitoring

Lane shall keep records of fuel use and receipts for the HYCGO 200 Hot Oil Heater which shall be converted to MMBtu monthly and as a calendar year total. The records shall be maintained for at least six years and made available to the Department upon request.

3. New Source Performance Standards

The HYCGO 200 Hot Oil Heater does not heat water. It does not meet the definition of a “steam generating unit” and therefore is not subject to New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, for units greater than 10 MMBtu/hr manufactured after June 9, 1989.

4. National Emission Standards for Hazardous Air Pollutants

The HYCGO 200 Hot Oil Heater does not heat water. It does not meet the definition of a “boiler” and therefore is not subject to *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63, Subpart JJJJJ).

D. Fugitive Emissions

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. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20% in any one hour.

E. General Process Emissions

Visible emissions from any other general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed 20% opacity on a six-minute block average basis except for no more than one six-minute block average in a one-hour period.

F. Annual Emissions

1. Total Annual Emissions

Lane shall be restricted to the following annual emissions, based on a calendar year total. The tons per year limits were calculated based on a throughput limit of 300,000 tons per year of HMA for the #38 Drum Plant and a heat input limit of 4,200 MMBtu/yr for the HYCGO 200 Hot Oil Heater:

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

	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
#38 Drum Plant	4.2	4.2	8.7	8.3	19.5	4.8
HYCGO 200	0.1	0.1	1.1	0.3	0.2	0.1
Total TPY	4.3	4.3	9.8	8.6	19.7	4.9

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 CFR Part 52, Subpart A, §52.21, *Prevention of Significant Deterioration of Air Quality* rule. Greenhouse gases, as defined in 06-096 CMR 100 (as amended), 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 and throughput limits;
- worst case emission factors from the following sources: U.S. EPA's AP-42, the Intergovernmental Panel on Climate Change (IPCC), and 40 CFR Part 98, *Mandatory Greenhouse Gas Reporting*; and
- global warming potentials contained in 40 CFR 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 shall be determined by the Department on a case-by case basis. In accordance with

06-096 CMR 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:

<u>Pollutant</u>	<u>Tons/Year</u>
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-488-71-K-R/A, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License 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.A. §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 Chapter 115. [06-096 CMR 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 CMR 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 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 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 CMR 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 CMR 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 CMR 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 CMR 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR 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 CFR 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 CMR 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 CFR 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 CMR 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 CMR 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 CMR 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 CMR 115]

SPECIFIC CONDITIONS

(16) **#38 Drum Plant (300 tons/hr)**

A. Fuel Use

1. The #38 Drum Plant is licensed to fire distillate fuel with a maximum sulfur content of 0.5% by weight, specification waste oil with a maximum sulfur content of 0.7% by weight, natural gas, and propane. [06-096 CMR 115, BPT]
2. Prior to July 1, 2018, Lane shall fire distillate fuel with a maximum sulfur content not to exceed 0.5% by weight in the #38 Drum Plant. [06-096 CMR 115, BPT]
3. Beginning July 1, 2018, Lane shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm) for use in the #38 Drum Plant. [06-096 CMR 115, BPT]
4. Compliance shall be demonstrated by fuel records from the supplier showing the type and percent sulfur of the fuel delivered (if applicable). [06-096 CMR 115, BPT]
5. Records shall be maintained documenting the quantity and analyzed test results of all specification waste oil fired in the #38 Drum Plant dryer. [06-096 CMR 115, BPT and 06-096 CMR 860]

- B. The production rate of the #38 Drum Plant shall not exceed 300,000 tons of HMA per year. Production records shall be kept on a monthly and calendar year total basis and shall include how many tons of HMA were produced using each fuel. [06-096 CMR 115, BPT]
- C. Emissions from the #38 Drum Plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]
- D. The performance of the baghouse shall be constantly monitored by either one of the following at all times the #38 Drum Plant is operating [06-096 CMR 115, BPT]:
1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
 2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the #38 Drum Plant is operating with insufficient control and corrective action shall be taken immediately.
- E. To document maintenance of the baghouse, Lane shall keep maintenance records recording the date and location of all bag failures as well as all routine maintenance. The maintenance records shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BPT]
- F. Emissions from the #38 Drum Plant baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr	lb/hr
		distillate fuel/spec. waste oil	natural gas/propane
PM	0.03	8.30	8.30
PM ₁₀	-	8.30	8.30
SO ₂	-	17.40	1.02
NO _x	-	16.50	7.80
CO	-	39.00	39.00
VOC	-	9.60	9.60

- G. Visible emissions from the #38 Drum Plant baghouse shall be limited to no greater than 20% opacity on a six-minute block average basis, except for no more than two six-minute block averages in a continuous three-hour period. [06-096 CMR 101]
- H. General process emissions from the #38 Drum Plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block

average basis except for no more than one six-minute block average in a one-hour period. [06-096 CMR 101]

- I. The #38 Drum Plant is subject to 40 CFR Part 60 Subparts A and I, and Lane shall comply with all applicable requirements, including the notification and recordkeeping requirements of 40 CFR Part 60.7 and the initial performance test requirements of 40 CFR Part 60.8. The initial performance test for the #38 Drum Plant was successfully completed on May 31, 1985. [40 CFR Part 60, Subparts A and I]
- J. Lane may process up to 10,000 cubic yards per year of soil contaminated with virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under MEDEP Chapter 409. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]
- K. Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]
- L. When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]

(17) HYCGO 200 Hot Oil Heater

A. Fuel Use

1. The HYCGO 200 Hot Oil Heater is licensed to fire distillate fuel with a maximum sulfur content of 0.5% by weight, propane, and natural gas. [06-096 CMR 115, BACT]
2. Total fuel use for the HYCGO 200 Hot Oil Heater shall not exceed 4,200 MMBtu/year of heat input (equivalent to approximately 30,000 gal/yr of distillate fuel), based on a calendar year total basis. Fuel use shall be converted to MMBtu on a monthly and calendar year total basis using heating values of 0.00103 MMBtu/scf for natural gas, 0.14 MMBtu/gal for distillate fuel, and 0.0905 MMBtu/gal for propane. [06-096 CMR 115, BACT]

3. Prior to July 1, 2018, Lane shall fire distillate fuel with a maximum sulfur content not to exceed 0.5% by weight in the HYCGO 200 Hot Oil Heater. [06-096 CMR 115, BACT]
4. Beginning July 1, 2018, Lane shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm) for use in the HYCGO 200 Hot Oil Heater. [06-096 CMR 115, BACT]
5. Compliance shall be demonstrated by fuel records from the supplier showing the quantity, type, and the percent sulfur of the fuel delivered (if applicable). Records of annual fuel use shall be kept on a monthly and calendar year total basis. [06-096 CMR 115, BACT]

B. Emissions shall not exceed the following [06-096 CMR 115, BACT]:

<u>Unit</u>	<u>PM</u> <u>(lb/hr)</u>	<u>PM₁₀</u> <u>(lb/hr)</u>	<u>SO₂</u> <u>(lb/hr)</u>	<u>NO_x</u> <u>(lb/hr)</u>	<u>CO</u> <u>(lb/hr)</u>	<u>VOC</u> <u>(lb/hr)</u>
HYCGO 200 Hot Oil Heater Distillate fuel	0.03	0.03	1.06	0.30	0.08	0.01
HYCGO 200 Hot Oil Heater Propane	0.005	0.005	0.001	0.30	0.17	0.02
HYCGO 200 Hot Oil Heater Natural gas	0.004	0.004	0.001	0.20	0.17	0.01

C. Visible Emissions

1. Visible emissions from the HYCGO 200 Hot Oil Heater when firing distillate fuel shall not exceed 20% opacity on a six-minute block average, except for no more than one six-minute block average in a continuous three-hour period. [06-096 CMR 101]
2. Visible emissions from the HYCGO 200 Hot Oil Heater when firing natural gas or propane shall not exceed 10% opacity on a six-minute block average, except for no more than one six-minute block average in a continuous three-hour period. [06-096 CMR 101]

(18) **Fugitive Emissions**

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. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20% in any one hour. [06-096 CMR 101]

(19) General Process Sources

Visible emissions from any other general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed 20% opacity on a six-minute block average basis except for no more than one six-minute block average in a one-hour period. [06-096 CMR 115, BPT]

(20) Equipment Relocation

A. Lane 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. [06-096 CMR 115, BPT]

(21) Lane shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]

The Lane Construction Corporation
Androscoggin County
Lewiston, Maine
A-488-71-K-R/A (SM)

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

- (22) Lane 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.A. §605].

DONE AND DATED IN AUGUSTA, MAINE THIS 5 DAY OF July, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

Mark Allen Robert Core for
PAUL MERCER, COMMISSIONER

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 2/23/2015

Date of application acceptance: 2/23/2015

Date filed with the Board of Environmental Protection:

This Order prepared by Jonathan E. Rice, Bureau of Air Quality.

