



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

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COMMISSIONER

**The Lane Construction Corporation  
Penobscot County  
Hermon, Maine  
A-860-71-G-R/A (SM)**

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

**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 Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (the Department) finds the following facts:

**I. REGISTRATION**

A. Introduction

The Lane Construction Corporation (Lane) located in Hermon, Maine has applied to renew their Air Emission License permitting the operation of their portable Drum Hot Mix Asphalt Plant.

The main office is located at 1067 Odlin Road, Hermon, Maine.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

1. Hot Mix Asphalt Plant

<b>Equipment</b>	<b>Process Rate (tons/hour)</b>	<b>Design Capacity (MMBtu/hr)</b>	<b>Fuel Type, %S</b>	<b>Control Device</b>	<b>Date of Manuf.</b>
#66 Drum Hot Mix Asphalt Plant	200	103.5	distillate fuel, 0.5% S spec. waste, 0.7% S natural gas, neg. S propane, neg. S	Baghouse	1980

2. Generator Units

Lane has previously been licensed to operate Generator JD 6466 (manuf. est. 1980) at this facility. This unit is being transferred to the license of another

Lane facility in Hermon which operates under air emission license A-257. Generator JD 6466 is hereby removed from this air emission license. The two generator units in the following table continue to be licensed for use at this facility:

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, %S</u>	<u>Date of Manuf.</u>
CAT 3412	3.9	28.5	distillate fuel, 0.0015%	1998
Night Generator*	0.17	1.2		1998 est.

\* Insignificant activity, added for inventory completeness purposes only

### 3. Heating Equipment

Lane has previously been licensed to operate at this facility a Hot Oil Heater (manufactured in 1974) with a maximum heat input capacity of 1.33 MMBtu/hour. However, the unit has been removed from the facility and is hereby removed from the air emission license.

Lane has requested the transfer of Heater #2 from the Lane air emission license A-166 to this license and that the unit ID be changed from Heater #2 to Heatec HOH, as follows:

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate</u>	<u>Fuel Type</u>	<u>Date of Manuf.</u>
Heatec HOH	1.3	9.5 gal/hr	Distillate fuel, 0.5% S	1974
		1,291 scf/hr	Natural gas	
		14.4 gal/hr	Propane	

### C. Application Classification

The application for Lane does not include the licensing of increased emissions but does include the removal of some equipment and the inclusion of equipment new to this license. Such a modification of a minor source is determined to be either a major modification or a minor modification based on whether or not expected emission increases exceed the "Significant emission increase" levels as defined in the Department's *Definitions Regulation*, 06-096 CMR 100 (as amended). The emission increases have been determined by subtracting the 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	3.0	5.9	+2.9	100
PM <sub>10</sub>	3.0	5.9	+2.9	100
SO <sub>2</sub>	24.9	9.8	-15.1	100
NO <sub>x</sub>	23.6	23.7	+0.1	100
CO	13.1	22.9	+9.8	100
VOC	3.8	6.0	+2.2	50
CO <sub>2e</sub>	< 100,000	< 100,000	< 75,000	100,000

The modification at this facility is determined to be a minor modification and has been processed as such.

Therefore, the license is considered to be a renewal of currently licensed emission units and a minor modification amendment to include equipment new to this license and to remove two previously licensed units. This license has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (CMR) 115 (as amended). With the annual throughput limit on the hot mix asphalt plant and the annual fuel limits on the hot oil heater and the generators, the facility is licensed as follows:

- As a synthetic 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 CMR 100 (as amended). 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.

Although this license includes an emissions unit new to this license, it is a unit which has been previously included in a different air emission license and is thus considered an existing unit.

B. 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.

The #66 Drum Hot Mix Asphalt Plant and the Heatec HOH 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.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 #66 Drum Hot Mix Asphalt Plant and the Heatec HOH shall not exceed a sulfur content of 0.0015% by weight (15 ppm).

C. #66 Drum Hot Mix Asphalt Plant

Lane operates the #66 Drum Hot Mix Asphalt Plant with a maximum hourly throughput of 200 tons per hour of HMA and a 103.5 MMBtu/hr burner capable of firing distillate fuel (maximum sulfur content of 0.5% by weight), specification waste oil (maximum sulfur content of 0.7% by weight), natural gas, or propane. In the past it has been assumed that there is a linear relationship between the fuel required for a HMA plant burner and the plant output. Meaning, it was 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 allowed for a 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 HMA drum plant shall not exceed 300,000 tons of HMA per year on a calendar year total basis.

1. BACT/BPT Findings

The BACT/BPT emission limits for the hot mix asphalt plant when firing distillate fuel or specification waste oil were based on the following:

- PM/PM<sub>10</sub> – 0.03 gr/dscf and 7.24 lb/hr and the use of a baghouse [06-096 CMR 115, BPT]
- SO<sub>2</sub> – 0.058 lb/ton based on AP-42, Table 11.1-7, dated 3/04
- NO<sub>x</sub> – 0.055 lb/ton based on AP-42, Table 11.1-7, dated 3/04
- CO – 0.13 lb/ton based on AP-42, Table 11.1-7, dated 3/04
- VOC – 0.032 lb/ton based on AP-42, Table 11.1-8, dated 3/04
- Opacity – 06-096 CMR 101

The BACT/BPT emission limits for the hot mix asphalt plant when firing natural gas or propane were based on the following:

- PM/PM<sub>10</sub> – 0.03 gr/dscf and 7.24 lb/hr and the use of a baghouse [06-096 CMR 115, BPT]
- SO<sub>2</sub> – 0.0034 lb/ton based on AP-42, Table 11.1-7, dated 3/04
- NO<sub>x</sub> – 0.026 lb/ton based on AP-42, Table 11.1-7, dated 3/04
- CO – 0.13 lb/ton based on AP-42, Table 11.1-7, dated 3/04
- VOC – 0.032 lb/ton based on AP-42, Table 11.1-8, dated 3/04
- Opacity – 06-096 CMR 101

Emissions from the Drum Hot Mix Asphalt Plant baghouse shall not exceed the following: [06-096 CMR 115, BPT]:

<b>Pollutant</b>	<b>grs/dscf</b>	<b>lb/hr distillate fuel, spec. waste oil</b>	<b>lb/hr natural gas, propane</b>
PM	0.03	7.24	7.24
PM <sub>10</sub>	-	7.24	7.24
SO <sub>2</sub>	-	11.60	0.68
NO <sub>x</sub>	-	11.00	5.20
CO	-	26.00	26.00
VOC	-	6.40	6.40

Opacity - 06-096 CMR 101, *Visible Emission Regulation*: Visible emissions from the hot mix 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.

2. New Source Performance Standards

The portable Drum Hot Mix Asphalt Plant was manufactured in 1980 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.

3. Control Equipment

The Drum Hot Mix Asphalt 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 methods at all times the Drum Hot Mix Asphalt 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 of emissions exceeds 20%.
- b. Personnel with a current EPA Method 9 visible emissions certification: When the opacity of emissions exceeds 20%, corrective action shall be taken immediately.

Lane shall keep records of baghouse failures and baghouse maintenance.

Lane shall keep records of fuel use and receipts for the Drum Hot Mix Asphalt Plant which shall be maintained for at least six years and made available to the Department upon request. Records shall also be maintained of the quantity and analyzed test results of all specification waste oil fired in the dryer.

Per 40 CFR Part 60, Subpart I, Lane was required to conduct a performance test for PM within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after initial startup of such facility. The initial performance test on the #66 Drum Hot Mix Asphalt Plant was successfully completed on June 22, 2004.

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 soils contaminated with virgin oil 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.

Virgin Oil Definition

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

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.

D. Generators

Lane operates two generators, a CAT 3412 and a night generator, the second of which is classified as an insignificant activity and is included for inventory completeness purposes only.

The CAT 3412 is a portable engine used to power the Drum Hot Mix Asphalt Plant and has a maximum capacity of 3.9 MMBtu/hr firing distillate fuel. The generator was manufactured in 1998.

The fuel fired in the CAT 3412 generator shall be limited to 50,000 gallons per year on a calendar year basis of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight).

1. BACT/BPT Findings

The BACT/BPT emission limits for the CAT 3412 were based on the following:

- PM/PM<sub>10</sub> - 0.12 lb/MMBtu from 06-096 CMR 103
- SO<sub>2</sub> - combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO<sub>x</sub> - 4.41 lb/MMBtu from AP-42 dated 10/96
- CO - 0.95 lb/MMBtu from AP-42 dated 10/96
- VOC - 0.36 lb/MMBtu from AP-42 dated 10/96
- Opacity - 06-096 CMR 101

The BACT/BPT emission limits for the generator are the following:

Unit	PM		PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
	lb/MMBtu	(lb/hr)					
CAT 3412	0.12	0.47	0.47	0.01	17.20	3.71	1.37

Visible emissions from each distillate fuel-fired generator shall not exceed 20% opacity on a six-minute block average, except for no more than two six-minute block averages in a three-hour period.

2. New Source Performance Standards

The CAT 3412 generator is considered a non-road engine, as opposed to a stationary engine, since the generator is portable and will be moved to various sites with the Drum Hot Mix Asphalt Plant. Therefore, the CAT 3412 generator is not subject to New Source Performance Standards 40 CFR Part 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*.

3. National Emission Standards for Hazardous Air Pollutants

The CAT 3412 generator is considered a non-road engine, as opposed to a stationary engine, since the generator is portable and will be moved to various sites with the hot mix asphalt plant. Therefore, the generator is not subject to 40 CFR Part 63, Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*. The definition in 40 CFR §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 CFR §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.

E. Heatec HOH

Heatec HOH has a maximum capacity of 1.3 MMBtu/hr and is capable of firing #2 fuel oil with a maximum sulfur content of 0.5%, propane, and natural gas. The Heatec HOH is used to heat oil for heat transfer purposes relating to the storage of asphalt cement and HMA. Fuel use for the Heatec HOH shall not exceed an annual heat input of 4,200 MMBtu (equivalent to approximately 30,000 gal/yr of distillate fuel or 4,077,670 scf/yr of natural gas or 46,410 gal/yr of propane).

1. BPT Findings

The BPT emission limits for the Heatec HOH unit were based on the emission factors given below.

Firing distillate fuel:

<b>Pollutant</b>	<b>Emission Factor</b>	<b>Source of Emission Factor</b>
PM/PM <sub>10</sub>	2 lb/10 <sup>3</sup> gal	AP-42 Table 1.3-1 (5/10)
SO <sub>2</sub>	0.5 lb/MMBtu	firing distillate fuel with a maximum sulfur content of 0.5% by weight
NO <sub>x</sub>	20 lb/10 <sup>3</sup> gal	AP-42 Table 1.3-1 (5/10)
CO	5 lb/10 <sup>3</sup> gal	AP-42 Table 1.3-1 (5/10)
VOC	0.34 lb/10 <sup>3</sup> gal	AP-42 Table 1.3-3 (5/10)
Visible Emissions	N.A.	06-096 CMR 101

Firing propane:

<u>Pollutant</u>	<u>Emission Factor</u>	<u>Source of Emission Factor</u>
PM/PM <sub>10</sub>	0.2 lb/10 <sup>3</sup> gal	AP-42 Table 1.5-1 (07/08)
SO <sub>2</sub>	0.054 lb/10 <sup>3</sup> gal (based on 0.10S, where S=0.54 gr/1000 ft <sup>3</sup> )	
NO <sub>x</sub>	13 lb/10 <sup>3</sup> gal	
CO	7.5 lb/10 <sup>3</sup> gal	
VOC	1.0 lb/10 <sup>3</sup> gal	
Visible Emissions	N.A.	06-096 CMR 101

Firing natural gas:

<u>Pollutant</u>	<u>Emission Factor</u>	<u>Source of Emission Factor</u>
PM/PM <sub>10</sub>	1.9 lb/MMscf	AP-42 Table 1.4-2 (7/98)
SO <sub>2</sub>	0.6 lb/MMscf	
NO <sub>x</sub>	100 lb/MMscf	AP-42 Table 1.4-1 (7/98)
CO	84 lb/MMscf	AP-42 Table 1.4-1 (7/98)
VOC	5.5 lb/MMscf	AP-42 Table 1.4-2 (7/98)
Visible Emissions	N.A.	06-096 CMR 101

The BACT/BPT emission limits for the Heatec HOH unit are the following:

<u>Fuel-Firing Scenario</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Firing Distillate Fuel	0.02	0.02	0.65	0.19	0.05	0.002
Firing Propane	0.003	0.003	negl.	0.19	0.11	0.01
Firing Natural Gas	0.002	0.002		0.13	0.11	0.01

Visible emissions from the Heatec HOH unit 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 Heatec HOH unit firing propane or natural gas shall not exceed 10% opacity on a six-minute block average, except for no more than one six-minute block average in a three-hour period.

2. Periodic Monitoring

Periodic monitoring for Heatec HOH shall include recordkeeping to document fuel use both on a monthly and calendar year basis. Fuel use shall be converted to heat input on a monthly and calendar year total basis using heating values of 0.14 MMBtu/gal for distillate fuel, 0.0905 MMBtu/gal for

propane, and 0.00103 MMBtu/scf for natural gas. Documentation shall include the type of fuel used and sulfur content of the fuel, if applicable.

3. New Source Performance Standards

The Heatec HOH 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/hour manufactured after June 9, 1989.

4. NESHAP: 40 CFR Part 63 Subpart JJJJJ

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

F. 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.

G. 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 an opacity 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.

H. Annual Emissions

1. Total Annual Emissions

Lane shall be restricted to the following annual emissions, on a calendar year basis. The tons per year limits were calculated based on the following:

- a fuel limit of 50,000 gallons of distillate fuel per year fired in the generator;
- a heat input limit of 4,200 MMBtu/yr for the Heatec HOH (equivalent to approximately 30,000 gal/yr of distillate fuel or 4,077,670 scf/yr of natural gas or 46,410 gal/yr of propane); and
- a throughput limit of 300,000 tons/yr for the Drum Hot Mix Asphalt Plant

**Total Licensed Annual Emissions for the Facility**

**Tons per year**

(used to calculate the annual license fee)

	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Drum Hot Mix Asphalt Plant	5.43	5.43	8.70	8.25	19.50	4.80
Heatec HOH	0.03	0.03	1.06	0.30	0.17	0.02
CAT 3412 Generator	0.41	0.41	0.01	15.10	3.25	1.20
<b>Total TPY*</b>	<b>5.9</b>	<b>5.9</b>	<b>9.8</b>	<b>23.7</b>	<b>22.9</b>	<b>6.0</b>

\*Rounded to the nearest tenth

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 (CO<sub>2</sub>e).

The quantity of CO<sub>2</sub>e emissions from this facility is greater than 100,000 tons per year, based on the following:

- the facility's fuel use, heat input, 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 is determined by the Department on a case-by case basis. In accordance with requirements of 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 <sub>10</sub>	25
SO <sub>2</sub>	50
NO <sub>x</sub>	50
CO	250

The total licensed annual emissions for this 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-860-71-G-R/A 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.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 indicates 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) **#66 Drum Hot Mix Asphalt Plant**

A. Fuel Use

1. Lane shall be limited to a production rate of 300,000 tons per year of hot mix asphalt at the #66 Drum HMA Plant. Production records shall be maintained on a monthly and calendar year total basis. [06-096 CMR 115, BPT]
2. The #66 Drum Hot Mix Asphalt 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.
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 #66 Drum Hot Mix Asphalt Plant [06-096 CMR 115, BPT]
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 #66 Drum Hot Mix Asphalt Plant. [06-096 CMR 115, BPT]
5. 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]



6. Fuel use records and receipts for the Drum Hot Mix Asphalt Plant shall be maintained for at least six years and made available to the Department upon request. [06-096 CMR 115, BPT]
  7. A log shall be maintained recording the quantity and analyzed test results of all specification waste oil fired in the hot mix asphalt plant. [06-096 CMR 115, BPT]
- B. Emissions from the Drum Hot Mix Asphalt Plant shall vent to a baghouse, and all components of the hot mix asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]
- C. The performance of the baghouse shall be constantly monitored by either one of the following at all times the Drum Hot Mix Asphalt 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%, corrective action shall be taken immediately.
- D. To document maintenance of the baghouse, the licensee shall keep maintenance records of the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the hot mix asphalt plant location. [06-096 CMR 115, BPT]
- E. Emissions from the Drum Hot Mix Asphalt Plant baghouse shall not exceed the following [06-096 CMR 115, BPT]:

<b><u>Pollutant</u></b>	<b><u>grs/dscf</u></b>	<b><u>lb/hr</u></b> <b><u>distillate fuel/spec. waste oil</u></b>	<b><u>lb/hr</u></b> <b><u>natural gas/propane</u></b>
PM	0.03	7.24	7.24
PM <sub>10</sub>	-	7.24	7.24
SO <sub>2</sub>	-	11.60	0.68
NO <sub>x</sub>	-	11.00	5.20
CO	-	26.00	26.00
VOC	-	6.40	6.40

- F. Opacity of visible emissions from the 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. [06-096 CMR 101]

- G. General process emissions from the Drum Hot Mix Asphalt 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]
- H. Lane shall comply with all applicable requirements of 40 CFR Part 60, Subparts A and I, including the notification and recordkeeping requirements of 40 CFR §60.7. [40 CFR Part 60, Subpart I]
- I. Processing of Contaminated Soils [06-096 CMR 115, BPT]
1. Lane may process up to 10,000 cubic yards per year of soil contaminated with virgin oil as defined by the Department without prior approval from the Department. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 CMR 409 (last amended June 16, 2006). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.
  2. Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants.
  3. 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.

**(17) CAT 3412 Generator**

**A. Fuel Use**

1. The CAT 3412 generator is licensed to fire distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). [06-096 CMR 115, BACT]
2. Total fuel use for the generator shall not exceed 50,000 gallons per year of distillate fuel. 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 CMR 115, BPT]

B. Emissions shall not exceed the following:

<u>Unit</u>	<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
CAT 3412	PM	0.12	06-096 CMR 103(2)(B)(1)(a)

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

<u>Unit</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
CAT 3412	0.47	0.47	0.01	17.20	3.71	1.37

D. Visible emissions from the generator shall not exceed 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]

(18) **Heatec HOH**

A. Fuel Use

1. Heatec HOH is licensed to fire distillate fuel with a maximum sulfur content of 0.5% by weight, propane, or natural gas. [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 Heatec HOH. [06-096 CMR115, BPT]
3. Beginning July 1, 2018, Lane shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% sulfur by weight (15 ppm) for use in the Heatec HOH. [06-096 CMR 115, BPT]
4. Fuel use for the Heatec HOH unit shall not exceed a heat input of 4,200 MMBtu/yr (equivalent to approximately 30,000 gal/year of distillate fuel or 4,077,670 scf/yr of natural gas or 46,410 gal/yr of propane). [06-096 CMR 115, BPT]
5. Periodic monitoring for Heatec HOH shall include recordkeeping to document fuel use both on a monthly and calendar year basis. Fuel use shall be converted to heat input on a monthly and calendar year total basis using heating values of 0.14 MMBtu/gal for distillate fuel, 0.0905 MMBtu/gal for propane and 0.00103 MMBtu/scf for natural gas. Documentation shall include the type of fuel used and sulfur content of the fuel, if applicable. [06-096 CMR 115, BPT]

- B. The BACT/BPT emission limits for the Heatec HOH unit are the following [06-096 CMR 115, BACT/BPT]:

<u>Fuel-Firing Scenario</u>	<u>PM (lb/hr)</u>	<u>PM<sub>10</sub> (lb/hr)</u>	<u>SO<sub>2</sub> (lb/hr)</u>	<u>NO<sub>x</sub> (lb/hr)</u>	<u>CO (lb/hr)</u>	<u>VOC (lb/hr)</u>
Firing Distillate Fuel	0.02	0.02	0.65	0.19	0.05	0.002
Firing Propane	0.003	0.003	negl.	0.19	0.11	0.01
Firing Natural Gas	0.002	0.002		0.13	0.11	0.01

- C. Visible Emissions [06-096 CMR 101]

Visible emissions from the Heatec HOH unit 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 Heatec HOH unit firing propane or natural gas shall not exceed 10% opacity on a six-minute block average, except for no more than one six-minute block average in a three-hour period.

(19) **Fugitive Emissions**

Visible emissions from any 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]

(20) **General Process Sources**

Visible emissions from any other general process (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]

(21) **Equipment Relocation** [06-096 CMR 115, BPT]

- 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](http://www.maine.gov/dep/air/compliance/forms/relocation)

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

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

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

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification shall be made to the respective county commissioners.
- (22) 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]
- (23) 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 20 DAY OF April, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc 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 license renewal application.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 05/12/2014  
Date of application acceptance: 05/13/2014

Date filed with the Board of Environmental Protection:

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

