



DEPARTMENT ORDER

**Copp Excavating Inc
Cumberland County
Gray, Maine
A-1172-71-A-N**

**Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact**

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

Copp Excavating Inc (Copp Excavating) has applied for an Air Emission License after-the fact for the operation of their portable rock crusher facility located at 117 Yarmouth Road, Gray, Maine.

The main office is located at 190 Pinkham Brook Rd, Durham, Maine.

B. Title, Right, or Interest

In their application, Copp Excavating submitted copies of a property deed demonstrating ownership of the facility. Copp Excavating has provided sufficient evidence of title, right, or interest in the facility for purposes of this air emission license.

C. Emission Equipment

The following equipment is addressed in this Air Emission License:

Rock Crushers

Designation	Powered	Process Rate (tons/hour)	Date of Manufacture	Control Device
Jaw Crusher	Crusher Generator	80	2020	Spray Nozzles

Engines

Unit ID	Max. Capacity (MMBtu/hr)	Max. Firing Rate (gal/hr)	Fuel Type	Date of Manuf.	Date of Installation
Emergency Generator	4.4	31.8	Distillate fuel	2001	2017
Crusher Generator	3.0	21.9	Distillate fuel	2020	2021

Copp Excavating may operate other nonmetallic mineral processing equipment not explicitly listed including grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck or railcar loading stations. Requirements for this equipment are included in sections of this license for Nonmetallic Mineral Processing Plants.

Copp Excavating 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, Copp Excavating 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.

Parts Washer

Unit ID	Capacity (gallons)	Solvent Used	Solvent % VOC
Parts Washer	10	Kerosene	100

D. 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.

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.

Portable or Non-Road 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.

An engine is not a non-road (portable) engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road (portable) engine and is subject to applicable stationary engine requirements.

Records or Logs mean either hardcopy or electronic records.

E. 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.

A new source is considered a major 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 Code of Maine Rules (C.M.R.) ch. 100.

Pollutant	Total Licensed Annual Emissions (tpy)	Significant Emission Levels
PM	0.6	100
PM ₁₀	0.6	100
PM _{2.5}	0.6	100
SO ₂	0.1	100
NO _x	23.4	100
CO	5.1	100
VOC	1.8	50*

* Copp Excavating is located in an area of the state included in the Ozone Transport Region. Therefore, the significant emission level for VOC is 50 tpy.

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.

F. Facility Classification

With the annual fuel limit on the Crusher Generator and the operating hours restriction on the Cat Genset, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Copp Excavating is subject to license restrictions that keep facility emissions below major source thresholds for NO_x; 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

The Jaw Crusher is a portable unit which was manufactured in 2020 and installed in 2021. Its rated capacity is 80 tons/hr. The nonmetallic mineral processing plant also consists of other equipment associated with the Jaw Crusher, such as screens and belt conveyors.

1. BACT Findings

The regulated pollutant from nonmetallic mineral processing plant is particulate matter. To meet the requirements of BPT for control of particulate matter emissions, Copp Excavating shall install and maintain water sprays on the nonmetallic mineral processing plant and operate as needed, when the unit is in operation, to control visible emissions.

2. Visible Emissions

Visible emissions from the Jaw Crusher shall be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(2)]

3. 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.

The portable Jaw Crusher is part of a nonmetallic mineral processing plant which is physically limited to a maximum capacity of 150 ton/hr or less. Therefore, this equipment is not subject to 40 C.F.R. Part 60, Subpart OOO. [40 C.F.R. § 60.670(c)]

C. Emergency Generator

Copp Excavating operates the Emergency Generator, which is a generator set consisting of an engine and an electrical generator. The Emergency Generator has an engine rated at 4.4 MMBtu/hr that fires distillate fuel. The Emergency Generator was manufactured in 2001 and installed in 2017.

1. BACT Findings

The BACT emission limits for the Emergency Generator are based on the following:

- PM/PM₁₀/PM_{2.5} – 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103
- SO₂ – Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO_x – 3.2 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96
- CO – 0.85 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96
- VOC – 0.09 lb/MMBtu from AP-42 Table 3.4-1 dated 10/96
- Visible Emissions – 06-096 C.M.R. ch. 101

The BACT emission limits for the Emergency Generator are the following:

Unit	Pollutant	lb/MMBtu
Emergency Generator	PM	0.12

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)
Emergency Generator	0.53	0.53	0.53	0.01	14.08	3.74	0.40

Visible emissions from the Emergency Generator shall not exceed 20% opacity on a six-minute block average basis except for periods of startup, during which time Copp Excavating shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

- a. The duration of the startup shall not exceed 30 minutes per event;
- b. Visible emissions during startup shall not exceed 50% opacity on a six-minute block average basis; and
- c. Copp Excavating shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

2. Chapter 169

The Emergency Generator was installed prior to the effective date of *Stationary Generators*, 06-096 C.M.R. ch. 169 and is therefore exempt from this rule pursuant to section 1.

3. New Source Performance Standards (NSPS)

Due to the date of manufacture of the compression ignition emergency engine listed above, the engine is not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CIICE)*, 40 C.F.R. Part 60, Subpart IIII since the unit was manufactured prior to April 1, 2006. [40 C.F.R. § 60.4200]

4. National Emission Standards for Hazardous Air Pollutants (NESHAP):
40 C.F.R. Part 63, Subpart ZZZZ

National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 C.F.R. Part 63, Subpart ZZZZ is applicable to the emergency engine listed above. The unit is considered an existing, emergency stationary reciprocating internal combustion engine at an area source and is not subject to New Source Performance Standards regulations. EPA's August 9, 2010

memo (*Guidance Regarding Definition of Residential, Commercial, and Institutional Emergency Stationary RICE in the NESHAP for Stationary RICE*) specifically does not exempt these units from the federal requirements. [40 C.F.R. § 63.6585]

A summary of the currently applicable federal 40 C.F.R. Part 63, Subpart ZZZZ requirements is listed below.

a. Emergency Engine Designation and Operating Criteria

Under 40 C.F.R. Part 63, Subpart ZZZZ, a stationary reciprocating internal combustion engine (RICE) is considered an **emergency** stationary RICE (emergency engine) as long as the engine is operated in accordance with the following criteria. Operation of an engine outside of the criteria specified below may cause the engine to no longer be considered an emergency engine under 40 C.F.R. Part 63, Subpart ZZZZ, resulting in the engine being subject to requirements applicable to **non-emergency** engines.

(1) Emergency Situation Operation (On-Site)

There is no operating time limit on the use of an emergency engine to provide electrical power or mechanical work during an emergency situation. Examples of use of an emergency engine during emergency situations include the following:

- Use of an engine to produce power for critical networks or equipment (including power supplied to portions of a facility) because of failure or interruption of electric power from the local utility (or the normal power source, if the facility runs on its own power production);
- Use of an engine to mitigate an on-site disaster;
- Use of an engine to pump water in the case of fire, flood, natural disaster, or severe weather conditions; and
- Similar instances.

(2) Non-Emergency Situation Operation

An emergency engine may be operated up to a maximum of 100 hours per calendar year for maintenance checks, readiness testing, and other non-emergency situations as described below.

- (i) An emergency engine may be operated for a maximum of 100 hours per calendar year for maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government; the manufacturer; the vendor; the regional transmission organization or equivalent balancing authority and transmission operator; or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if

the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE more than 100 hours per calendar year.

- (ii) An emergency engine may be operated for up to 50 hours per calendar year for other non-emergency situations. **However, these operating hours are counted as part of the 100 hours per calendar year operating limit described in paragraph (2) and (2) (i) above.**

The 50 hours per calendar year operating limit for other non-emergency situations cannot be used for peak shaving, demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

The Emergency Generator shall be limited to the usage outlined in 40 C.F.R. § 63.6640(f) and therefore may be classified as an existing emergency stationary RICE as defined in 40 C.F.R. Part 63, Subpart ZZZZ. Failure to comply with all of the requirements listed in 40 C.F.R. § 63.6640(f) may cause this engine to not be considered an emergency engine and therefore subject to all applicable requirements for non-emergency engines.

b. 40 C.F.R. Part 63, Subpart ZZZZ Requirements

(1) Operation and Maintenance Requirements

- Change oil and filter every 500 hours of operation or annually, whichever comes first;
- Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
- Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

[40 C.F.R. § 63.6603(a) and Table 2(d)]

The engine shall be operated and maintained according to the manufacturer's emission-related written instructions, or Copp Excavating shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

[40 C.F.R. § 63.6625(e)]

(2) Optional Oil Analysis Program

Copp Excavating has the option of utilizing an oil analysis program which complies with the requirements of § 63.6625(i) in order to extend the specified oil change requirement. If this option is used, Copp Excavating must keep records of the parameters that are analyzed as part of the program, the results

of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [40 C.F.R. § 63.6625(i)]

(3) **Non-Resettable Hour Meter Requirement**

A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 63.6625(f)]

(4) **Startup Idle and Startup Time Minimization Requirements**

During periods of startup the facility must minimize the engine's time spent at idle and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [40 C.F.R. § 63.6625(h) and 40 C.F.R. Part 63, Subpart ZZZZ Table 2d]

(5) **Annual Time Limit for Maintenance and Testing**

As an emergency engine, the unit shall be limited to 100 hours/year for maintenance checks and readiness testing. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include peak shaving, demand response, or to generate income for a facility by providing power to an electric grid or otherwise supply power as part of a financial arrangement with another entity). [40 C.F.R. § 63.6640(f)]

(6) **Recordkeeping**

Copp Excavating shall keep records that include maintenance conducted on the engine and the hours of operation of the engine recorded through the non-resettable hour meter. Documentation shall include the number of hours the unit operated for emergency purposes, the number of hours the unit operated for non-emergency purposes, and the reason the engine was in operation during each time. [40 C.F.R. § 63.6655(f)]

D. Crusher Generator

The Crusher Generator is a portable engine used to power the Jaw Crusher. The Crusher Generator has a maximum capacity of 3.0 MMBtu/hr (303 HP), firing distillate fuel. The Crusher Generator was manufactured in 2020 and installed in 2021. The fuel fired in the Crusher Generator shall be limited to 75,000 gallons/year on a calendar year total basis of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). This fuel limit shall apply regardless of where the unit is operated.

1. BACT Findings

The BACT emission limits for the Crusher Generator were based on the following:

- PM/PM₁₀/PM_{2.5} – 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103
- SO₂ – Combustion of distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight)
- NO_x – 4.41 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96
- CO – 0.95 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96
- VOC – 0.36 lb/MMBtu from AP-42 Table 3.3-1 dated 10/96
- Visible Emissions – 06-096 C.M.R. ch. 101

The BACT emission limits for the Crusher Generator are the following:

Unit	Pollutant	lb/MMBtu
Crusher Generator	PM	0.12

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)
Crusher Generator	0.36	0.36	0.36	0.005	13.23	2.85	1.08

Visible emissions from the Crusher Generator shall not exceed 20% opacity on a six-minute block average basis.

2. New Source Performance Standards

The Crusher Generator is not subject to *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart III.

The definition in 40 C.F.R. § 1068.30 states that a non-road engine is an internal combustion engine that meets certain criteria, including: “Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.” The regulation further states at 40 C.F.R. § 1068.30 that an engine is not a non-road engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 60.4200]

The Crusher Generator is considered a non-road engine, as opposed to a stationary engine, since the Crusher Generator is portable and will be moved to various sites with the asphalt plant.

3. National Emission Standards for Hazardous Air Pollutants

The Crusher Generator is not subject to *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, 40 C.F.R. Part 63, Subpart ZZZZ.

The definition in 40 C.F.R. § 1068.30 states that a non-road engine is an internal combustion engine that meets certain criteria, including: “Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.” The regulation further states at 40 C.F.R. § 1068.30 that an engine is not a non-road engine if it remains or will remain at a location for more than 12 consecutive months or for a shorter period of time if sited at a seasonal source. A seasonal source is a source that remains in a single location for two years or more and which operates for fewer than 12 months in a calendar year. If an engine operates at a seasonal source for one entire season, the engine does not meet the criteria of a non-road engine and is subject to applicable stationary engine requirements. [40 C.F.R. § 63.6585]

The Crusher Generator is considered a non-road engine, as opposed to a stationary engine, since the Crusher Generator is portable and will be moved to various sites with the asphalt plant.

E. 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.

F. Fugitive Emissions Including Stock Piles and Roadways

Copp Excavating shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility’s continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

Copp Excavating shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

G. Parts Washer

The Parts Washer has a design capacity of 10 gallons and uses kerosene as the solvent. Therefore, the parts washer is 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 pursuant to Section (3)(B).

H. 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 operating the Emergency Generator for 100 hr/yr, and firing 75,000 gal/year of distillate fuel in the Crusher Generator.

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
Emergency Generator	--	--	--	0.04	0.7	0.2	--
Crusher Generator	0.6	0.6	0.6	0.02	22.7	4.9	1.8
Total TPY	0.6	0.6	0.6	0.1	23.4	5.1	1.8

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 the expected construction and operation of the proposed 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 Copp Excavating 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-1172-71-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 beginning actual 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) Nonmetallic Mineral Processing Plants

- A. Copp Excavating shall install and maintain spray nozzles for control of particulate matter on the nonmetallic mineral processing plant and operate as needed, when the Jaw Crusher is in operation, to control visible emissions. [06-096 C.M.R. ch. 115, BACT]
- B. Copp Excavating shall maintain records detailing and quantifying the hours of operation on a daily basis for the Jaw Crusher. The operation records shall be kept on-site at the rock crushing location. [06-096 C.M.R. ch. 115, BACT]

- C. Visible emissions from the Jaw Crusher shall be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(2)]
- D. Visible emissions from nonmetallic mineral processing plant equipment other than crushers (transfer points on belt conveyors, screening operations, etc.) shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]
- E. The Jaw Crusher 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 and 40 C.F.R. § 60.670(c)(2)]

(18) Emergency Generator

- A. The fuel sulfur content for the Emergency Generator shall be limited to 0.0015% sulfur by weight. Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of the fuel in the tank on-site. [06-096 C.M.R. ch. 115, BACT]
- B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Emergency Generator	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

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

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)
Emergency Generator	0.53	0.53	0.53	0.01	14.08	3.74	0.40

D. Visible Emissions

Visible emissions the Emergency Generator shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Copp Excavating shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

1. The duration of the startup shall not exceed 30 minutes per event;
2. Visible emissions during startup shall not exceed 50% opacity on a six-minute block average basis; and
3. Copp Excavating shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

[06-096 C.M.R. ch. 101, § 4(A)(4)]

E. The Emergency Generator shall meet the applicable requirements of 40 C.F.R. Part 63, Subpart ZZZZ, including the following: [incorporated under 06-096 C.M.R. ch. 115, BACT]

1. Copp Excavating shall meet the following operational limitations for the compression ignition emergency engine:
 - a. Change the oil and filter every 500 hours of operation or annually, whichever comes first;
 - b. Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
 - b. Inspect the hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

Records shall be maintained documenting compliance with the operational limitations.

[40 C.F.R. § 63.6603(a) and Table 2(d); and 06-096 C.M.R. ch. 115]

2. Oil Analysis Program Option

Copp Excavating has the option of utilizing an oil analysis program which complies with the requirements of § 63.6625(i) in order to extend the specified oil change requirement. If this option is used, Copp Excavating must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for each engine. The analysis program must be part of the maintenance plan for each engine. [40 C.F.R. § 63.6625(i)]

3. Non-Resettable Hour Meter

A non-resettable hour meter shall be installed and operated on the engine. [40 C.F.R. § 63.6625(f)]

4. Maintenance, Testing, and Non-Emergency Operating Situations

- a. As an emergency engine, the unit shall be limited to 100 hours/year for maintenance checks and readiness testing. Up to 50 hours/year of the 100 hours/year may be used in non-emergency situations (this does not include

peak shaving, demand response, or to generate income for a facility by providing power to an electric grid or otherwise to supply power as part of a financial arrangement with another entity). These limits are based on a calendar year. Compliance shall be demonstrated by records (electronic or written logs) of all engine operating hours. [40 C.F.R. § 63.6640(f) and 06-096 C.M.R. ch. 115]

- b. Copp Excavating shall keep records that include maintenance conducted on the engine and the hours of operation of the engine recorded through the non-resettable hour meter. Documentation shall include the number of hours the unit operated for emergency purposes, the number of hours the unit operated for non-emergency purposes, and the reason the engine was in operation during each time. [40 C.F.R. §§ 63.6655(e) and (f)]

5. **Operation and Maintenance**

The engine shall be operated and maintained according to the manufacturer's emission-related written instructions, or Copp Excavating shall develop a maintenance plan which provides to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 C.F.R. § 63.6625(e)]

Copp Excavating shall have available for review by the Department a copy of the manufacturer's emission-related written instructions for engine operation and maintenance. [06-096 C.M.R. ch. 115, BPT]

6. **Startup Idle and Startup Time Minimization**

During periods of startup, the facility must minimize the engine's time spent at idle and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [40 C.F.R. § 63.6625(h) and 40 C.F.R. Part 63, Subpart ZZZZ Table 2d]

(19) Crusher Generator

A. Fuel Use

1. The Crusher Generator is licensed to fire distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BACT]
2. Total fuel use for the Crusher Generator shall not exceed 75,000 gal/yr of distillate fuel, regardless of where the unit is operated. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered.

Records of annual fuel use shall be kept on a monthly and calendar year basis.
[06-096 C.M.R. ch. 115, BACT]

B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Crusher Generator	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

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)
Crusher Generator	0.36	0.36	0.36	0.005	13.23	2.85	1.08

D. Visible Emissions

Visible emissions from the Crusher Generator shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(4)]

(20) **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, § 4(B)(4)]

(21) **Fugitive Emissions Including Stockpiles and Roadways**

Copp Excavating shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

Copp Excavating shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.
[06-096 C.M.R. ch. 101, § 4(C)]

(22) Equipment Relocation [06-096 C.M.R. ch. 115, BPT]

- A. Copp Excavating shall notify the Bureau of Air Quality, by a written notification, prior to relocation of any equipment carried on this license. It is preferred for notice of relocation to be submitted through the Department's on-line e-notice at: www.maine.gov/dep/air/compliance/forms/relocation

Written notice may also be sent by mail. Notification sent by mail shall be sent to the address below:

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

The notification shall include the license number the equipment is covered under, identification of the equipment moved, the address of the equipment's new location, the date the equipment will be moved.

- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification shall be made to the respective county commissioners. The notification to the Department shall include the date the municipality was notified.

(23) Parts Washer

The Parts Washer at Copp Excavating is subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130.

- A. Copp Excavating 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. Copp Excavating 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 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]

(24) Copp Excavating 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]

- (25) 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, Copp Excavating may be required to submit additional information. Upon written request from the Department, Copp Excavating 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 28th DAY OF MARCH, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
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: July 27, 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.

FILED
MAR 28, 2024
State of Maine
Board of Environmental Protection