



DEPARTMENT ORDER

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

**Departmental
Findings of Fact and Order
Air Emission License
Amendment #1**

FINDINGS OF FACT

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

I. REGISTRATION

A. Introduction

Auburn Asphalt, LLC (Auburn Asphalt) was issued Air Emission License A-1141-71-A-N on April 18, 2019, for the operation of emission sources associated with their Hot Mix Asphalt facility at 699 Main Street, Richmond, Maine.

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

Auburn Asphalt has requested an amendment to their license in order to notate the replacement of the previously licensed batch asphalt plant with a larger drum mix asphalt plant. The previously licensed Hot Oil Heater was not replaced. This amendment will also update the applicable visible emission standards to comply with the revisions of 06-096 C.M.R. ch. 101 which came into effect in 2024.

B. Emission Equipment

The following equipment is addressed in this air emission license amendment:

Asphalt Plant

Equipment	Process Rate (tons/hour)	Design Capacity (MMBtu/hr)	Fuel Type	Control Device	Date of Manuf.
HMA Drum Plant	400	102.2	Distillate fuel, propane	Baghouse	2026
<i>HMA Batch Plant *</i>	<i>300</i>	<i>75.0</i>	<i>Distillate fuel, propane</i>	<i>Baghouse</i>	<i>1992</i>

* This equipment is being replaced by the HMA Drum Plant and will be removed from this license.

C. Application Classification

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

The modification of a minor source is considered a major or minor modification based on whether or not expected emission increases exceed the “Significant Emissions” levels as defined in the Department’s *Definitions Regulation*, 06-096 Code of Maine Rules (C.M.R.) ch. 100. The emission increases are determined by subtracting the current licensed annual emissions preceding the modification from the maximum future licensed annual emissions, as follows:

Pollutant	Current License (tpy)	Future License (tpy)	Net Change (tpy)	Significant Emissions Levels
PM	12.4	7.5	-4.9	100
PM ₁₀	12.4	7.5	-4.9	100
PM _{2.5}	12.4	7.5	-4.9	100
SO ₂	21.7	2.8	-18.9	100
NO _x	31.3	15.4	-15.9	100
CO	99.1	33.0	-66.1	100
VOC	8.0	8.1	0.1	100

This modification is determined to be a minor modification and has been processed as such.

D. Facility Classification

With the annual production limit on the HMA Drum Plant, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Auburn Asphalt is subject to license restrictions that keep facility emissions below major source thresholds for CO; 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 (BPT)**

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 *Definitions Regulation*, 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 Drum Plant

Auburn Asphalt operates a stationary asphalt drum mix plant (HMA Drum Plant) with a maximum hourly throughput of 400 ton/hr of asphalt and a 102.2 MMBtu/hr burner which fires distillate fuel and propane.

Emission factors for asphalt plants are available based on tons of asphalt produced, and there is no linear relationship between plant output and burner firing rate. Therefore, to ensure annual emissions are limited to less than major source thresholds, asphalt throughput is limited instead of fuel consumption. Accordingly, the annual throughput of the asphalt plant shall not exceed 490,000 tons of asphalt per year on a 12-month rolling total basis.

1. Following is a BACT analysis for control of emissions from the HMA Drum Plant.

a. Particulate Matter (PM, PM₁₀, PM_{2.5})

Auburn Asphalt has proposed to burn only low-ash content fuels (propane and distillate fuel) in the HMA Drum Plant. Additionally Auburn Asphalt will install and operate a baghouse for control of PM, PM₁₀, and PM_{2.5}. Add-on pollution controls are not economically feasible.

BACT for PM/PM₁₀/PM_{2.5} emissions from the HMA Drum Plant is the use of a baghouse and the emission limits listed in the tables below.

b. Sulfur Dioxide (SO₂)

The primary source of SO₂ emissions from the operation of the HMA Drum Plant is the processing of asphalt, of which there is no available alternative material which would result in the reduced emissions of SO₂.

Auburn Asphalt has proposed to fire only propane and distillate fuel with a sulfur content not to exceed 0.0015% by weight. The use of these fuels results in minimal emissions of SO₂, and additional add-on pollution controls are not economically feasible.

BACT for SO₂ emissions from the HMA Drum Plant is the use of propane and ultra-low-sulfur distillate fuel and the emission limits listed in the tables below.

c. Nitrogen Oxides (NO_x)

Several control strategies were considered for the control of NO_x including Selective Catalytic Reduction (SCR), Selective Non-Catalytic Reduction (SNCR), flue gas recirculation (FGR), and low-NO_x burners.

SCR is a technically feasible control technology for minimizing NO_x, while SNCR is considered technically infeasible due to the lack of an appropriate location for injection. Both methods include injection of a NO_x reducing agent, typically ammonia or urea, into the combustion gases, where the reagent reacts with NO_x to form nitrogen and water. Each technology is effective within a specific temperature range, 500 – 1,200 °F for SCR and 1,400 – 1,600 °F for SNCR. However, both SCR and SNCR have the negative environmental impact of emissions of unreacted ammonia. In addition, due to the initial capital cost and the annual operating costs, these systems are typically only considered cost effective for units larger than the HMA Drum Plant.

FGR can attain similar NO_x reduction efficiencies through lowering burner flame temperature and thereby reducing thermal NO_x formation. However, FGR reduces the burner's fuel efficiency. For this reason, it has been determined to not be economically feasible.

BACT for NO_x emissions from the HMA Drum Plant is the emission limits listed in the tables below.

d. Carbon Monoxide (CO) and Volatile Organic Compounds (VOC)

Several control strategies were considered for the control of CO and VOC including oxidation catalysts and thermal oxidizers.

Oxidation catalysts and thermal oxidizers both have high capital, maintenance, and operational costs considering the size of the burner in question. These controls were determined to be economically infeasible.

BACT for CO and VOC emissions from the HMA Drum Plant are the emission limits listed in the tables below.

2. BACT Findings

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

PM/PM ₁₀ /PM _{2.5}	– 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BACT
SO ₂	– 1.1 x 10 ⁻² lb/ton based on AP-42 Table 11.1-7 dated 3/04 firing distillate fuel and 3.4 x 10 ⁻³ lb/ton based on AP-42 Table 11.1-7 dated 3/04 firing propane

NO _x	– 5.5 x 10 ⁻² lb/ton based on AP-42 Table 11.1-7 dated 3/04 firing distillate fuel and 2.6 x 10 ⁻² lb/ton based on AP-42 Table 11.1-7 dated 3/04 firing propane
CO	– 0.13 lb/ton based on AP-42 Table 11.1-7 dated 3/04
VOC	– 3.2 x 10 ⁻² lb/ton based on AP-42 Table 11.1-8 dated 3/04
Visible Emissions	– 06-096 C.M.R. ch. 101

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

Unit	Fuel	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)
HMA Drum Plant	Distillate fuel	10.42	10.42	10.42	4.40	22.00	52.00	12.80
HMA Drum Plant	Propane	10.42	10.42	10.42	1.36	10.40	52.00	12.80

Visible emissions from the asphalt plant baghouse shall not exceed 20% opacity on a six-minute block average basis. This is consistent with the 20% opacity limit in *Standards of Performance for Hot Mix Asphalt Facilities*, 40 C.F.R. Part 60, Subpart I.

With limited exceptions, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm) pursuant to 38 M.R.S. § 603-A(2)(A)(3). Therefore, the distillate fuel purchased or otherwise obtained for use in the asphalt plant shall not exceed 0.0015% by weight (15 ppm).

3. New Source Performance Standards

The asphalt plant will be manufactured in 2026 and is therefore subject to the federal Environmental Protection Agency’s (EPA) New Source Performance Standards (NSPS) *Standards of Performance for Hot Mix Asphalt Facilities*, 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart I for facilities constructed or modified after June 11, 1973.

a. Notification

Auburn Asphalt shall submit notification to EPA and the Department of the date of initial startup. [40 C.F.R. § 60.7(a)(3)]

b. Standards

(1) Particulate Matter (PM)

The asphalt plant shall not exceed an emission limit of 0.04 gr/dscf. [40 C.F.R. § 60.92(a)(1)]

The Department has determined that the proposed BACT particulate matter emission limit is more stringent than the applicable limit in 40 C.F.R. Part 60,

Subpart I. Therefore, the particulate matter limit for the asphalt plant has been streamlined to the more stringent BACT limit, and only this more stringent limit shall be included in the Order of this air emission license.

(2) Opacity

Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch.101, § 4(B)(1)]

c. Initial Compliance Requirements

Auburn Asphalt shall perform the following within 60 days after achieving the maximum production rate at which the asphalt plant will be operated but not later than 180 days after the initial startup:

(1) Auburn Asphalt shall conduct an initial performance test for PM using 40 C.F.R. Part 60, Appendix A, Method 5. [40 C.F.R. § 60.93(b)(1)]

(2) Auburn Asphalt shall conduct an initial performance test¹ for opacity using 40 C.F.R. Part 60, Appendix A, Method 9. [40 C.F.R. § 60.93(b)(2)]

4. Control Equipment

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

5. Periodic Monitoring

The performance of the baghouse shall be monitored by either one of the following at all times the 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.

To document maintenance of the baghouse, Auburn Asphalt shall keep records of the date and location of all bag failures, the date and a description of all routine and

¹ Note that 40 C.F.R. § 60.11(b) requires that the minimum total time of observations shall be 3 hours (30 6-minute averages).

non-routine maintenance, and the date and results of all inspections. These records shall be kept on-site at the asphalt plant location.

6. Contaminated Soils

a. Soils Contaminated with Gasoline and Distillate Fuel

Auburn Asphalt may process up to 10,000 cubic yards per calendar year of soil contaminated by gasoline or distillate fuel without prior approval from the Department's Bureau of Air Quality.

This limit may be exceeded with prior written authorization from the Department's Bureau of Air Quality. Requests will be evaluated on a case-by-case basis taking into account the nature and amount of the contaminated soil to be processed, the location where the processing will occur, and the potential for fugitive emissions.

b. General Requirements for Processing of Contaminated Soils

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

Auburn Asphalt shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating material and quantity, origin of the soil and contaminating material, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and any other applicable state rules or statutes.

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 on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

Any approval from the Department's Bureau of Air Quality to process contaminated soil does not supersede requirements from other Department bureaus. Similarly, approvals to process contaminated soil granted by another Department bureau does not supersede the limits imposed by this air emission license.

C. General Process Emissions

On January 1, 2024, the applicable visible emissions standard for General Process Sources contained in 06-096 C.M.R. ch. 101 changed to the following:

Visible emissions from any general process source shall not exceed 20% opacity on a six-minute block average basis.

D. Fugitive Emissions

On January 1, 2024, the applicable visible emissions standard for Fugitive Emissions contained in 06-096 C.M.R. ch. 101 changed to the following:

Auburn Asphalt 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.

Auburn Asphalt 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.

E. Performance Test Protocol

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

Note: Although some federal standards, such as 40 C.F.R. Part 60, Subpart OOO, allow for a shorter pretest notification period, the Department requires pretest notification a minimum of 30 days prior to the scheduled date of the performance test unless a variance of this requirement is preapproved by the Department.

Performance Testing Guidance is available on [the Department's Emissions Testing webpage; https://www.maine.gov/dep/air/emissions/testing.html](https://www.maine.gov/dep/air/emissions/testing.html).

F. Emissions Statements

With the reduction of emissions associated with the installation of the new HMA Drum Plant, Auburn Asphalt will no longer be subject to *Emission Statements*, 06-096 C.M.R. ch. 137.

Until Auburn Asphalt makes the changes in operations as described in this license, they will still be required to maintain records and report such information sufficient to comply with this rule. Auburn Asphalt shall maintain the following records:

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

Every third year, or as requested by the Department, Auburn Asphalt shall report to the Department emissions of hazardous air pollutants as required pursuant to 06-096 C.M.R. ch. 137, § (3)(C). The next report is due no later than May 15, 2027, for emissions occurring in calendar year 2026. 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)]

G. Annual Emissions

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

- The HMA Drum Plant producing 490,000 tons/year of asphalt using the worst-case emission factors;
- Operating the Hot Oil Heater for 8,760 hr/yr.

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	PM₁₀	PM_{2.5}	SO₂	NO_x	CO	VOC
HMA Drum Plant	6.4	6.4	6.4	2.7	13.5	31.9	7.9
Hot Oil Heater	1.1	1.1	1.1	0.1	1.9	1.1	0.2
Total TPY	7.5	7.5	7.5	2.8	15.4	33.0	8.1

Pollutant	Tons/year
Single HAP	7.9
Total HAP	19.9

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
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 amendment.

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 Auburn Asphalt 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, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License Amendment A-1141-71-B-A subject to the conditions found in Air Emission License A-1141-71-A-N and the following conditions.

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

For clarity, the following shall replace all Conditions in Air Emission Licenses A-1141-71-A-N.

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 Chapter 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] Payment of the annual air emission license fee for Auburn Asphalt is due by the end of May of each year. [38 M.R.S. § 353-A(3)]
- (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).

SPECIFIC CONDITIONS

(17) **Asphalt Plant**

A. Fuel Use

1. The asphalt plant is licensed to fire distillate fuel and propane. [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. Fuel sulfur content compliance shall be demonstrated by fuel delivery receipts from the supplier, a statement from the supplier that the fuel delivered meets Maine's fuel sulfur content standards, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BACT]

B. 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 production shall be kept on a monthly and 12-month rolling total basis. [06-096 C.M.R. ch. 115, BACT]

C. Emissions from the asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, 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 records of the date and location of all bag failures, the date and a description of all routine and non-routine maintenance, and the date and results of all inspections. These records shall be kept on-site at the asphalt plant location. [06-096 C.M.R. ch. 115, BPT]
 - F. Emissions from the asphalt plant baghouse shall not exceed the following [06-096 C.M.R. ch. 115, BACT]:

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

Unit	Fuel	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)
HMA Drum Plant	Distillate fuel	10.42	10.42	10.42	4.40	22.00	52.00	12.80
HMA Drum Plant	Propane	10.42	10.42	10.42	1.36	10.40	52.00	12.80

- G. General process emissions from the hot mix asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]

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

1. Notification

Auburn Asphalt shall submit notification to EPA and the Department of the date of initial startup. [40 C.F.R. § 60.7(a)(3)]

2. Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch. 101, § 4(B)(1)]

3. Initial Compliance Requirements

Auburn Asphalt shall perform the following within 60 days after achieving the maximum production rate at which the asphalt plant will be operated but not later than 180 days after the initial startup:

- (3) Auburn Asphalt shall conduct an initial performance test for PM using 40 C.F.R. Part 60, Appendix A, Method 5. [40 C.F.R. § 60.93(b)(1)]

(4) Auburn Asphalt shall conduct an initial performance test² for opacity using 40 C.F.R. Part 60, Appendix A, Method 9. [40 C.F.R. § 60.93(b)(2)]

H. Contaminated Soils

1. Soils Contaminated with Gasoline and Distillate Fuel

Auburn Asphalt may process up to 10,000 cubic yards per calendar year of soil contaminated by gasoline or distillate fuel without prior approval from the Department's Bureau of Air Quality.

This limit may be exceeded with prior written authorization from the Department's Bureau of Air Quality. Requests will be evaluated on a case-by-case basis taking into account the nature and amount of the contaminated soil to be processed, the location where the processing will occur, and the potential for fugitive emissions.

2. General Requirements for Contaminated Soils

- a. Auburn Asphalt shall not process soils which are classified as hazardous waste or which have unknown contaminants.
- b. Auburn Asphalt shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating material and quantity, origin of the soil and contaminating material, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and any other applicable state rules or statutes.
- c. 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 on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

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

² Note that 40 C.F.R. § 60.11(b) requires that the minimum total time of observations shall be 3 hours (30 6-minute averages).

(18) **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, BPT]
2. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm).
[06-096 C.M.R. ch. 115, BPT]
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, BPT]

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, BPT
Hot Oil Heater, distillate fuel	PM	0.08	06-096 C.M.R. ch. 115, BPT

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

Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	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 firing propane shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]
- E. Visible emissions from the Hot Oil Heater firing distillate fuel shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 115, BPT]

(19) **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)]

(20) **Fugitive Emissions**

- A. Auburn Asphalt 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.
- B. Auburn Asphalt 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)]

(21) **Equipment Relocation**

- A. Auburn Asphalt shall provide written notification to the Bureau of Air Quality 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; www.maine.gov/dep/air/compliance/forms/relocation](http://www.maine.gov/dep/air/compliance/forms/relocation) or other electronic system provided by the Department.

The notification shall include the license number in which the equipment is addressed, identification of the equipment moved, the address of the equipment's new location, and 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.

(22) **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 washers 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]

(23) **Performance Test Protocol**

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

Note: Although some federal standards, such as 40 C.F.R. Part 60, Subpart OOO, allow for a shorter pretest notification period, the Department requires pretest notification a minimum of 30 days prior to the scheduled date of the performance test unless a variance of this requirement is preapproved by the Department.

(24) **Order Availability**

Auburn Asphalt shall keep a copy of this Order on site with the licensed equipment and ensure the operator(s) are familiar with the terms of this Order.

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

(25) **Annual Emissions Statements**

A. In accordance with *Emission Statements*, 06-096 C.M.R. ch. 137, Auburn Asphalt shall annually report to the Department, for any time period in which the previously licensed equipment is operated, 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.

[06-096 C.M.R. ch. 137]

C. Every third year, or as requested by the Department, Auburn Asphalt shall report to the Department emissions of hazardous air pollutants as required pursuant to 06-096 C.M.R. ch. 137, § (3)(C). The next report is due no later than May 15, 2027, for emissions occurring in calendar year 2026. 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)]

(26) **Additional Information**

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

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

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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, Auburn Asphalt may be required to submit additional information. Upon written request from the Department, Auburn Asphalt 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 10th DAY OF JUNE, 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for
MELANIE LOYZIM, COMMISSIONER

The term of this license amendment shall be ten (10) years from the issuance of Air Emission License A-1141-71-A-N (issued 4/18/2019).

[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: 1/13/26

Date of application acceptance: 1/20/26

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