



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

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COMMISSIONER

**Commercial Paving, LLC  
Cumberland County  
Scarborough, Maine  
A-972-71-B-N/M (SM)**

**Departmental  
Findings of Fact and Order  
Air Emission License  
After-the-Fact Renewal/  
Minor Revision**

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

**I. REGISTRATION**

**A. Introduction**

The Air Emission License for Commercial Paving, LLC (Commercial Paving) of Scarborough, Maine expired on May 30, 2012. Commercial Paving has applied to renew their expired license permitting the operation of their portable batch mix asphalt plant and associated hot oil heater.

This license includes a minor revision to reflect a name change from S.B. Asphalt, LLC to Commercial Paving, LLC. With the name change, there was no associated transfer or merger in ownership of the facility.

The facility is located at 1 Chubbs Way in Scarborough, Maine.

**B. Emission Equipment**

**Asphalt Plant**

<b>Equipment</b>	<b>Process Rate (tons/hour)</b>	<b>Design Capacity Firing Rate</b>	<b>Control Devices</b>	<b>Stack No.</b>	<b>Date of Manufacture</b>
Batch Asphalt Plant	100	43.5 MMBtu/hr, #2 fuel oil or spec. waste oil, 0.7% sulfur.	Baghouse	1	1988

### Heating Equipment

<u>Equipment</u>	<u>Maximum Capacity</u>	<u>Fuel Type</u>	<u>Maximum Firing Rate</u>	<u>Date of Manufacture</u>
H-14 Hot Oil Heater	2.1 MMBtu/hr	#2 fuel oil, 0.5% sulfur	15 gal/hr	1988

#### C. Application Classification

The application for Commercial Paving does not include the installation of new or modified equipment. Emissions factors have been updated to reflect the most current values resulting in modified licensed emission limits. The previous air emission license for Commercial Paving expired on May 30, 2012. A complete application was not submitted prior to the expiration date, therefore Commercial Paving is considered to be an existing source applying for an after-the-fact renewal and minor revision. The facility is determined to be a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (as amended). With the fuel limits on the asphalt plant and hot oil heater, the facility is licensed below the major source thresholds and is considered a synthetic minor.

## II. BEST PRACTICAL TREATMENT

### A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis per 06-096 CMR 115 (as amended).

### B. Batch Asphalt Plant

The batch asphalt plant is rated at 100 tons/hr with a 43.5 MMBtu/hr burner firing #2 fuel oil and specification waste oil. Fuel use shall not exceed a combined 200,000 gallons per year based on a calendar year. The sulfur content of the specification waste oil fired in the facility's batch asphalt plant shall not exceed 0.7 % sulfur by weight.

1. BACT Findings

The BACT emission limits for the batch asphalt plant were based on the following:

- PM/PM<sub>10</sub> – 0.03 gr/dscf and 11,880 dscf/min; and the use of a baghouse. (This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 0.04 gr/dscf.)
- SO<sub>2</sub> – 0.71 lb/MMBtu based on the combustion of specification waste oil with 0.7% sulfur
- NO<sub>x</sub> – 0.12 lb/ton based on AP-42, Table 11.1-5 (dated 3/04) for batch mix
- CO – 0.40 lb/ton based on AP-42, Table 11.1-5 (dated 3/04) for batch mix
- VOC – 0.0082 lb/ton based on AP-42, Table 11.1-6 (dated 3/04) for batch mix
- Opacity – 06-096 CMR 101, *Visible Emission Regulation*:
  - (i) Visible emissions from the asphalt batch plant baghouse shall not exceed 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. (This is more stringent than the 40 CFR Part 60, Subpart I PM limit of 20% opacity.)
  - (ii) General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

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

	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Batch Asphalt Plant	3.05	3.05	30.67	12.00	40.00	0.82

Commercial Paving shall be limited to a combined 200,000 gallons/yr of #2 fuel oil and specification waste oil based on a calendar year.

Prior to January 1, 2016 or by the date otherwise stated in 38 MRSA §603-A(2)(A)(3), any #2 fuel oil fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). The specific dates contained in

this paragraph reflect the current dates in the statute as of the effective date of this license; however, if the statute is revised, the facility shall comply with the revised dates upon promulgation of the statute revision.

2. 40 CFR Part 60, Subpart I

The batch asphalt plant was manufactured in 1988 and is therefore subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) 40 Code of Federal Regulation (CFR) Part 60, Subpart I *Standards of Performance for Hot Mix Asphalt Facilities* constructed or modified after June 11, 1973.

Per 40 CFR Part 60, Subpart I, Commercial Paving conducted a performance test for PM on August 8, 1988. Results of the performance test were an average grain loading of 0.0188 gr/dscf, with the highest value being 0.0221 gf/dscf. Therefore, Commercial Paving demonstrated that the hot mix asphalt plant was in compliance with federal standards by not exceeding a PM emission limit of 0.04 gr/dscf and 20% opacity, per §60.92(a), as well as the Department licensed limit of 0.03 gr/dscf

3. Control Equipment

BACT for the batch asphalt plant shall be the control of particulate matter emissions by a baghouse. Commercial Paving currently makes use of a Hetherington & Berner (H&B) style baghouse. The H&B style direct pulse bag-house contains 324 single bags that are 6.0" in diameter and 8.0' long for a total of 4,071 square feet of cloth surface area. The unit will filter 24,000 cubic feet per minute (CFM) with a particulate removal efficiency of 99.0%.

4. Periodic Monitoring

The performance of the baghouse shall be constantly monitored by either one of the following at all times the batch asphalt plant is operating:

- a. 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%.
- b. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

Commercial Paving shall continue to utilize their maintenance, inspection and repair system for the asphalt plant baghouse, which allows for periodic

inspection of the system. Commercial Paving shall continue to document compliance by means of a maintenance, inspection and repair log in which Commercial Paving records the date of all bag failures and all routine maintenance as well as all inspection dates and findings.

Commercial Paving shall keep records of fuel use and receipts for the batch asphalt plant on a calendar year basis. The records shall be maintained for at least six years and made available to the Department upon request. A log shall also be maintained recording the quantity and analyzed test results of all specification waste oil fired in the batch asphalt plant.

#### 5. Contaminated Soils

Commercial Paving may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department 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.

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. H-14 Hot Oil Heater

Commercial Paving operates a hot oil heater, designated H-14 Hot Oil Heater, which is utilized to heat the asphalt in the asphalt storage tank. Hot oil is heated by the #2 fuel oil fired in the unit and is circulated through heat exchange tubing in the storage tank keeping the asphalt in a liquid state. The H-14 Hot Oil Heater has a maximum design heat input capacity of 2.1 MMBtu/hr firing #2 fuel oil which meets the criteria in ASTM D396 (maximum sulfur content of 0.5%). The heater was manufactured in 1988.

1. BACT Findings

The BACT emission limits for the hot oil heater were based on the following:

- PM/PM<sub>10</sub> – Emissions are regulated by 06-096 CMR 103, *Fuel Burning Equipment Particulate Emission Standard*, however, the BACT determined PM emission limit of 0.08 lb/MMBtu when firing #2 fuel oil is more stringent and shall be considered BACT. [06-096 CMR 115, BACT]
- SO<sub>2</sub> – 0.50 lb/MMBtu based on firing ASTM D396 #2 fuel oil (0.5% sulfur)
- NO<sub>x</sub> – 20 lb/1000 gal, AP-42, Table 1.3-1, dated 5/10
- CO – 5 lb/1000 gal, AP-42, Table 1.3-1, dated 5/10
- VOC – 0.34 lb/1000 gal, AP-42, Table 1.3-3, dated 5/10
- Opacity – 06-096 CMR 101, *Visible Emission Regulation*:  
Visible emissions from hot oil heater shall not exceed an opacity of 20% on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 3-hour period.

The BACT limits for the H-14 Hot Oil Heater are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
H-14 Hot Oil Heater	0.17	0.17	1.06	0.30	0.08	0.01

Commercial Paving shall be limited to 50,000 gallons/yr of #2 fuel oil based on a calendar year to be used in the H-14 Hot Oil Heater.

Prior to January 1, 2016 or by the date otherwise stated in 38 MRSA §603-A(2)(A)(3), the #2 fuel oil fired in H-14 Hot Oil Heater shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). The specific dates contained in this paragraph reflect the current dates in the statute as of the effective date of this license; however, if the statute is revised, the facility shall comply with the revised dates upon promulgation of the statute revision.

2. Periodic Monitoring

Periodic monitoring for the hot oil heater shall include recordkeeping to document fuel use both on a monthly and calendar year basis. Documentation shall include the quantity and type of fuel used and the sulfur content of the fuel.

3. 40 CFR Part 63 Subpart JJJJJ

The H-14 Hot Oil Heater unit utilizes oil, not water, as the heating liquid and as such does not meet the definition of a boiler or hot water heater in the *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* (40 CFR Part 63 Subpart JJJJJ). Therefore, the H-14 Hot Oil Heater is not subject to 40 CFR Part 63 Subpart JJJJJ.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

E. General Process Emissions

Visible emissions from any general process (including conveyor belts, transfer points, etc.) associated with an NSPS rock crusher shall not exceed an opacity of 7% on a six (6) minute block average basis.

Visible emissions from any other general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

F. Facility Emissions

1. Commercial Paving shall be restricted to the following annual emissions, based on a calendar year. The tons per year limits were calculated based on a combined 200,000 gal/yr of #2 fuel oil and specification waste oil in the asphalt plant and 50,000 gal/yr of #2 fuel oil in the hot oil heater:

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

	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Asphalt Plant	0.98	0.98	9.87	3.86	12.87	0.26
Hot Oil Heater	0.28	0.28	1.76	0.50	0.13	0.01
<b>Total TPY</b>	<b>1.3</b>	<b>1.3</b>	<b>11.6</b>	<b>4.4</b>	<b>13.0</b>	<b>0.3</b>

2. Greenhouse Gases

Greenhouse gases are considered regulated pollutants as of January 2, 2011 through 'Tailoring' revisions made to EPA's *Approval and Promulgation of Implementation Plans*, 40 CFR Part 52, Subpart A, §52.21 Prevention of Significant Deterioration of Air Quality rule. "Greenhouse gases" as defined in 06-096 CMR 100 (as amended) means the aggregate group of the following gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gases (GHG) for purposes of licensing are calculated and reported as carbon dioxide equivalents (CO<sub>2</sub>e).

Based on the facility's fuel use limit(s), the worst case emission factors from AP-42, IPCC (Intergovernmental Panel on Climate Change), and *Mandatory Greenhouse Gas Reporting*, 40 CFR Part 98, and the global warming potentials contained in 40 CFR Part 98, Commercial Paving is below the major source threshold of 100,000 tons of CO<sub>2</sub>e per year. Therefore, no additional licensing requirements are needed to address GHG emissions at this time.

**III. AMBIENT AIR QUALITY ANALYSIS**

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling is not required for a renewal if the total emissions of any pollutant released do not exceed the following and there are no extenuating circumstances:

<b>Pollutant</b>	<b>Tons/Year</b>
PM <sub>10</sub>	25
SO <sub>2</sub>	50
NO <sub>x</sub>	50
CO	250

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**Departmental  
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Based on the total facility licensed emissions, Commercial Paving is below the emissions level required for modeling.

**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-972-71-B-N/M, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License 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. [06-096 CMR 115]
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]

- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. § 353-A. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
  - A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause 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 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - C. submit a written report to the Department within thirty (30) days from date of test completion.  
[06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
  - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
  - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.  
[06-096 CMR 115]
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such

locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

## SPECIFIC CONDITIONS

### (16) Batch Asphalt Plant (100 tons/hr)

#### A. Fuel Use

1. Commercial Paving shall be limited to the use of a combined total of 200,000 gallons on a calendar year of #2 fuel oil and specification waste oil (not to exceed 0.7% sulfur), in the hot mix asphalt plant. [06-096 CMR 115, BACT]
2. Prior to January 1, 2016 or by the date specified in 38 MRSA §603-A(2)(A)(3), any #2 fuel oil fired in the asphalt plant shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [06-096 CMR 115, BACT and 38 MRSA §603-A(2)(A)(3)]
3. Fuel use records and receipts for the hot mix asphalt plant shall be maintained for at least six years and made available to the Department upon request. Fuel use records shall be kept on a monthly and calendar year basis. [06-096 CMR 115, BACT]
4. A log shall be maintained recording the quantity and analyzed test results of all specification waste oil fired in the asphalt plant. [06-096 CMR 115, BACT]

B. Emissions from the hot mix 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 CMR 115, BACT]

C. The performance of the baghouse shall be constantly monitored by either one of the following at all times the hot mix asphalt plant is operating [06-096 CMR 115, BACT]:

1. 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 with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.
- D. To document maintenance of the baghouse, the licensee shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BACT]
- E. Emissions from the asphalt plant baghouse shall not exceed the following [06-096 CMR 115, BACT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	3.05
PM <sub>12</sub>	-	3.05
SO <sub>2</sub>	-	30.67
NO <sub>x</sub>	-	12.00
CO	-	40.00
VOC	-	0.82

- F. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]
- 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 (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]
- H. The hot mix asphalt plant is subject to 40 CFR Part 60 Subparts A and I, and Commercial Paving shall comply with all applicable requirements, including the notification and recordkeeping requirements of 40 CFR Part 60.7. The initial performance test requirement of 40 CFR Part 60.8 was completed on August 8, 1988.
- I. Commercial Paving may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the Department 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. [38 MSRA §608-A, and 06-096 CMR 115, BACT]

- J. Commercial Paving shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BACT]
- 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 CMR 115, BACT]

(17) **H-14 Hot Oil Heater**

A. Fuel Use

- 1. The H-14 Hot Oil Heater is licensed to fire #2 fuel oil. [06-096 CMR 115, BACT]
- 2. Prior to January 1, 2016 or on the date specified in 38 MRSA §603-A(2)(A)(3), the fuel oil fired in the heater shall be ASTM D396 compliant #2 fuel oil (maximum sulfur content of 0.5% by weight). Per 38 MRSA §603-A(2)(A)(3), beginning January 1, 2016 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.005% by weight (50 ppm), and beginning January 1, 2018 or on the date specified in the statute, the facility shall fire #2 fuel oil with a maximum sulfur content limit of 0.0015% by weight (15 ppm). [06-096 CMR 115, BACT and 38 MRSA §603-A(2)(A)(3)]
- 3. Fuel compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered and the percent sulfur of the fuel on a monthly and calendar year basis. [06-096 CMR 115, BACT]
- 4. Annual fuel use for the heater shall not exceed 50,000 gallons of #2 fuel oil in a calendar year. [06-096 CMR 115, BACT]

B. Emissions from the H-14 Hot Oil Heater shall not exceed the following [06-096 CMR 115, BACT]:

	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
H-14 Hot Oil Heater	0.17	0.17	1.06	0.30	0.08	0.01

- C. Visible emissions from hot oil heater shall not exceed 20% opacity on a six (6) minute block average, except for no more than one (1) six (6) minute block average in a continuous 3-hour period. [06-096 CMR 101]

(18) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed an opacity of 20%, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(19) **General Process Sources**

Visible emissions from any general process (including conveyor belts, transfer points, etc.) associated with an NSPS rock crusher shall not exceed an opacity of 7% on a six (6) minute block average basis. [40 CFR 60, Subpart OOO]

Visible emissions from any other general process (non-NSPS crusher conveyor belts, bucket elevators, bagging operations, truck loading operations, etc.) shall not exceed an opacity of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 115, BPT]

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

A. Commercial Paving shall notify the Bureau of Air Quality, by a written notification, prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

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

Equipment relocation notification can also be submitted through the Department's on-line e-notice at:  
[www.maine.gov/dep/air/compliance/forms/relocation](http://www.maine.gov/dep/air/compliance/forms/relocation).

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

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

Commercial Paving, LLC  
Cumberland County  
Scarborough, Maine  
A-972-71-B-N/M (SM)

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Departmental  
Findings of Fact and Order  
Air Emission License  
After-the-Fact Renewal/  
Minor Revision

- (21) 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 CMR 115, BPT]
- (22) Commercial Paving shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605].

DONE AND DATED IN AUGUSTA, MAINE THIS 20 DAY OF May, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

*Marc Allen Robert Cone for*  
PATRICIA W. AHO, COMMISSIONER

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 3/1/2013  
Date of application acceptance: 3/8/2013

Date filed with the Board of Environmental Protection:

This Order prepared by Allison M. Hazard, Bureau of Air Quality.

