



**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
17 STATE HOUSE STATION | AUGUSTA, MAINE 04333-0017  
**DEPARTMENT ORDER**

**Pike Industries, Inc.**  
**Penobscot County**  
**Hermon, Maine**  
**A-776-71-N-R/M**

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

### **Findings of Fact**

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

#### **I. Registration**

##### **A. Introduction**

Pike Industries, Inc. (Pike) has applied to renew their Air Emission License for the operation of their hot mix asphalt plant located at 1048 Odlin Road, Hermon, Maine.

The main office is located at 95 Warren Avenue, Westbrook, Maine.

Pike has requested a minor revision to their license in order to remove the two licensed generators as they are no longer in use/operable.

##### **B. Emission Equipment**

The following equipment is addressed in this air emission license:

#### **Asphalt Plant**

<b>Equipment</b>	<b>Process Rate</b>	<b>Design Capacity</b>	<b>Fuel Type</b>	<b>Control Device</b>	<b>Date of Manuf.</b>
Asphalt Batch Plant (P817)	220 ton/hr	35 MMBtu/hr	Distillate Fuel, Residual Fuel, Specification Waste Oil, Natural Gas, and LPG (Propane)	Baghouse	1970

**Heating Equipment**

Equipment	Max. Capacity	Fuel Type	Date of Manuf.
P817-HOH * (Hot Oil Heater)	0.9 MMBtu/hr	Distillate Fuel, Residual Fuel, Specification Waste Oil, Natural Gas, and LPG (Propane)	2000

\* Considered as an insignificant activity per 06-096 C.M.R. ch. 115, Appendix B, based on the size of the unit; included for inventory purposes only. This unit may still be subject to the requirements of *Visible Emissions Regulation*, 06-096 C.M.R. ch. 101 and *Low Sulfur Fuel Regulation*, 06-096 C.M.R. ch. 106. It is not addressed further in this license.

**Engines**

Unit ID	Max. Capacity (MMBtu/hr)	Max. Firing Rate	Fuel Type	Date of Manuf.
<i>Diesel Generator #1</i> <sup>A</sup>	3.5	25.6 gal/hr	<i>Distillate Fuel</i>	1999
<i>Diesel Generator #2</i> <sup>A</sup>	4.3	31.4 gal/hr	<i>Distillate Fuel</i>	2002

<sup>A</sup> No longer operable; removed from the license

C. Definitions

Distillate Fuel means the following:

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

Records or Logs mean either hardcopy or electronic records.

Residual fuel, for the purpose of this license, means fuel oil numbers 4, 5, and 6 as defined by the American Society for Testing and Materials in ASTM D396.

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

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

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

D. Application Classification

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

The application for Pike does not include the licensing of increased emissions or the installation of new or modified equipment. Pike has requested a minor revision to remove two inoperable engines from their license as addressed in Section I(A) above. This amendment will not increase licensed emissions of any pollutant. Therefore, the license is considered to be a renewal of currently licensed emission units and a minor revision and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

E. Facility Classification

With the annual production limit on Asphalt Batch Plant P817, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Pike is subject to license restrictions that keep facility emissions below major source thresholds for NO<sub>x</sub> and 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 existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

### B. Asphalt Batch Plant P817

Pike operates a stationary asphalt batch plant (Asphalt Batch Plant P817) with a maximum hourly throughput of 220 ton/hr of asphalt and a 35 MMBtu/hr burner which fires distillate fuel, residual fuel, specification waste oil, natural gas, or LPG (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 300,000 tons of asphalt per year on a 12-month rolling total basis.

#### 1. BPT Findings

The BPT emission limits for Asphalt Batch Plant P817 when firing distillate fuel, residual fuel, or specification waste oil were based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – 8.8 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-5 dated 3/04
- NO<sub>x</sub> – 0.12 lb/ton based on AP-42 Table 11.1-5 dated 3/04
- CO – 0.40 lb/ton based on AP-42 Table 11.1-5 dated 3/04
- VOC – 3.6 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-6 dated 3/04
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Asphalt Batch Plant P817 when firing natural gas or LPG (propane) were based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – 4.6 x 10<sup>-3</sup> lb/ton based on AP-42 Table 11.1-5 dated 3/04
- NO<sub>x</sub> – 0.025 lb/ton based on AP-42 Table 11.1-5 dated 3/04
- CO – 0.40 lb/ton based on AP-42 Table 11.1-5 dated 3/04
- VOC – 8.2 x 10<sup>-3</sup> lb/ton based on AP-42 Table 11.1-6 dated 3/04
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Asphalt Batch Plant P817 are the following:

Unit	Fuel	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Asphalt Batch Plant P817	<i>Distillate Fuel, Residual Fuel, and Specification Waste Oil</i>	7.48	7.48	7.48	19.36	26.40	88.00	7.92
Asphalt Batch Plant P817	<i>Natural Gas and LPG (propane)</i>	7.48	7.48	7.48	1.01	5.50	88.00	1.80

Visible emissions from the asphalt plant baghouse shall not exceed 20% opacity on a six-minute block average basis.

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

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 Asphalt Batch Plant P817 shall not exceed 0.0015% by weight (15 ppm).

With limited exceptions, no person shall import, distribute, or offer for sale any residual fuel oil with a sulfur content greater than 0.5% by weight pursuant to 38 M.R.S. §§ 603-A(2)(A)(1) and (2). Therefore, the residual fuel purchased or otherwise obtained for use in Asphalt Batch Plant P817 shall not exceed 0.5% by weight.

## 2. New Source Performance Standards

The asphalt plant was manufactured in 1970 and is therefore not subject to the federal Environmental Protection Agency's (EPA) New Source Performance

Standards (NSPS) *Standards of Performance for Hot Mix Asphalt Facilities*, 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart I for facilities constructed or modified after June 11, 1973.

3. Control Equipment

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

4. Periodic Monitoring

The performance of the baghouse shall be monitored by either one of the following at all times Asphalt Batch Plant P817 is operating:

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

Pike shall keep records of baghouse failures, baghouse maintenance, and baghouse inspections.

To document maintenance of the baghouse, Pike 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. Records shall also be maintained recording the quantity and analyzed test results of all specification waste oil fired in the unit.

5. Contaminated Soils

a. Soils Contaminated with Gasoline and Distillate Fuel

Pike 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. Soils Contaminated with Virgin Oil

Pike may process up to 5,000 cubic yards per calendar year of soil contaminated with virgin oil as defined in this license/amendment 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.

Processing of virgin oil contaminated soils may also require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 C.M.R. ch. 409, before processing of virgin oil contaminated soils may occur. The material shall be handled in accordance with the requirements of the Department's Bureau of Remediation and Waste Management.

c. General Requirements for Processing of Contaminated Soils

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

Pike shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing any 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, Pike 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, Pike 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

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

D. Fugitive Emissions

Pike 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.

Pike 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. 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 a production limit of 300,000 tons/year for Asphalt Batch Plant P817.

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)

	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Asphalt Batch Plant P817	5.1	5.1	5.1	13.2	18.0	60.0	5.4
<b>Total TPY</b>	<b>5.1</b>	<b>5.1</b>	<b>5.1</b>	<b>13.2</b>	<b>18.0</b>	<b>60.0</b>	<b>5.4</b>

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 <sub>10</sub>	25
PM <sub>2.5</sub>	15
SO <sub>2</sub>	50
NO <sub>x</sub>	50
CO	250

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

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Pike 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 A-776-71-N-R/M 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 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 Pike is due by the end of November 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, residual fuel, specification waste oil, natural gas, and LPG (propane). [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. The facility shall not purchase or otherwise obtain residual fuel with a maximum sulfur content that exceeds 0.5% by weight. [06-096 C.M.R. ch. 115, BPT]
4. The facility shall not purchase or otherwise obtain specification waste oil with a maximum sulfur content that exceeds 0.7% by weight. [06-096 C.M.R. ch. 115, BPT]
5. Compliance shall be demonstrated by fuel records from the supplier showing the type and percent sulfur of the fuel delivered. [06-096 C.M.R. ch. 115, BPT]

B. The annual throughput of Asphalt Batch Plant (P817) shall not exceed 300,000 tons of asphalt per year on a 12-month rolling total basis. Records of asphalt production shall be kept on a monthly and 12-month rolling total basis. [06-096 C.M.R. ch. 115, BPT]

C. Emissions from Asphalt Batch Plant (P817) shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, BPT]

D. The performance of the Asphalt Batch Plant (P817) baghouse shall be monitored by either one of the following at all times the hot mix asphalt plant is operating:  
[06-096 C.M.R. ch. 115, BPT]

1. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Pike 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, Pike 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, BPT]:

<b>Pollutant</b>	<b>grs/dscf</b>	<b>lb/hr firing</b>	
		<b>Distillate Fuel, Residual Fuel, Spec. Waste Oil</b>	<b>Natural Gas, LPG (Propane)</b>
PM	0.03	7.48	7.48
PM <sub>10</sub>	–	7.48	7.48
PM <sub>2.5</sub>	–	7.48	7.48
SO <sub>2</sub>	–	19.36	1.01
NO <sub>x</sub>	–	26.40	5.50
CO	–	88.00	88.00
VOC	–	7.92	1.80

- G. Visible emissions from the baghouse is limited to no greater than 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(1)]
- H. 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)]
- I. Contaminated Soils
  - 1. Soils Contaminated with Gasoline and Distillate Fuel

Pike 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. Soils Contaminated with Virgin Oil

Pike may process up to 5,000 cubic yards per calendar year of soil contaminated with virgin oil as defined in this license 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.

Processing of virgin oil contaminated soils may also require a solid waste processing facility license under Maine Solid Waste Management Rules, 06-096 C.M.R. ch. 409, before processing of virgin oil contaminated soils may occur. The material shall be handled in accordance with the requirements of the Department's Bureau of Remediation and Waste Management.

3. General Requirements for Contaminated Soils

- a. Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants.
- b. Pike shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing any 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, Pike 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, Pike shall maintain records on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

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

**(18) 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)]

**(19) Fugitive Emissions [06-096 C.M.R. ch. 101, § 4(C)]**

A. Pike 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. Pike 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.

**(20) Order Availability**

Pike 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]

**Pike Industries, Inc.  
Penobscot County  
Hermon, Maine  
A-776-71-N-R/M**

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

**(21) 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 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, Pike may be required to submit additional information. Upon written request from the Department, Pike 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 15<sup>th</sup> day of JUNE, 2026.

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: April 15, 2026

Date of application acceptance: April 15, 2026

This Order prepared by Zac Hicks, Bureau of Air Quality.