



DEPARTMENT ORDER

**Commercial Paving, LLC
 Cumberland County
 Gorham, Maine
 A-1088-71-B-R**

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

FINDINGS OF FACT

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

I. REGISTRATION

A. Introduction

Commercial Paving, LLC d/b/a Shaw Brothers (Commercial Paving) has applied to renew their Air Emission License for the operation of their stationary hot mix asphalt plant located at 341 Mosher Rd, Gorham, Maine.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

Asphalt Plant

Equipment	Process Rate (tons/hour)	Design Capacity (MMBtu/hr)	Fuel Type	Control Device(s)	Stack ID	Date of Manuf.
Drum Mix Asphalt Plant	400	100	Natural gas Distillate fuel Spec. waste oil	Baghouse	EP1	2013

Heating Equipment

Equipment	Max. Capacity (MMBtu/hr)	Fuel Type	Maximum Firing Rate	Date of Manuf.
Hot Oil Heater	3.1	Natural gas Distillate fuel	2,970 scf/hr 21.8 gal/hr	2013

Other Process Equipment

Equipment	Control Devices
Dry Additive Silo	baghouse

C. Definitions

Distillate Fuel means the following:

- Fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials (ASTM) in ASTM D396;
- Diesel fuel oil numbers 1 or 2, as defined in ASTM D975;
- Kerosene, as defined in ASTM D3699;
- Biodiesel, as defined in ASTM D6751; or
- Biodiesel blends, as defined in ASTM D7467.

Records or Logs mean either hardcopy or electronic records.

Specification Waste Oil means a petroleum-based oil which, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, and meets all of the following requirements:

- It has sufficient liquid content to be free flowing;
- It meets all of the constituent and property standards as specified in *Waste Oil Management Rules*, 06-096 C.M.R. ch. 860;
- It does not otherwise exhibit hazardous waste characteristics; and
- It has not been mixed with a hazardous waste.

D. Application Classification

All rules, regulations, or statutes referenced in this air emission license refer to the amended version in effect as of the date this license was issued.

The application for Commercial Paving does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

E. Facility Classification

With the annual throughput limit on the Drum Mix Asphalt Plant, the facility is licensed as follows:

- As a synthetic minor source of air emissions for SO₂ and CO, because Commercial Paving is subject to license restrictions that keep facility emissions below major source thresholds for criteria pollutants; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for HAP.

II. BEST PRACTICAL TREATMENT

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

BPT for 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. Drum Mix Asphalt Plant

Commercial Paving operates a stationary Drum Mix Asphalt Plant with a maximum hourly throughput of 400 ton/hr of asphalt and a 100 MMBtu/hr burner.

Emission factors for asphalt plants are available based on tons of asphalt produced, and there is no linear relationship between plant output and burner firing rate. Therefore, to ensure annual emissions are limited to less than major source thresholds, asphalt throughput is limited instead of fuel consumption. Accordingly, the annual throughput of the asphalt plant shall not exceed 400,000 tons of asphalt per year on a 12-month rolling total basis.

1. BPT Findings

The BPT emission limits for the Drum Mix Asphalt Plant were based on the following:

Specification Waste Oil

PM/PM ₁₀ /PM _{2.5}	– 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
SO ₂	– 5.8 x 10 ⁻² lb/ton based on AP-42 Table 11.1-7 dated 3/04
NO _x	– 5.5 x 10 ⁻² 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	– 3.2 x 10 ⁻² lb/ton based on AP-42 Table 11.1-8 dated 3/04
Visible Emissions	– 40 C.F.R. Part 60, Subpart I

Distillate Fuel

- PM/PM₁₀/PM_{2.5} – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
- SO₂ – 1.1 x 10⁻² lb/ton based on AP-42 Table 11.1-7 dated 3/04
- NO_x – 5.5 x 10⁻² 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 – 3.2 x 10⁻² lb/ton based on AP-42 Table 11.1-8 dated 3/04
- Visible Emissions – 40 C.F.R. Part 60, Subpart I

Natural Gas

- PM/PM₁₀/PM_{2.5} – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
- SO₂ – 3.4 x 10⁻³ lb/ton based on AP-42 Table 11.1-7 dated 3/04
- NO_x – 2.6 x 10⁻² 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 – 3.2 x 10⁻² lb/ton based on AP-42 Table 11.1-8 dated 3/04
- Visible Emissions – 40 C.F.R. Part 60, Subpart I

The BPT emission limits for each fuel type used for the Drum Mix Asphalt Plant are the following:

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Drum Mix Asphalt Plant <i>Spec. waste oil</i>	12.86	12.86	12.86	23.20	22.00	52.00	12.80
Drum Mix Asphalt Plant <i>Distillate fuel</i>	12.86	12.86	12.86	4.40	22.00	52.00	12.80
Drum Mix Asphalt Plant <i>Natural gas</i>	12.86	12.86	12.86	1.36	10.40	52.00	12.80

The Drum Mix Asphalt Plant is exempt from the requirements of *Visible Emissions Regulation*, 06-096 C.M.R. ch. 101 because it is subject to a visible emission standard under 40 C.F.R. Part 60, Subpart I.

General process emissions from the Drum Mix Asphalt Plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis.

The Drum Mix Asphalt Plant is licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Pursuant to 38 M.R.S. § 603-A(2)(A)(3), as of July 1, 2018, no person shall import, distribute, or offer for sale any distillate fuel

with a sulfur content greater than 0.0015% by weight (15 ppm). Therefore, the distillate fuel purchased or otherwise obtained for use in the Drum Mix Asphalt Plant shall not exceed 0.0015% by weight (15 ppm).

2. New Source Performance Standards

The stationary Drum Mix Asphalt Plant was manufactured in 2013 and is therefore subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) *Standards of Performance for Hot Mix Asphalt Facilities*, 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart I for facilities constructed or modified after June 11, 1973.

a. Particulate Matter (PM)

The stationary Drum Mix Asphalt Plant shall not exceed an emission limit of 0.04 gr/dscf. [40 C.F.R. § 60.92(a)(1)]

The Department has determined that the proposed BPT particulate matter emission limit is more stringent than the applicable limit in 40 C.F.R. Part 60, Subpart I. Therefore, the particulate matter limit for the asphalt plant has been streamlined to the more stringent BPT limit, and only this more stringent limit shall be included in the air emission license.

b. Opacity

Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch.115, BPT]

3. Control Equipment

Emissions from the asphalt plant shall be controlled by a baghouse.

4. Periodic Monitoring

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

- a. Continuous PM detector:** When the detector signals excessive PM concentrations in the exhaust stream, Commercial Paving shall take corrective action within 24 hours, or immediately if visible emissions exceed 20% opacity.
- b. Personnel available on-site with a current EPA 40 C.F.R. Part 60, Appendix A, Method 9 visible emissions certification:** When visible emissions exceed 20% opacity, the hot mix asphalt plant is operating with insufficient control, and corrective action shall be taken immediately.

Commercial Paving shall keep records of baghouse failures, baghouse maintenance, and baghouse inspections.

Commercial Paving shall keep records of fuel use and tons of asphalt produced for the Drum 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 recording the quantity and analyzed test results of all specification waste oil fired in the unit.

5. Contaminated Soils

Commercial Paving may process up to 10,000 cubic yards per year of soil contaminated by gasoline or distillate fuel without prior approval from the Department. This limit may be exceeded with written authorization from the Department's Bureau of Air Quality. The plant owner or operator shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and applicable state statutes.

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

When processing contaminated soils, Commercial Paving 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, Commercial Paving 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 Department's Bureau of Remediation and Waste Management.

C. Hot Oil Heater

The Hot Oil Heater has a maximum capacity of 3.1 MMBtu/hr, and fires both distillate fuel and natural gas. The boiler was manufactured in 2013.

The Hot Oil Heater is licensed to fire distillate fuel which, by definition, has a sulfur content of 0.5% or less by weight. Pursuant to 38 M.R.S. § 603-A(2)(A)(3), as of July 1, 2018, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm). Therefore, the distillate fuel purchased or otherwise obtained for use in the Hot Oil Heater shall not exceed 0.0015% by weight (15 ppm).

1. BPT Findings

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

Distillate Fuel

- PM/PM₁₀/PM_{2.5} – 0.08 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
- SO₂ – based on firing distillate fuel with a maximum sulfur content of 0.0015% by weight
- NO_x – 20 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
- CO – 5 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
- VOC – 0.34 lb/1,000 gal based on AP-42 Table 1.3-3 dated 5/10
- Visible Emissions – 06-096 C.M.R. ch. 101

Natural Gas

- PM/PM₁₀/PM_{2.5} – 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
- 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 1.4-1 dated 7/98
- CO – 84 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
- VOC – 5.5 lb/MMscf based on AP-42 Table 1.4-1 dated 7/98
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for the Hot Oil Heater are the following:

Unit	Pollutant	lb/MMBtu
Hot Oil Heater <i>Distillate fuel</i>	PM	0.08
Hot Oil Heater <i>Natural gas</i>	PM	0.05

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Hot Oil Heater <i>Distillate fuel</i>	0.25	0.25	0.25	0.005	0.44	0.11	0.01
Hot Oil Heater <i>Natural gas</i>	0.15	0.15	0.15	0.002	0.30	0.25	0.02

Visible emissions from the Hot Oil Heater when it is firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis.

Visible emissions from the Hot Oil Heater when it is firing natural gas shall not exceed 10% opacity on a six-minute block average basis.

2. Periodic Monitoring

Periodic monitoring for the Hot Oil Heater shall include documentation of the type of fuel used and sulfur content of the fuel, if applicable.

3. New Source Performance Standards

The Hot Oil Heater does not heat water. It does not meet the definition of a “boiler” and therefore is not subject to subject to the New Source Performance Standards (NSPS) *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

4. National Emission Standards for Hazardous Air Pollutants

The 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 C.F.R. Part 63 Subpart JJJJJ.

D. Dry Additive Silo

The Dry Additive Silo is used for the addition of mineral filler at typically 1% of the mix or as a temporary holding point where the dust collected from the Drum Mix Asphalt Plant baghouse may be pneumatically transported until it is recycled back into the process. The Dry Additive Silo can physically function in only one of these configurations at a time.

The Dry Additive Silo is equipped with a baghouse for control of particulate matter. Visible emissions from the Dry Additive Silo’s baghouse shall not exceed an opacity of 10% on a six-minute block average basis. The facility shall take corrective action if visible emissions from the baghouse exceed 5% opacity on a six-minute block average basis.

Commercial Paving shall keep records of baghouse failures and maintenance of the Dry Additive Silo baghouse.

E. Stock Piles and Roadways

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20% opacity on a five-minute block average basis.

F. General Process Emissions

Visible emissions from any general process that is not part of a nonmetallic mineral processing plant shall not exceed 20% opacity on a six-minute block average basis.

G. Annual Emissions

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

- Processing 400,000 ton/year of asphalt while firing spec. waste oil; and
- Operating the Hot Oil Heater for 8,760 hr/yr while firing distillate fuel.

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

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

	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	CO	VOC
Drum Mix Asphalt Plant	6.4	6.4	6.4	11.6	11.0	26.0	6.4
Hot Oil Heater	1.1	1.1	1.1	--	1.9	1.1	0.1
Total TPY	7.5	7.5	7.5	11.6	12.9	27.1	6.5

Pollutant	Tons/year
Single HAP	9.9
Total HAP	24.9

III. AMBIENT AIR QUALITY ANALYSIS

The level of ambient air quality impact modeling required for a minor source to demonstrate that Ambient Air Quality Standards (AAQS) will not be exceeded is determined by the Department on a case-by case basis. In accordance with 06-096 C.M.R. ch. 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

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

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

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Commercial Paving to submit additional information and may require an ambient air quality impact analysis at that time.

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-1088-71-B-R, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision of this License or part thereof shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S. § 347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in 06-096 C.M.R. ch. 115. [06-096 C.M.R. ch. 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension

upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 C.M.R. ch. 115]

- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115]
- (6) The license does not convey any property rights of any sort or any exclusive privilege. [06-096 C.M.R. ch. 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 C.M.R. ch. 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 C.M.R. ch. 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 C.M.R. ch. 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 C.M.R. ch. 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 C.F.R. Part 60 or other method approved or required by the Department, the licensee shall:
 - A. Perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 1. Within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring, or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions;
or

2. Pursuant to any other requirement of this license to perform stack testing.
 - B. Install or make provisions to install test ports that meet the criteria of 40 C.F.R. Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. Submit a written report to the Department within thirty (30) days from date of test completion.
[06-096 C.M.R. ch. 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
 - A. Within thirty (30) days following receipt of the written test report by the Department, or another alternative timeframe approved by the Department, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 C.F.R. Part 60 or other method approved or required by the Department; and
 - B. The days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. The licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
[06-096 C.M.R. ch. 115]
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or license requirement. [06-096 C.M.R. ch. 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an

increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 C.M.R. ch. 115]

- (15) Upon written request from the Department, the licensee shall establish and maintain such records; make such reports; install, use, and maintain such monitoring equipment; sample such emissions in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe; and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 C.M.R. ch. 115]
- (16) The licensee shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 M.R.S. § 605). [06-096 C.M.R. ch. 115]

SPECIFIC CONDITIONS

(17) **Drum Mix Asphalt Plant (400 tons/hr)**

A. Fuel Use

1. The Drum Mix Asphalt Plant is licensed to fire distillate fuel, specification waste oil, and natural gas. [06-096 C.M.R. ch. 115, BPT]
2. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm). [06-096 C.M.R. ch. 115, BPT]

B. The annual throughput of the asphalt plant shall not exceed 400,000 tons of asphalt per year on a 12-month rolling total basis. Records of asphalt production shall be kept on a monthly and 12-month rolling total basis. [06-096 C.M.R. ch. 115, BPT]

C. Emissions from the asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, BPT]

D. The performance of the baghouse shall be monitored by either one of the following at all times the hot mix asphalt plant is operating:
[06-096 C.M.R. ch. 115, BPT]

1. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Commercial Paving shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
2. Personnel available on-site with a current EPA Method 9 visible emissions certification: When visible emissions exceed 20% opacity, the asphalt plant is

operating with insufficient control, and corrective action shall be taken immediately.

- E. To document maintenance of the baghouse, the licensee shall keep maintenance records recording the date and location of all bag failures as well as all routine maintenance and inspections. The licensee shall also keep records of the baghouse monitoring, including the method used, readings, and corrective actions taken when necessary. The maintenance, inspection, and monitoring records shall be kept on-site at the asphalt plant location. [06-096 C.M.R. ch. 115, BPT]
- F. Emissions from the asphalt plant baghouse shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	12.86
PM ₁₀	–	12.86
PM _{2.5}	–	12.86
SO ₂	–	23.20
NO _x	–	22.00
CO	–	52.00
VOC	–	12.80

- G. General process emissions from the 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. [06-096 C.M.R. ch. 101, § 3(B)(4)]

H. New Source Performance Standards

Commercial Paving shall comply with all requirements of 40 C.F.R. Part 60, Subpart I applicable to the asphalt plant including, but not limited to, the following:

Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times except during periods of startup, shutdown, and malfunction. [40 C.F.R. § 60.11(c)]

- I. Commercial Paving may process up to 10,000 cubic yards per year of soil contaminated by gasoline or distillate fuel without prior approval from the Department. This limit may be exceeded with written authorization from the Department's Bureau of Air Quality. The plant owner or operator shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel, and the disposition of the contaminated soil. This authorization to process contaminated soil

does not absolve the facility of responsibility to comply with all other air emission license conditions and applicable state statutes. [06-096 C.F.R. 115, BPT]

- J. Commercial Paving shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 C.M.R. ch. 115, BPT]
- K. When processing contaminated soils, Commercial Paving 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, Commercial Paving 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 Department's Bureau of Remediation and Waste Management. [06-096 C.M.R. ch. 115, BPT]

(18) **Hot Oil Heater**

A. Fuel

- 1. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm). [06-096 C.M.R. ch. 115, BPT/BACT]
- 2. Fuel sulfur content compliance shall be demonstrated by fuel delivery receipts from the supplier, a statement from the supplier that the fuel delivered meets Maine's fuel sulfur content standards, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Hot Oil Heater <i>Distillate fuel</i>	PM	0.08	06-096 C.M.R. ch. 115, BPT
Hot Oil Heater <i>Natural gas</i>	PM	0.05	06-096 C.M.R. ch. 115, BPT

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

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	PM _{2.5} (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Hot Oil Heater <i>Distillate fuel</i>	0.25	0.25	0.25	0.005	0.44	0.11	0.01
Hot Oil Heater <i>Natural gas</i>	0.15	0.15	0.15	0.002	0.30	0.25	0.02

D. Visible Emissions

Visible emissions from the Hot Oil Heater when it is firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, 3(A)(2)]

Visible emissions from the Hot Oil Heater when it is firing natural gas shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, 3(A)(3)]

(19) **Dry Additive Silo**

A. Visible emissions from the Dry Additive Silo's baghouse shall not exceed an opacity of 10% on a six-minute block average basis. The facility shall take corrective action if visible emissions from the baghouses exceed 5% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 103 § 3(B)(3)]

B. Commercial Paving shall keep records of baghouse failures and maintenance of the Dry Additive Silo baghouse. [06-096 C.M.R. ch. 115, BPT]

(20) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20% opacity on a five-minute block average basis. [06-096 C.M.R. ch. 101, 3(C)]

(21) **General Process Sources**

Visible emissions from any general process that is not part of a nonmetallic mineral processing plant shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 3(B)(4)]

(22) Commercial Paving shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 C.M.R. ch. 115, BPT]

**Commercial Paving, LLC
Cumberland County
Gorham, Maine
A-1088-71-B-R**

17

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

- (23) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Commercial Paving may be required to submit additional information. Upon written request from the Department, Commercial Paving 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 11th DAY OF SEPTEMBER, 2023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:


MELANIE LOYZIM, COMMISSIONER

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: August 4, 2023

Date of application acceptance: August 4, 2023

Date filed with the Board of Environmental Protection:

This Order prepared by Kendra Nash, Bureau of Air Quality.

