

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 2600200062**



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 2-6002-00062/00005  
Mod 0 Effective Date: 06/08/2000 Expiration Date: No expiration date.  
Mod 1 Effective Date: 09/07/2005 Expiration Date: No expiration date.  
Mod 2 Effective Date: 03/21/2006 Expiration Date: No expiration date.

Permit Issued To: PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603-2223

Contact: ROBERT YAREMKO  
PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603  
(914) 949-2000

Facility: PECKHAM MATERIALS CORP PLANT # 22  
3966 PROVOST AVE  
BRONX, NY 10466

Contact: ROBERT YAREMKO  
PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603  
(914) 949-2000

Description:  
The facility is a hot mix asphalt drum mix plant.

This permit modification is submitted to add the use of #2 fuel oil and specification waste oil (A) in the plant burner (in addition to the current natural gas use).

The facility NOx emissions are capped at 22.5 tons per year.

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By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator:            JOHN F CRYAN  
   DIVISION OF ENVIRONMENTAL PERMITS  
   ONE HUNTERS POINT PLAZA, 47-40 21ST STREET  
   LONG ISLAND CITY, NY 11101-5407

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal-REGION 2

HEADQUARTERS



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 2-1: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 2-1.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 2-1.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 2-1.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual



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transfer of ownership.

**Condition 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13(a)**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Condition 2-2: Permit Modifications, Suspensions and Revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.14**

**Item 2-2.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**Condition 4: Permit Modifications, Suspensions, and Revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.14**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.



**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 2 Headquarters  
Division of Environmental Permits  
1 Hunters Point Plaza, 4740 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4997

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**Permit Under the Environmental Conservation Law (ECL)**

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603-2223

Facility: PECKHAM MATERIALS CORP PLANT # 22  
3966 PROVOST AVE  
BRONX, NY 10466

Authorized Activity By Standard Industrial Classification Code:  
2951 - PAVING MIXTURES AND BLOCKS

Mod 0 Permit Effective Date: 06/08/2000

Permit Expiration Date: No expiration date.

Mod 1 Permit Effective Date: 09/07/2005

Permit Expiration Date: No expiration date.

Mod 2 Permit Effective Date: 03/21/2006

Permit Expiration Date: No expiration date.



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 2-1 6NYCRR 202-1.1: Required Emissions Tests
- 1 6NYCRR 200.1: Definitions Applicable To This Permit
- 2 6NYCRR 200.3: False statement
- 3 6NYCRR 200.5: Sealing
- 6 6NYCRR 201-1.2: Unpermitted Emission Sources
- 11 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 13 6NYCRR 201-3.2(b): Exempt Activities - Maintenance of Control Equipment
- 2-2 6NYCRR 201-7.2: Facility Permissible Emissions
- \*2-3 6NYCRR 201-7.2: Capping Monitoring Condition
- 2-4 6NYCRR 202-1.3: Acceptable procedures
- 2-5 6NYCRR 202-1.3: Acceptable procedures - Stack test report submittal
- 21 6NYCRR 211.4: VOC prohibited
- 2-6 6NYCRR 212.6(a): Compliance Demonstration
- 2-7 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 2-8 6NYCRR 225-1.8: Compliance Demonstration
- 2-9 6NYCRR 225-2.7(b): Compliance Demonstration
- 2-10 6NYCRR 227-1.3(a): Compliance Demonstration
- 2-11 40CFR 60.8(d), NSPS Subpart A: Prior notice.

**Emission Unit Level**

**EU=1-DBDDC**

- 2-12 6NYCRR 212.3(a): Emissions from Existing Sources
- 2-13 40CFR 60.92, NSPS Subpart I: Compliance Demonstration
- 2-14 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

**EU=1-DBDDC,Proc=P04**

- 2-15 6NYCRR 225-2.3(b)(3): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 2-16 ECL 19-0301: Contaminant List
- 2-17 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 35 6NYCRR 201-5: General Provisions
- 36 6NYCRR 201-5: Emission Unit Definition
- 39 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

- 40 6NYCRR 201-5: Emission Point Definition By Emission Unit
  - 41 6NYCRR 201-5: Process Definition By Emission Unit
- NOTE: \* preceding the condition number indicates capping.



**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6NYCRR Part 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

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source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event



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occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item F: Recycling and Salvage - 6NYCRR Part 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific



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criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item J: Required Emission Tests - 6 NYCRR Part 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

**Item K: Visible Emissions Limited - 6 NYCRR Part 211.3**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Item L: Open Fires - 6 NYCRR Part 215**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**Item M: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not



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limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item N: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**

**The following conditions are federally enforceable.**

**Condition 2-1: Required Emissions Tests**  
**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.1**

**Item 2-1.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

**Condition 1: Definitions Applicable To This Permit**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.1**

**Item 1.1:**

The definitions found in Parts 200 and 201 apply throughout this permit. Specific definitions used in this permit and their meanings include:



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1. "Act" refers to the Federal Clean Air Act, 42 U.S.C. Section 7401, et seq., as amended by Public Law 101-549, November 15, 1990.
2. "Administrator" refers to the Administrator of the United States Environmental Protection Agency or designee.
3. "Department" refers to the New York State Department of Environmental Conservation.

**Condition 2: False statement**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.3**

**Item 2.1:**

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

**Condition 3: Sealing**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.5**

**Item 3.1:**

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the commissioner issued in the case of the violation. Sealing means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

(b) No person shall operate any air contamination source sealed by the commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

**Condition 6: Unpermitted Emission Sources**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.2**

**Item 6.1:**

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such



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emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Condition 11: Public Access to Recordkeeping**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.10(a)**

**Item 11.1:**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

**Condition 13: Exempt Activities - Maintenance of Control Equipment**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-3.2(b)**

**Item 13.1:**

Owner of any emission source or unit that is listed as eligible to be exempt in 6 NYCRR Part 201-3.2(c), on the basis of the use of appropriate emission control device shall operate and maintain such device in a manner consistent with good engineering practices.

**Condition 2-2: Facility Permissible Emissions**  
**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-7.2**

**Item 2-2.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0 (From Mod 2) PTE: 45,000 pounds per year  
Name: OXIDES OF NITROGEN



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**Condition 2-3: Capping Monitoring Condition**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-7.2**

**Item 2-3.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 201-6

**Item 2-3.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 2-3.3:**

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Item 2-3.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 2-3.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2-3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 2-3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:



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The NO<sub>x</sub> (oxides of nitrogen) emissions are capped at 22.5 tons per year.

The owner or operator shall maintain a record of the quantity of hot mix asphalt produced at the facility using each type of fuel. Also, the owner or operator shall calculate NO<sub>x</sub> emissions based on the following formula:

$hma\_NG \times 0.026 \text{ lb/ton} + hma\_ \#2OIL \times 0.055 \text{ lb/ton} + hma\_WOILA \times 0.055 \text{ lb/ton} < 45000 \text{ lb/yr of NO}_x \text{ emissions.}$

Where:

hma\_NG - hot mix asphalt produced while burning natural gas in tons per year;

hma\_#2OIL - hot mix asphalt produced while burning #2 fuel oil in tons per year;

hma\_WOILA - hot mix asphalt produced while burning waste oil (A) in tons per year.

Process Material: ASPHALT

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 45000 pounds per year

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

Subsequent reports are due every 12 calendar month(s).

**Condition 2-4: Acceptable procedures**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.3**

**Item 2-4.1:**

Emission testing, sampling, and analytical determinations to ascertain compliance with this Subpart shall be conducted in accordance with test methods acceptable to the commissioner.

**Condition 2-5: Acceptable procedures - Stack test report submittal**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.3**

**Item 2-5.1:**

Emission test reports must be submitted in triplicate to the commissioner within 60 days after the



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completion of the tests, unless additional time is requested in writing.

**Condition 21: VOC prohibited**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.4**

**Item 21.1:**

The use of Volatile Organic Compounds to liquefy asphalt used for paving is prohibited, except for:

- (1) asphalt used in the production of long-life stockpile material for pavement patching and repair;
- (2) asphalt applied at low ambient temperature from October 16th to May 1st; and
- (3) asphalt used as a penetrating prime coat for the purpose of preparing an untreated absorbent surface to receive an asphalt surface.

**Condition 2-6: Compliance Demonstration**  
**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 2-6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions whenever a process is in operation. If any visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION



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Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-7: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.2(a)(2)**

**Item 2-7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall use, purchase, sell, or offer for sale any distillate fuel oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.2 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-8: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.8**

**Item 2-8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

An owner or operator of a facility which purchases and fires coal and/or oil shall submit reports to the



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commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-9: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-2.7(b)**

**Item 2-9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any person delivering waste fuel A to a facility burning such waste fuel, must perform analyses or adopt procedures to assure compliance with Table 2-1 of 6 NYCRR Part 225-2.4 prior to delivery. The attendant records of such assurance and the quantities and the identification (including names and addresses) of all buyers and users of such waste oil must be retained by the supplier for three calendar years.

Monitoring Frequency: PER DELIVERY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-10: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.3(a)**

**Item 2-10.1:**

The Compliance Demonstration activity will be performed for the Facility.

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**Item 2-10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-11: Prior notice.**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.8(d), NSPS Subpart A**

**Item 2-11.1:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 2-12: Emissions from Existing Sources**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.3(a)**

**Item 2-12.1:**

This Condition applies to Emission Unit: 1-DBDDC

**Item 2-12.2:** No person will cause or allow emissions that violate the requirement specified in Table 2, Table 3, or Table 4 of 6NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 2-13: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

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**Applicable Federal Requirement: 40CFR 60.92, NSPS Subpart I**

**Item 2-13.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DBDDC

**Item 2-13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Standard for opacity from a hot mix asphalt plant.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-14: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.92, NSPS Subpart I**

**Item 2-14.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DBDDC

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions limitations for a hot mix asphalt  
plant.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: method 5



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Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-15: Compliance Demonstration**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-2.3(b)(3)**

**Item 2-15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DBDDC

Process: P04

**Item 2-15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

At a minimum, this process must demonstrate to the Department, that it can operate at a combustion efficiency of at least 99 percent while burning waste fuel A.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA Method X

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED

VALUE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or

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law.

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 2-16: Contaminant List**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable State Requirement: ECL 19-0301**

**Item 2-16.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

**Condition 2-17: Unavoidable noncompliance and violations**

**Effective between the dates of 03/21/2006 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-1.4**

**Item 2-17.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such



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malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 35: General Provisions**

**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5**

**Item 35.1:**

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

**Item 35.2:**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

**Item 35.3:**

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution

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control requirements, regulations or law.

**Condition 36: Emission Unit Definition**

**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5**

**Item 36.1(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 1-DBDDC

Emission Unit Description:

Hot mix asphalt (HMA) drum plant. Liquid asphalt, various sizes of aggregate, sand, and recycled asphalt pavement (RAP) are combined to produce HMA. Liquid asphalt is stored in heated above-ground tanks. Aggregate and sand are stored in stockpiles on site. The aggregate, sand and liquid asphalt are heated and blended in a rotary dryer to produce HMA. The dryer is vented to a baghouse. The finished HMA is transferred to storage silos and then loaded into trucks. The dryer's burner can run on either natural gas or #2 fuel oil or specification waste oil (waste fuel A).

**Item 36.2(From Mod 0):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 0-FUGIT

Emission Unit Description:

FUGITIVE EMISSIONS FROM OTHER OPERATIONS. THIS EMISSION UNIT CONSISTS OF ONE VERGIN AGGREGATE STOCKPILE, AND ONE RECYCLED ASPHALT PAVEMENT STOCKPILES, ONE SAND BIN, AND FIVE AGGREGATE BINS WITH AGGREGATE RANGING IN SIZE FROM 1/4 INCH TO 1 1/4 INCH. IN ADDITION THE EU INCLUDES 1 CONVEYOR DROP POINT ONTO A SCALPER, 1 CONVEYOR DROP POINT INTO ROTARY DRUM, EMISSIONS GENERATED BY THE SCALPER AND 5 HOT MIX STORAGE SILOS, EAGLE CRUSHER MODEL UM04 USED TO PROCESS THE RAP MATERIAL PRIOR TO ITS ENTERING THE ROTARY DRUM.

**Condition 39: Air pollution prohibited**

**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 39.1:**



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No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 40: Emission Point Definition By Emission Unit**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5**

**Item 40.1(From Mod 0):**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 1-DBDDC

Emission Point: BH001

Height (ft.): 31 Diameter (in.): 46  
NYTMN (km.): 4527.123 NYTME (km.): 598.733

Emission Point: HEAT2

Height (ft.): 9 Diameter (in.): 12  
NYTMN (km.): 4527.123 NYTME (km.): 598.733

Emission Point: TANK1

Height (ft.): 30 Diameter (in.): 4  
NYTMN (km.): 4527.123 NYTME (km.): 598.733

Emission Point: TANK2

Height (ft.): 30 Diameter (in.): 4  
NYTMN (km.): 4527.123 NYTME (km.): 598.733

Emission Point: TANK3

Height (ft.): 15 Diameter (in.): 4  
NYTMN (km.): 4527.123 NYTME (km.): 598.733

**Condition 41: Process Definition By Emission Unit**  
**Effective between the dates of 06/08/2000 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5**

**Item 41.1(From Mod 2):**



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This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-DBDDC

Process: P01

Source Classification Code: 3-05-002-55

Process Description:

Hot mix drum asphalt production firing on natural gas.

Emission Source/Control: BHOUS - Control

Control Type: FABRIC FILTER

Emission Source/Control: DRYER - Process

Design Capacity: 400 tons per hour

**Item 41.2(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-DBDDC

Process: P03

Source Classification Code: 3-05-002-58

Process Description:

Hot mix drum asphalt production firing on #2 fuel oil.

Emission Source/Control: DRYER - Process

Design Capacity: 400 tons per hour

**Item 41.3(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-DBDDC

Process: P04

Source Classification Code: 3-05-002-58

Process Description:

Hot mix drum asphalt production firing on specification waste oil (waste fuel A).

Emission Source/Control: DRYER - Process

Design Capacity: 400 tons per hour

**Item 41.4(From Mod 0):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-DBDDC

Process: P02

Source Classification Code: 3-05-102-02

Process Description:

STORAGE OF ASPHALTIC CEMENT IN TANKS AT ELEVATED TEMPERATURES. THE HEAT SOURCE IS A HOT OIL CLOSED-LOOP SYSTEM.

Emission Source/Control: HEAT2 - Process

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Design Capacity: 2,000,000 British thermal units

Emission Source/Control: TANK1 - Process  
Design Capacity: 25,000 gallons

Emission Source/Control: TANK2 - Process  
Design Capacity: 25,000 gallons

Emission Source/Control: TANK3 - Process  
Design Capacity: 25,000 gallons