



DEPARTMENT ORDER

**Marcou Construction Company, Inc.**  
**York County**  
**Lyman, Maine**  
**A-895-71-F-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

Marcou Construction Company, Inc. (Marcou) was issued Air Emission License A-895-71-E-R/A on October 29, 2014, for the operation of emission sources associated with their portable crushed stone and gravel facility.

The main office for Marcou is located at 15 Holmes Road, Dunbarton in the State of New Hampshire. However, the equipment addressed in this license amendment is permitted by both the State of New Hampshire and the State of Maine and is used at various rock crushing operation sites within each state. While in the State of Maine, the equipment will primarily be located in Lyman, Maine.

Marcou has requested an amendment to their license in order to replace three rock crushers.

B. Emission Equipment

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

**Rock Crushers**

<b>Designation</b>	<b>Powered</b>	<b>Process Rate (tons/hour)</b>	<b>Date of Manufacture</b>	<b>Control Device</b>
Crusher #1 (Lippman Jaw Crusher)	Generator #2	450	2022	Spray Nozzles
Crusher #2 (Metso Cone Crusher)	Generator #2	450	2001	Spray Nozzles
Crusher #3 (Metso Cone Crusher)	Generator #2	350	2005	Spray Nozzles

Designation	Powered	Process Rate (tons/hour)	Date of Manufacture	Control Device
Crusher #1 * (Lippman Jaw Crusher)	Generator #2	450	2002	Spray Nozzles
Crusher #2 * (Nordberg Cone Crusher)	Generator #2	450	1995	Spray Nozzles
Crusher #3 * (Metso Cone Crusher)	Generator #2	350	1992	Spray Nozzles

\* This equipment is no longer in service and has been removed from this license.

### C. Definitions

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

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 issued date of this license.

This amendment will not increase licensed emissions of any pollutant. This modification is determined to be a minor modification and has been processed as such.

### E. Facility Classification

The facility is licensed as follows:

- As a natural minor source of air emissions, because no license restrictions are necessary to 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. Nonmetallic Mineral Processing Plants

Rock Crushers #1, #2, and #3 are portable units which were manufactured in 2022, 2001, and 2005 with rated capacities of 450 tons/hr, 450 tons/hr, and 350 tons/hr, respectively. These rock crushers are replacing the existing units with the same designations. The nonmetallic mineral processing plant also consists of other equipment associated with Rock Crushers #1, #2, and #3, such as screens and belt conveyors.

### 1. BACT/BPT Findings

The regulated pollutant from nonmetallic mineral processing plants is particulate matter. To meet the requirements of BPT for control of particulate matter emissions, Marcou shall maintain water sprays on the nonmetallic mineral processing plant and operate as needed to control visible emissions.

Rock Crushers #1, #2, and #3 are exempt from the requirements of *Visible Emissions Regulation*, 06-096 C.M.R. ch. 101 because they are subject to a visible emission standard under 40 C.F.R. Part 60, Subpart OOO.

### 2. New Source Performance Standards

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

Rock Crushers #1, #2 and #3 are part of a nonmetallic mineral processing plant with a maximum capacity of greater than 150 ton/hr and were manufactured after August 31, 1983. These crushers are therefore affected facilities subject to 40 C.F.R. Part 60, Subpart OOO. **Any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading**

**station associated with these crushers are also affected facilities subject to 40 C.F.R. Part 60, Subpart OOO.** [40 C.F.R. §§ 60.670(c) and (e)]

Subpart OOO requirements include, but are not limited to, the following:

a. Notification

Marcou shall submit notification to the Department and EPA of the date of initial startup of every affected facility (as listed above) postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]

b. Standards

Subpart OOO, Table 3 contains applicable visible emission requirements for affected facilities.

Visible emissions from Rock Crusher #1 shall not exceed 12% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

Visible emissions from Rock Crushers #2 and #3 shall not exceed 15% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction before April 22, 2008, shall not exceed 10% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not exceed 7% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

c. Monitoring Requirements

Marcou shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Marcou shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required shall be included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]

d. Testing Requirements

Subpart 000, § 60.675 requires that Marcou conduct an initial performance test for visible emissions from Rock Crushers #1, #2, and #3 and from all associated affected facilities subject to Subpart 000, potentially including **any associated grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station.**

Testing shall be completed in accordance with the following:

- (1) An initial performance test shall be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a facility falls within a seasonal shutdown, then, with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
- (2) Each performance test shall be done using the methods set forth in 40 C.F.R. Part 60, Subpart 000, § 60.675. [40 C.F.R. § 60.675(c)]
- (3) Marcou shall submit a test notice to the Department at least seven days prior to conducting a performance test. [40 C.F.R. § 60.675(g)]

Please note, although Marcou may submit notifications and conduct performance testing for multiple affected facilities as a group, any new affected facility subsequently brought on-site to replace or operate in conjunction with an affected facility must also comply with all applicable requirements of 40 C.F.R. Part 60, Subpart 000 including notification and testing requirements.

C. Performance Test Protocol

For any performance testing required by this license, Marcou shall submit to the Department for approval a performance test protocol, as outlined in the Department's Performance Testing Guidance, at least 30 days prior to the scheduled date of the performance test. [06-096 C.M.R. ch. 115, BPT]

Although 40 C.F.R. Part 60, Subpart OOO, requires pretest notification of at least seven days prior to conducting a performance test (see 40 C.F.R. § 60.675(g)), the Department requires pretest notification a minimum of 30 days prior to the scheduled date of the performance test unless a variance of this requirement is preapproved by the Department. Compliance with the state 30-day notification requirement also satisfies the federal seven-day notification requirement.

The Department's Performance Testing Guidance is available online at:  
<https://www.maine.gov/dep/air/emissions/testing.html>

D. Annual Emissions

This license amendment will not change the facility's licensed annual emissions.

**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-895-71-F-A, subject to the conditions found in Air Emission License A-895-71-E-R/A 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**

**The following shall replace Specific Condition (16) of Air Emission License A-895-71-E-R/A.**

(16) Nonmetallic Mineral Processing Plants

- A. Marcou shall install and maintain spray nozzles for control of particulate matter on the nonmetallic mineral processing plant. [06-096 C.M.R. ch. 115, BACT]
- B. Marcou shall maintain records detailing and quantifying the hours of operation on a daily basis for all of the crushers. The operation records shall be kept on-site at the rock crushing location. [06-096 C.M.R. ch. 115, BPT]

- C. Rock Crushers #1, #2, #3, and #4 shall not be attached or clamped via cable, chain, turnbuckle, bolt, or other means (except electrical connections) to any anchor, slab, or structure (including bedrock) that must be removed prior to transportation.  
[06-096 C.M.R. ch. 115, BPT]

D. NSPS Subpart OOO Requirements

Marcou shall comply with all requirements of 40 C.F.R. Part 60, Subpart OOO applicable to Rock Crushers #1, #2, #3, and #4 and each associated affected facility including any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. Subpart OOO requirements include, but are not limited to, the following:

1. Marcou shall submit notification to the Department of the date of initial startup of any affected facility postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]
2. Visible emissions from Rock Crusher #1 shall not exceed 12% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
3. Visible emissions from Rock Crushers #2, #3, and #4 shall not exceed 15% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
4. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction before April 22, 2008, shall not exceed 10% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
5. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not exceed 7% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
6. Marcou shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Marcou shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations

and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required shall be included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]

7. An initial performance test shall be completed on Rock Crushers #1, #2, and #3 in accordance with the applicable sections of 40 C.F.R. § 60.675. The performance test shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a unit falls within a seasonal shutdown, then with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
8. An initial performance test shall be completed on any affected facilities operated with a rock crusher subject to 40 C.F.R. Part 60, Subpart OOO in accordance with the applicable sections of 40 C.F.R. § 60.675. This potentially includes each associated grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The performance test shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a unit falls within a seasonal shutdown, then with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
9. Marcou shall submit a test notice to the Department at least 30 days prior to conducting a performance test. Although 40 C.F.R. Part 60, Subpart OOO, requires pretest notification of at least seven days prior to conducting a performance test (see 40 C.F.R. § 60.675(g)), the Department requires pretest notification a minimum of 30 days prior to the scheduled date of the performance test unless a variance of this requirement is preapproved by the Department. Compliance with the state 30-day notification requirement also satisfies the federal seven-day notification requirement. [06-096 C.M.R. ch. 115, BPT and 40 C.F.R. § 60.675(g)]



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**The following is a new condition of Air Emission License A-895-71-E-R/A.**

- (23) If the Department determines that any parameter value pertaining to construction and operation of the proposed 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, Marcou may be required to submit additional information. Upon written request from the Department, Marcou 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 9<sup>th</sup> DAY OF MAY, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for  
MELANIE LOYZIM, COMMISSIONER

**The term of this amendment shall be concurrent with the term of Air Emission License A-895-71-E-R/A.**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 4/15/23

Date of application acceptance: 4/18/23

Date filed with the Board of Environmental Protection:

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

