



DEPARTMENT ORDER

**Auburn Asphalt, LLC
 Sagadahoc County
 Richmond, Maine
 A-1141-71-A-N**

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

FINDINGS OF FACT

After review of the air emission license 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

Auburn Asphalt, LLC (Auburn Asphalt) has applied for an Air Emission License for the construction, installation and operation of their Hot Mix Asphalt (HMA) Batch Plant to be located at 699 Main Street, Richmond, Maine.

The main office is located at All States Asphalt/Auburn Asphalt, P.O. Box 91, Sunderland, MA.

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, % sulfur	Control Device(s)	Stack ID
HMA Batch Plant	300	75	Propane, negligible	Baghouse	1
	300	75	Distillate fuel, 0.0015%	Baghouse	1

Heating Equipment

Equipment	Max. Capacity (MMBtu/hr)	Fuel Type, % sulfur	Maximum Firing Rate	Date of Manuf.
Hot Oil Heater	3.08	Propane, negligible	34 gal/hr	2017
		Distillate fuel, 0.0015%	22 gal/hr	2017

Auburn Asphalt may operate small stationary engines smaller than 0.5 MMBtu/hr. These engines are considered insignificant activities and are not required to be included in this license. However, they are still subject to applicable State and Federal regulations. More information regarding requirements for small stationary engines is available on the Department's website at the link below.

<http://www.maine.gov/dep/air/publications/docs/SmallRICEGuidance.pdf>

Additionally, Auburn Asphalt may operate portable engines used for maintenance or emergency-only purposes. These engines are considered insignificant activities and are not required to be included in this license. However, they may still be subject to applicable State and Federal regulations.

At present, Auburn Asphalt intends to utilize grid power for its electrical needs.

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.

Portable Engine means an internal combustion engine which is 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. This definition does NOT include engines which remain or will remain at a location (excluding storage locations) for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

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

D. Application Classification

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.

A new source is considered a major or minor source based on whether or not total licensed annual emissions exceed the "Significant Emissions" levels as defined in the Department's *Definitions Regulation*, 06-096 C.M.R. ch. 100.

Pollutant	Total Licensed Annual Emissions (TPY)	Significant Emissions Levels (TPY)
PM	12.4	100
PM ₁₀	12.4	100
SO ₂	21.7	100
NO _x	31.3	100
CO	99.1	100
VOC	8.0	50

The Department has determined the facility is a minor source, and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 C.M.R. ch. 115.

E. Facility Classification

With the annual production limit of 490,000 tons/year for the HMA Batch Plant and 8,760 hours of operation for the Hot Oil Heater, 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 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. HMA Batch Plant

Auburn Asphalt operates a hot mix asphalt batch plant with a maximum hourly throughput of 300 ton/hr of asphalt equipped with a 75 MMBtu/hr Hauck Megastar burner manufactured in 2018. The asphalt plant is also equipped with a Gencor Baghouse manufactured in 1992.

In the past, it has been assumed that there is a linear relationship between the fuel required for an asphalt plant burner and the plant output. Meaning, it has been assumed that to operate at 100% throughput requires the burner to fire at 100%, to operate at 75% throughput requires the burner to fire at 75%, etc. This assumption allows for an asphalt 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 asphalt 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 asphalt output. Since emission factors for asphalt plants are based on tons of asphalt produced, without the previously mentioned linear relationship between plant output and burner firing rate, a fuel limit on the asphalt plant is not sufficient to limit the equipment's annual emissions.

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 batch plant shall not exceed 490,000 tons of asphalt per year on a 12-month rolling total basis.

1. BACT Findings

The BACT emission limits for the HMA Batch Plant when firing propane are as follows:

- PM, PM₁₀ – *0.03 gr/dscf and the use of a baghouse;
based on 06-096 C.M.R. ch. 115, BACT
 - SO₂ – 0.0046 lb/ton based on AP-42 Table 11.1-5 dated 3/04
(based on natural gas emission factor)
 - NO_x – 0.025 lb/ton based on vendor data
 - CO – 0.085 lb/ton based on vendor data
 - VOC – 0.031 lb/ton based on vendor data
 - Visible – 06-096 C.M.R. ch. 115, BACT
- Emissions

* PM emission estimates were based on a design air flow of 84,000 acfm at 285 °F

The BACT emission limits for the HMA Batch Plant when firing distillate fuel were based on the following:

- PM, PM₁₀ – *0.03 gr/dscf and the use of a baghouse;
 based on 06-096 C.M.R. ch. 115, BACT
- SO₂ – 0.088 lb/ton based on AP-42 Table 11.1-5 dated 3/04
- NO_x – **0.044 lb/ton based on vendor data
- CO – 0.40 lb/ton based on AP-42 Table 11.1-5 dated 3/04
- VOC – 0.032 lb/ton based on vendor data
- Visible Emissions – 06-096 C.M.R. ch. 115, BACT

* PM emission estimates were based on a design air flow of 84,000 acfm at 285 °F
 ** Because the vendor estimated NO_x emission factor of 0.044 lb/ton is significantly lower than the typically used AP-42 emission factor of 0.12 lb/ton, the Department finds this to be BACT.

The BACT emission limits for the asphalt plant are the following:

Unit	Pollutant	Gr/dscf	Origin and Authority
HMA Batch Plant	PM	0.03	06-096 C.M.R. ch. 115, BPT

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
HMA Batch Plant, Propane	13.8	13.8	1.4	7.5	25.5	9.3
HMA Batch Plant, Distillate Fuel	13.8	13.8	26.4	13.2	120.0	9.6

AP-42 Table 11.1-5 dated 3/04

Visible emissions from the asphalt plant baghouse shall not exceed 20% opacity on a six-minute block average basis, except for periods of startup, shutdown, or malfunction during which time Auburn Asphalt may elect to comply with the following work practice standards in lieu of the numerical opacity limit:

- a. Auburn Asphalt shall maintain a log (written or electronic) of the date, time, and duration of all operating time, startups, shutdowns, and malfunctions for the asphalt batch plant.
- b. Auburn Asphalt shall develop and implement a written startup and shutdown plan for the asphalt batch plant.
- c. The duration of unit startups, shutdowns, or malfunctions shall each not exceed one hour per occurrence.

- d. The asphalt batch plant shall be operated at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Department that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the unit.

This is consistent with the PM limit contained in *Standards of Performance for Hot Mix Asphalt Facilities*, 40 C.F.R. Part 60, Subpart I of 20% opacity.

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

Per 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 asphalt batch plant shall not exceed 0.0015% by weight (15 ppm).

2. New Source Performance Standards

The HMA Batch Plant was manufactured in 2018 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.

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 batch asphalt plant is operating:

- a. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Auburn Asphalt 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.

Auburn Asphalt shall keep records of baghouse failures, baghouse maintenance, and baghouse inspections.

Auburn Asphalt shall keep records of fuel use and tons of asphalt produced for the asphalt batch plant which shall be maintained for at least six years and made available to the Department upon request.

Per 40 C.F.R. Part 60, Subpart I, Auburn Asphalt shall 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. Per 40 C.F.R. Part 60, Subpart I, § 60.93(b)(1), Auburn Asphalt shall use 40 C.F.R. Part 60, Appendix A, Method 5 to determine the PM concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).

5. Contaminated Soils

Auburn Asphalt 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.

Auburn Asphalt may process up to 5,000 cubic yards per year of soil contaminated with virgin oil as defined in this license without prior approval from the Department's Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 C.M.R. ch. 409. The material shall be handled in accordance with the requirements of the Department's Bureau of Remediation and Waste Management.

The plant owner or operator shall notify the Bureau of Air Quality (regional 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.

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

When processing contaminated soils, Auburn Asphalt 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, Auburn Asphalt 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.

There are three silos associated with the asphalt plant, used to store and maintain the temperature of asphalt pavement produced by the plant. There are no emissions from these silos.

C. Hot Oil Heater

The Hot Oil Heater has a maximum capacity of 3.08 MMBtu/hr, and fires propane and distillate fuel with maximum sulfur content of 0.0015% by weight. The Hot Oil Heater is equipped with a Power Flame burner and was manufactured in 2017.

Per 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 Hot Oil Heater shall not exceed 0.0015% by weight (15 ppm).

1. BACT Findings

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

- PM/PM₁₀ – 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BACT
- SO₂ – 0.018 lb/1000 gallons based on AP-42, Table 1.5-1, dated 7/08
- NO_x – 13 lb/1000 gallons based on AP-42, Table 1.5-1, dated 7/08
- CO – 7.5 lb/1000 gallons based on AP-42, Table 1.5-1, dated 7/08
- VOC – 1 lb/1000 gallons based on AP-42, Table 1.5-1, dated 7/08
- Opacity – 06-096 C.M.R. ch. 115, BACT

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

- PM, PM₁₀ – 0.08 lb/MMBtu based on 06-096 C.M.R. ch. 115, BACT
- SO₂ – based on firing distillate fuel with a maximum sulfur content of 0.0015% by weight
- NO_x – 20 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10
- CO – 5 lb/1000 gal based on AP-42 Table 1.3-1 dated 5/10
- VOC – 0.34 lb/1000 gal based on AP-42 Table 1.3-3 dated 5/10
- Opacity – 06-096 C.M.R. ch. 115, BACT

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

Unit	Pollutant	lb/MMBtu
Hot Oil Heater, Propane	PM	0.05
Hot Oil Heater, Distillate Fuel	PM	0.08

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Hot Oil Heater (propane)	0.15	0.15	0.01	0.44	0.26	0.03
Hot Oil Heater (distillate fuel)	0.25	0.25	0.01	0.44	0.11	0.01

Visible emissions from the Hot Oil Heater firing propane shall not exceed 10% opacity on a six-minute block average basis.

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

2. Periodic Monitoring

Periodic monitoring for the Hot Oil Heater shall include recordkeeping to document fuel use on a monthly basis. Documentation shall include the type of fuel used and sulfur content of the fuel, if applicable.

3. New Source Performance Standards

The Hot Oil Heater has a heat input of 3.08 MMBtu/hr, therefore is not subject to 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. Parts Washers

At present Auburn Asphalt intends to use a low VOC content solvent (<5% VOC, by weight), however they may switch to a solvent provided by Safety Kleen or a similar commercially available solvent. Thus, upon utilizing a VOC content solvent higher than 5% VOC, by weight, the parts washer shall be subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130 and records shall be kept documenting compliance.

This equipment is exempt from *Industrial Cleaning Solvents*, 06-096 C.M.R. ch. 166 per Section (3)(B).

E. Emissions Statement

Auburn Asphalt is subject to emissions inventory requirements contained in Emission Statements, 06-096 C.M.R. ch. 137. Auburn Asphalt shall maintain the following records in order to comply with this rule:

1. The total amount of asphalt produced on a monthly basis.
2. The amount of propane and distillate fuel fired in the HMA Batch Plant on a monthly basis;
3. The sulfur content of the distillate fuel fired in the HMA Batch Plant;
4. The amount of propane and distillate fuel fired in the Hot Oil Heater on a monthly basis;
5. The sulfur content of the distillate fuel fired in the Hot Oil Heater;
6. Hours of operation for each emission unit on a monthly basis.

Beginning with reporting year 2020 and every third year thereafter, Auburn Asphalt shall report to the Department emissions of hazardous air pollutants as required by 06-096 C.M.R. ch. 137, § (3)(C). The Department will use these reports to calculate and invoice for the applicable annual air quality surcharge for the subsequent three billing periods. Auburn Asphalt shall pay the annual air quality surcharge, calculated by the Department based on these reported emissions of hazardous air pollutants, by the date required in Title 38 M.R.S. § 353-A (3). [38 M.R.S. § 353-A(1-A)]

F. Annual Emissions

Auburn Asphalt shall be restricted to the following annual emissions, based on a 12-month rolling total basis. The tons per year limits were calculated based on a HMA Batch Plant production rate of 490,000 tons a year. Emissions from the Hot Oil Heater were based on 8,760 hr/yr of operation:

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

	PM	PM₁₀	SO₂	NO_x	CO	VOC
Asphalt Batch Plant*	11.3	11.3	21.6	29.4	98	7.8
Hot Oil Heater	1.1	1.1	0.1	1.9	1.1	0.2
Total TPY	12.4	12.4	21.7	31.3	99.1	8.0

* The tons per year amount listed are based on the fuel producing the highest annual emissions

Pollutant	Tons/year
*Single HAP	9.9
*Total HAP	24.9

* Calculated based on emission factors provided by the Department

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 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
SO ₂	50
NO _x	50
CO	250

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

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-1141-71-A-N, 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 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 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 Part 70 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]

SPECIFIC CONDITIONS

(16) HMA Batch Plant (300 tons/hr)

A. Fuel Use

1. The asphalt plant is licensed to fire propane and distillate fuel.

[06-096 C.M.R. ch. 115, BACT]

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, BACT]

- #### **B. Annual Throughput**
- The annual throughput of the asphalt plant shall not exceed 490,000 tons of asphalt per year on a 12-month rolling total basis. Records of asphalt productions shall be kept on a monthly and 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]

- #### **C. Emissions**
- 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, BACT]

- 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, BACT]:
1. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Auburn Asphalt 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, Auburn Asphalt shall keep maintenance records recording the date and location of all bag failures as well as all routine maintenance and inspections. The maintenance and inspection records shall be kept on-site at the asphalt plant location.
 [06-096 C.M.R. ch. 115, BACT]
- F. Emissions from the asphalt plant baghouse shall not exceed the following
 [06-096 C.M.R. ch. 115, BACT]:

Unit	Pollutant	Grs/dscf	Origin and Authority
HMA Batch Plant	PM	0.03	06-096 C.M.R. ch. 115, BACT

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
HMA Batch Plant, Propane	13.8	13.8	1.4	7.5	25.5	9.3
HMA Batch Plant, Distillate Fuel	13.8	13.8	26.4	13.2	120.0	9.6

- G. Visible emissions from the baghouse is limited to no greater than 20% opacity on a six-minute block average basis, except for periods of startup, shutdown, or malfunction during which time Auburn Asphalt may elect to comply with the following work practice standards in lieu of the numerical opacity limit.
1. Auburn Asphalt shall maintain a log (written or electronic) of the date, time, and duration of all operating time, startups, shutdowns, and malfunctions for the asphalt batch plant.
 2. Auburn Asphalt shall develop and implement a written startup and shutdown plan for the asphalt batch plant.

3. The duration of unit startups, shutdowns, or malfunctions shall each not exceed one hour per occurrence.
4. The asphalt batch plant shall be operated at all times in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Department that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the unit.
[06-096 C.M.R. ch. 115, BACT]
- H. General process emissions from the HMA Batch 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. 115, BACT]
- I. The HMA Batch Plant is subject to 40 C.F.R. Part 60, Subparts A and I, and Auburn Asphalt shall comply with all applicable requirements, including the notification and recordkeeping requirements of 40 C.F.R. Part 60.7 and the initial performance test requirements of 40 C.F.R. Part 60.8 (testing within 60 days after achieving the maximum operation production rate, but not later than 180 days after initial startup).
[40 C.F.R. Part 60, Subparts A and I]
- J. Auburn Asphalt 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.
[06-096 C.F.R. 115, BACT]
- K. Auburn Asphalt may process up to 5,000 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. Auburn Asphalt shall notify the Bureau of Air Quality inspector for the Central Maine region prior to processing the material. Processing of virgin oil contaminated soils may require a solid waste processing facility license under 06-096 C.M.R. ch. 409. 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, BACT]
- L. The plant owner or operator shall notify the Bureau of Air Quality (regional 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.
[06-096 C.F.R. 115, BACT]

- M. Auburn Asphalt shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 C.M.R. ch. 115, BACT]
- N. When processing contaminated soils, Auburn Asphalt 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, Auburn Asphalt 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, BACT]

(17) **Hot Oil Heater**

A. Fuel

1. The Hot Oil Heater is licensed to fire propane and distillate fuel.
[06-096 C.M.R. ch. 115, BACT]
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, BACT]
3. Compliance shall be demonstrated by fuel records showing the quantity, type, and the percent sulfur of the fuel delivered (if applicable). Fuel sulfur content compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of the tank containing the fuel to be fired. [06-096 C.M.R. ch. 115, BACT]

B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Hot Oil Heater, propane	PM	0.05	06-096 C.M.R. ch. 115, BACT
Hot Oil Heater, distillate fuel	PM	0.08	06-096 C.M.R. ch. 115, BACT

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

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Hot Oil Heater, propane	0.15	0.15	0.01	0.44	0.26	0.03
Hot Oil Heater, distillate fuel	0.25	0.25	0.01	0.44	0.11	0.01

- D. Visible emissions from the Hot Oil Heater shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BACT]
- E. Visible emissions from the Hot Oil Heater firing distillate shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BACT]

(18) **Parts Washers**

This applies to parts washers at Auburn Asphalt which are subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130.

- A. Auburn Asphalt shall keep records of the amount of solvent added to each parts washer. [06-096 C.M.R. ch. 115, BPT]
- B. The following are exempt from the requirements of 06-096 C.M.R. ch. 130 [06-096 C.M.R. ch. 130]:
 - 1. Solvent cleaners using less than two liters (68 oz.) of cleaning solvent with a vapor pressure of 1.00 mmHg, or less, at 20° C (68° F);
 - 2. Wipe cleaning; and,
 - 3. Cold cleaning machines using solvents containing less than or equal to 5% VOC by weight.
- C. The following standards apply to cold cleaning machines that are applicable sources under 06-096 C.M.R. ch. 130.
 - 1. Auburn Asphalt shall attach a permanent conspicuous label to each unit summarizing the following operational standards:
 - a. Waste solvent shall be collected and stored in closed containers.
 - b. Cleaned parts shall be drained of solvent directly back to the cold cleaning machine by tipping or rotating the part for at least 15 seconds or until dripping ceases, whichever is longer.
 - c. Flushing of parts shall be performed with a solid solvent spray that is a solid fluid stream (not a fine, atomized or shower type spray) at a pressure that does not exceed 10 psig. Flushing shall be performed only within the freeboard area of the cold cleaning machine.
 - d. The cold cleaning machine shall not be exposed to drafts greater than 40 meters per minute when the cover is open.
 - e. Sponges, fabric, wood, leather, paper products and other absorbent materials shall not be cleaned in the parts washer.
 - f. When a pump-agitated solvent bath is used, the agitator shall be operated to produce no observable splashing of the solvent against the tank walls or the parts being cleaned. Air agitated solvent baths may not be used.
 - g. Spills during solvent transfer shall be cleaned immediately. Sorbent material used to clean spills shall then be immediately stored in covered containers.

- h. Work area fans shall not blow across the opening of the parts washer unit.
 - i. The solvent level shall not exceed the fill line.
 2. The remote reservoir cold cleaning machine shall be equipped with a perforated drain with a diameter of not more than six inches.
 3. The parts washer(s) shall be equipped with a cover that shall be closed at all times except during cleaning of parts or the addition or removal of solvent.
- [06-096 C.M.R. ch. 130]

(19) **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. 115, BACT]

(20) **General Process Sources**

Visible emissions from any general process that is not part of a HMA Batch Plant shall not exceed 20% opacity on a six-minute block average basis.
[06-096 C.M.R. ch. 115, BACT]

(21) **Annual Emission Statement**

- A. In accordance with *Emission Statements*, 06-096 C.M.R. ch. 137, Auburn Asphalt shall annually report to the Department, in a format prescribed by the Department, the information necessary to accurately update the State's emission inventory. The emission statement shall be submitted as specified by the date in 06-096 C.M.R. ch. 137.
- B. Auburn Asphalt shall keep the following records in order to comply with 06-096 C.M.R. ch. 137:
 1. The total amount of asphalt produced on a monthly basis.
 2. The amount of propane and distillate fuel fired in the HMA Batch Plant on a monthly basis.
 3. The sulfur content of the distillate fuel fired in the HMA Batch Plant;
 4. The amount of propane and distillate fuel fired in the Hot Oil Heater on a monthly basis;
 5. The sulfur content of the distillate fuel fired in the Hot Oil Heater; and
 6. Hours of operation for each emission unit on a monthly basis.

C. Beginning in reporting year 2020 and every third year thereafter, Auburn Asphalt shall report to the Department emissions of hazardous air pollutants as required by 06-096 C.M.R. ch. 137, § (3)(C). Auburn Asphalt shall pay the annual air quality surcharge, calculated by the Department based on these reported emissions of hazardous air pollutants, by the date required in Title 38 M.R.S. § 353-A(3).
[38 M.R.S. § 353-A(1-A)]

- (22) Auburn Asphalt 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, BACT]
- (23) Auburn Asphalt 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].

DONE AND DATED IN AUGUSTA, MAINE THIS 18 DAY OF April, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Cove for
GERALD D. REID, 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: 1/31/2019

Date of application acceptance: 2/6/2019

Date filed with the Board of Environmental Protection:
This Order prepared by Lisa Higgins, Bureau of Air Quality.

