



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

**Shaw Brothers Construction, Inc.**  
**Cumberland County**  
**Gorham, Maine**  
**A-425-71-T-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**

Shaw Brothers Construction, Inc. (Shaw Brothers) was issued Air Emission License A-425-71-S-R/A on July 23, 2024, for the operation of emission sources associated with their crushed stone and gravel facility.

The main office is located at 341 Mosher Road, Gorham, Maine.

Shaw Brothers has requested an amendment to their license in order to add a new, self-propelled cone crusher.

This license completes the processing of application submission number 603802, as assigned by the Department (accepted 07/21/2026).

**B. Emission Equipment**

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

**Rock Crusher**

| <b>Designation</b>  | <b>Powered</b> | <b>Process Rate</b> | <b>Date of Manufacture</b> | <b>Control Device</b> |
|---------------------|----------------|---------------------|----------------------------|-----------------------|
| SB1402 <sup>A</sup> | Diesel #15     | 440 ton/hr          | 2017                       | Spray Nozzles         |

<sup>A</sup> This equipment is new to this license.

### Engine

| Designation             | Max. Capacity<br>(MMBtu/hr) | Max. Firing Rate<br>(gal/hr) | Fuel Type       | Date of<br>Manuf. |
|-------------------------|-----------------------------|------------------------------|-----------------|-------------------|
| Diesel #15 <sup>B</sup> | N/A                         | N/A                          | Distillate Fuel | 2017              |

<sup>B</sup> This equipment is categorically exempt from stationary source air emission licensing as the unit is an integral part of a self-propelled rock crusher and provides the motive energy to propel the equipment. It is included for completeness purposes only. [40 C.F.R. § 1068.30]

#### 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.

#### 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 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. This amendment will not increase licensed emissions of any pollutant. Therefore, this amendment is determined to be a minor modification and has been processed as such.

#### E. Facility Classification

With the annual fuel limit on the engines, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants because Shaw Brothers is subject to license restrictions that keep facility emissions below major source thresholds for NO<sub>x</sub>; 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. Nonmetallic Mineral Processing Plants

Rock Crusher SB1402 was manufactured in 2017 with a rated capacity of 440 tons/hr. The nonmetallic mineral processing plant also consists of other equipment associated with SB1402, such as screens and belt conveyors.

#### 1. BACT Findings

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

#### 2. Visible Emissions

Visible emissions from SB1402 shall be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(2)]

#### 3. New Source Performance Standards

The federal regulation *Standards of Performance for Nonmetallic Mineral Processing Plants*, 40 C.F.R. Part 60, Subpart OOO, applies to equipment at nonmetallic mineral processing plants with capacities greater than 150 ton/hr for portable plants. The requirements of Subpart OOO apply to any crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading station at a nonmetallic mineral processing plant greater than the sizes listed above which commenced construction, modification, or reconstruction after August 31, 1983.

SB1402 is part of a portable, nonmetallic mineral processing plant with a maximum capacity of greater than 150 ton/hr and was manufactured after August 31, 1983. This crusher is therefore an affected facility subject to 40 C.F.R. Part 60, Subpart OOO. **Any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading station associated with this crusher are also affected facilities subject to 40 C.F.R. Part 60, Subpart OOO.** [40 C.F.R. §§ 60.670(c) and (e)]

a. Notification

Shaw Brothers shall submit notification to the Department and EPA of the date of initial startup of every affected facility (as listed above) postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]

As specified in the Order section of this license, the rock crushers and ancillary equipment subject to 40 C.F.R. Part 60, Subpart OOO and corresponding sections of Subpart A, Shaw Brothers shall comply with the notification and recordkeeping requirements of 40 C.F.R. §§ 60.676 and 60.7, except for § 60.7(a)(1) pursuant to § 60.676(h). [40 C.F.R. §§ 60.676(b), (f), and (i)]

Please note, although Shaw Brothers may have already submitted notifications and conducted performance testing for existing equipment, any new affected facility (any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, or enclosed truck or railcar loading station) subsequently brought on-site to replace or operate in conjunction with an affected facility must also comply with all applicable requirements of 40 C.F.R. Part 60, Subpart OOO including notification, testing, and recordkeeping requirements.

b. Standards

Subpart OOO, Table 3 contains applicable visible emission requirements for affected facilities.

Visible emissions from Rock Crusher SB1402 shall not exceed 12% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

The Department has determined that the visible emission limit in 06-096 C.M.R. ch. 101 applicable to the rock crushers is more stringent than the applicable limit in 40 C.F.R. Part 60, Subpart OOO. Therefore, the visible emission limit for SB1402 has been streamlined to the more stringent limit, and only this more stringent limit shall be included in the Order of this air emission license.

Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not exceed 7% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]

The Department has determined that the visible emission limit in 40 C.F.R. Part 60, Subpart OOO applicable to affected equipment other than rock crushers is more stringent than the applicable limit in 06-096 C.M.R. ch. 101. Therefore, the visible emission limit for has been streamlined to the more stringent limit, and only this more stringent limit shall be included in the Order of this air emission license.

c. Monitoring Requirements

Shaw Brothers shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Shaw Brothers shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required shall be included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]

d. Testing Requirements

Subpart OOO, § 60.675 requires that an initial performance test for visible emissions be conducted on SB1402 and on all associated affected facilities subject to Subpart OOO, potentially including **any associated grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station.**

Testing shall be completed in accordance with the following:

- (1) An initial performance test shall be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a facility falls within a seasonal shutdown, then with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
- (2) Each performance test shall be done using the methods set forth in 40 C.F.R. Part 60, Subpart OOO, § 60.675. [40 C.F.R. § 60.675(c)]
- (3) Shaw Brothers shall submit a test notice to the Department at least seven days prior to conducting a performance test. [40 C.F.R. § 60.675(g)]

Please note, although Shaw Brothers may submit notifications and conduct performance testing for multiple affected facilities as a group, any new affected facility subsequently brought on-site to replace or operate in conjunction with an affected facility must also comply with all applicable requirements of 40 C.F.R. Part 60, Subpart OOO including notification and testing requirements.

#### C. Annual Emissions

This license amendment will not change the facility's licensed annual emissions.

### **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-425-71-T-A subject to the conditions found in Air Emission License A-425-71-S-R/A 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.

## Specific Conditions

The following shall replace Condition (17) of Air Emission License A-425-71-S-R/A:

### (17) Nonmetallic Mineral Processing Plants

- A. Shaw Brothers shall install and maintain spray nozzles for control of particulate matter on the nonmetallic mineral processing plants and operate as needed to control visible emissions. [06-096 C.M.R. ch. 115, BPT]
- B. Shaw Brothers shall maintain records of the dates and times of all operating hours for each rock crusher. The operation records shall be kept on-site at the rock crushing location. [06-096 C.M.R. ch. 115, BPT]
- C. Visible emissions from Rock Crushers SB1458, SB1421, SB1413, SB1414, SB1463, SB1485, SB1401, SB1416, SB1424, TelSmith T400 Cone Crushers #1 and #2, TelSmith 4448 Jaw Crusher, and SB1402 shall each be limited to no greater than 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(2)]
- D. Visible emissions from nonmetallic mineral processing plant equipment other than crushers (transfer points on belt conveyors, screening operations, etc.) associated with Rock Crushers SB1458, SB1413, SB1414, and SB1463 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. § 4(B)(4)]
- E. Rock Crushers SB1458, SB1413, SB1414, SB1463, and SB1402 shall not be attached or clamped via cable, chain, turnbuckle, bolt, or other means (except electrical connections) to any anchor, slab, or structure (including bedrock) that must be removed prior to transportation. [06-096 C.M.R. ch. 115, BPT and 40 C.F.R. § 60.670(c)(2)]
- F. NSPS Subpart OOO Requirements

Shaw Brothers shall comply with all requirements of 40 C.F.R. Part 60, Subpart OOO applicable to Rock Crushers SB1421, SB1485, SB1401, SB1416, SB1424, TelSmith T400 Cone Crushers #1 and #2, TelSmith 4448 Jaw Crusher, SB1402, and each associated affected facility including any grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station including but not limited to, the following.

1. Shaw Brothers shall submit notification to the Department of the date of initial startup of any affected facility postmarked within 15 days of the startup. This notification shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available. For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted. For portable units, this notification shall also include both the home office and the current address or location of the portable plant. [40 C.F.R. § 60.676(i)]
2. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction before April 22, 2008, shall not exceed 10% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
3. Visible emissions from any affected facility other than rock crushers, including transfer points on belt conveyors, portable screens, etc., which commenced construction, modification, or reconstruction on or after April 22, 2008, shall not exceed 7% opacity on a six-minute block average basis. [40 C.F.R. Part 60, Subpart OOO, Table 3]
4. Shaw Brothers shall maintain records detailing the maintenance on particulate matter control equipment including spray nozzles. Shaw Brothers shall perform monthly inspections of any water sprays to ensure water is flowing to the correct locations and initiate corrective action within 24 hours if water is found to not be flowing properly. Records of the date of each inspection and any corrective action required shall be included in the maintenance records. The maintenance records shall be kept on-site at the rock crushing location. [40 C.F.R. §§ 60.674(b) and 60.676(b)(1)]
5. An initial performance test shall be completed on Rock Crushers SB1424 and SB1402 in accordance with the applicable sections of 40 C.F.R. § 60.675. The performance test shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a unit falls within a seasonal shutdown, then with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment. [40 C.F.R. §§ 60.672(b) and 60.675(i)]
6. An initial performance test shall be completed on any affected facilities operated with a rock crusher subject to 40 C.F.R. Part 60, Subpart OOO in accordance with the applicable sections of 40 C.F.R. § 60.675. This

Shaw Brothers Construction, Inc.  
Cumberland County  
Gorham, Maine  
A-425-71-T-A

|  
|  
|  
9

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

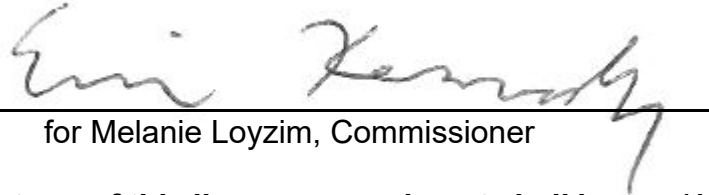
potentially includes each associated grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The performance test shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. If the initial performance test for a unit falls within a seasonal shutdown, then with approval from the Department, the initial performance test may be postponed until no later than 60 calendar days after resuming operation of the affected equipment. [40 C.F.R. §§ 60.672(b) and 60.675(i)]

7. Shaw Brothers shall submit a test notice to the Department at least seven days prior to conducting a performance test. [40 C.F.R. § 60.675(g)]

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

Done and Dated in Augusta, Maine this 11<sup>th</sup> day of AUGUST, 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-425-71-S-R/A (issued 07/23/2024).**

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

**Please note attached sheet for guidance on appeal procedures.**

Date of initial receipt of application: July 20, 2026

Date of application acceptance: July 21, 2026

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