

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 2610101143**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 2-6101-01143/00001  
Effective Date: 10/15/2004                      Expiration Date: No expiration date

Permit Issued To: DIAMOND ASPHALT CORPORATION  
91 PAIDGE AVENUE  
BROOKLYN, NY 11222

Contact: ROBERT P PEREZ  
DIAMOND ASPHALT CORPORATION  
91 PAIDGE AVENUE  
BROOKLYN, NY 11222  
(718) 383-4198

Facility: DIAMOND ASPHALT CORPORATION  
91 PAIDGE AVENUE  
BROOKLYN, NY 11222

**Description:**

The Diamond Asphalt Corporation is located at 91 Paidge Avenue in Brooklyn, New York. The asphalt plant is limited to 351,000 tons per year of asphalt production.

The facility consists of a mixing hopper assembly, a conveyor system, a dryer operated on a fuel fired burner, a primary dust collector, a baghouse, a silo system and an aboveground storage tank.

The applicant proposes to cap the facility NO<sub>x</sub> (oxides of nitrogen) emissions to below 22.5 tons per year. In order to comply with the emission cap facility is limited to: asphalt production of 292,500 tons per year when burning natural gas; 58,500 tons per year, when burning #2 fuel oil; and natural gas consumption for generator is limited to 17.28 mmscf/year.

Records demonstrating compliance with these caps will be kept in accordance with the permit special conditions.

The facility is subject to the provisions of State Facility specified under 6NYCRR Part 201-7.2.

The Air State Facility permit contains a listing of the applicable federal, state, and compliance monitoring requirements for the facility.

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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

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 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**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.

**Item 3.3:**

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 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 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.

**\*\*\*\* 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**

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91 PAIDGE AVENUE  
BROOKLYN, NY 11222

Facility: DIAMOND ASPHALT CORPORATION  
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BROOKLYN, NY 11222

Authorized Activity By Standard Industrial Classification Code:



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6NYCRR 202-1.2: Notification
- 2 6NYCRR 202-1.3: Acceptable procedures
- 3 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 4 6NYCRR 225-1.8(a): Compliance Demonstration
- 5 6NYCRR 227-1.3(a): Compliance Demonstration

**Emission Unit Level**

**EU=U-00001**

- 6 6NYCRR 202-1.1: Required emission tests
- 7 6NYCRR 212.5(e): Sources meeting Federal requirements, satisfy Part 212 compliance for regulated contaminant
- 8 6NYCRR 212.11(a): Sampling and Monitoring
- 9 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 10 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 11 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 12 40CFR 60.92, NSPS Subpart I: Compliance Demonstration
- 13 40CFR 60.92, NSPS Subpart I: Compliance Demonstration
- 14 40CFR 60.92, NSPS Subpart I: Compliance Demonstration
- 15 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

**EU=U-00001,EP=00001**

- 17 6NYCRR 212.4(c): Compliance Demonstration
- 16 6NYCRR 212.6(a): Compliance Demonstration

**EU=U-00002**

- 18 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 19 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 20 40CFR 60.8(d), NSPS Subpart A: Prior notice.

**ENFORCEABLE CONDITIONS**

**Facility Level**

- 21 ECL 19-0301: Contaminant List
- 22 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 23 6NYCRR 201-5: Emission Unit Definition
- 24 6NYCRR 201-5.3(b): Compliance Demonstration
- 25 6NYCRR 201-7.2: Facility Permissible Emissions
- \*26 6NYCRR 201-7.2: Capping Monitoring Condition
- \*27 6NYCRR 201-7.2: Capping Monitoring Condition
- \*28 6NYCRR 201-7.2: Capping Monitoring Condition
- \*29 6NYCRR 201-7.2: Capping Monitoring Condition



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\*30 6NYCRR 201-7.2: Capping Monitoring Condition

\*31 6NYCRR 201-7.2: Capping Monitoring Condition

32 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

33 6NYCRR 201-5: Emission Point Definition By Emission Unit

34 6NYCRR 201-5: Process Definition By Emission Unit

**EU=U-00001,EP=00001**

35 6NYCRR 201-5: Compliance Demonstration

**EU=U-00002**

\*36 6NYCRR 201-7.2: Capping Monitoring Condition

**EU=U-00002,EP=00002**

37 6NYCRR 201-5: Compliance Demonstration

NOTE: \* preceding the condition number indicates capping. 2951 - PAVING MIXTURES AND  
BLOCKS

Permit Effective Date: 10/15/2004

Permit Expiration Date: No expiration date.



**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,

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

other requirements in the permit; and

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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.

**GENERAL APPLICABLE REQUIREMENTS**

**The following conditions are federally enforceable.**

**Condition 1: Notification**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.2**

**Item 1.1:**  
A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 2: Acceptable procedures**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 2.1:**  
Emission testing, sampling, and analytical determinations to ascertain compliance with this Subpart shall be conducted in accordance with test methods acceptable to the commissioner.



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**Condition 3: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 3.2:**

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: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.8(a)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such



certifications shall contain, as a minimum: supplier name, date of shipment, quantity shipped, heating value of the oil, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 5.2:**

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 (on a six minute block period) except for one six minute block 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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a

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bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- weather condition
- was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.  
Subsequent reports are due every 12 calendar month(s).

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

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**Condition 6: Required emission tests**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 6.1:**

This Condition applies to Emission Unit: U-00001

**Item 6.2:**

An acceptable report of measured emissions shall be submitted, as required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

**Condition 7: Sources meeting Federal requirements, satisfy Part 212**  
**compliance for regulated contaminant**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.5(e)**

**Item 7.1:**

This Condition applies to Emission Unit: U-00001

**Item 7.2:**

A process emission source, subject to the Federal new source performance standards in 40 CFR Part 60, the national emission standards for hazardous air pollutants in 40 CFR Part 61, or to the polychlorinated biphenyl disposal criteria in 40 CFR part 761 satisfies the requirements of this Part for the contaminant regulated by the Federal standard if the source owner can demonstrate that the source is in compliance with the respective Federal regulation.

**Condition 8: Sampling and Monitoring**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.11(a)**

**Item 8.1:**

This Condition applies to Emission Unit: U-00001

**Item 8.2:**

The owner and/or operator of this facility, if required by the department to conduct stack testing to demonstrate compliance with 6 NYCRR Part 212, must comply with notification requirements and conduct capture efficiency and/or stack testing using acceptable procedures pursuant to 6 NYCRR Part 202.

**Condition 9: Performance testing timeline.**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

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**Item 9.1:**

This Condition applies to Emission Unit: U-00001

**Item 9.2:**

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 10: Performance test methods.**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 10.1:**

This Condition applies to Emission Unit: U-00001

**Item 10.2:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

**Condition 11: Prior notice.**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 11.1:**

This Condition applies to Emission Unit: U-00001

**Item 11.2:**

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

**Condition 12: Compliance Demonstration**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement:**

**40CFR 60.92, NSPS Subpart I**

**Item 12.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

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



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**Monitoring Description:**

Standard for opacity from a hot mix asphalt plant.  
Facility must perform a Method 9 opacity observation once every five years.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent  
Reference Test Method: Method 9  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.  
Subsequent reports are due every 12 calendar month(s).

**Condition 13: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 13.1:**  
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001  
  
Regulated Contaminant(s):  
CAS No: 0NY075-00-0 PARTICULATES

**Item 13.2:**  
Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:  
Particulate emissions limitations for a hot mix asphalt plant. Facility must perform a stack test for particulates once every five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf  
Reference Test Method: Method 5  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.



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

**Condition 14: Compliance Demonstration**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement:**

**40CFR 60.92, NSPS Subpart I**

**Item 14.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

INITIAL STACK TEST TO DEMONSTRATE  
COMPLIANCE WITH 20% OPACITY NSPS LIMIT.

Upper Permit Limit: 20 percent

Reference Test Method: EPA METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 15: Compliance Demonstration**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Ap~~r~~40CFR 60.92, NSPS Subpart I**

**Item 15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING



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Monitoring Description:

INITIAL STACK TEST TO DEMONSTRATE  
COMPLIANCE WITH 0.04 GRAINS/DSCF NSPS  
LIMIT.

Upper Permit Limit: 0.04 grains per standard cubic foot

Reference Test Method: EPA METHOD 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

thod: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.4(c)**

**Item 17.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than  
0.050 grains of particulates per cubic foot of exhaust  
gas, expressed at standard conditions on a dry gas basis.  
Permittee will conduct compliance testing at the  
monitoring frequency stated below.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 16.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

- a) No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60, except only the emission of uncombined water

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
  - weather condition
  - was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

- 3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The

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operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent  
Reference Test Method: Method 9  
Monitoring Frequency: DAILY  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.  
Subsequent reports are due every 12 calendar month(s).

**Condition 18: Performance testing timeline.**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 18.1:**  
This Condition applies to Emission Unit: U-00002

**Item 18.2:**  
Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 19: Performance test methods.**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 19.1:**



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This Condition applies to Emission Unit: U-00002

**Item 19.2:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

**Condition 20: Prior notice.**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 20.1:**

This Condition applies to Emission Unit: U-00002

**Item 20.2:**

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



**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 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



law.

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 21: Contaminant List**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 21.1:**

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 22: Unavoidable noncompliance and violations**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 22.1:**

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 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 superseded 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 23: Emission Unit Definition**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 23.1:**

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

Emission Unit: U-00001

Emission Unit Description:

ON UNIT CONSISTS OF ONE (1)

NATURAL GAS AND #2 FUEL OIL BURNER RATED AT 77.8 MMBTU/HR. FLUE GASES EXIT THROUGH A STACK. THIS UNIT IS PART OF THE ASPHALT PLANT ALONG WITH THE CONTROL SYSTEM (BAGHOUSE).

Building(s): ASPHALT PL

**Item 23.2:**

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

Emission Unit: U-00002

Emission Unit Description:



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ONE CO-GEN ENGINE (WAUKESHA) OPERATED IN  
THE ENGINE ROOM.

Building(s): 1

**Condition 24: Compliance Demonstration**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5.3(b)**

**Item 24.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 24.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility is limited to operating only at its maximum production rate of 325 tons of asphalt per hour. The facility must keep records to verify that it is operated only at its maximum rate of 325 tons of asphalt per hour.

Monitoring Frequency: HOURLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Facility Permissible Emissions**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 25.1:**

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

PTE: 45,000 pounds per year

Name: OXIDES OF NITROGEN

**Condition 26: Capping Monitoring Condition**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

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**Item 26.1:**

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 26.2:**

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

**Item 26.3:**

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 26.4:**

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 26.5:**

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 26.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 26.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL

PARAMETERS AS SURROGATE

Monitoring Description:

ASPHALT PRODUCTION IS LIMITED TO 351,000  
TONS/YEAR. ASPHALT PRODUCTION BREAK-UP:  
NATURAL GAS - 292,500 TPY; #2 FUEL OIL -  
58,500 TPY.

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Work Practice Type: PROCESS MATERIAL THRUPUT  
Process Material: ASPHALT  
Upper Permit Limit: 351,000 tons 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 1/30/2005.  
Subsequent reports are due every 12 calendar month(s).

**Condition 27: Capping Monitoring Condition**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 27.1:**

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 27.2:**

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

**Item 27.3:**

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 27.4:**

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 27.5:**

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 27.6:**

The Compliance Demonstration activity will be performed for the Facility.



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Regulated Contaminant(s):

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

**Item 27.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

FUEL CONSUMPTION SHALL BE

MAINTAINED ON-SITE TO DEMONSTRATE  
COMPLIANCE WITH NO<sub>x</sub> 22.5 TONS PER YEAR  
CAP.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Condition 28: Capping Monitoring Condition**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 28.1:**

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 28.2:**

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

**Item 28.3:**

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 28.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an



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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 28.5:**

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 28.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 28.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

NO<sub>x</sub> EMISSIONS ARE CAPPED TO 22.5 TONS PER  
YEAR.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 22.5 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Initial report is due 1/30/2005.

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

**Condition 29: Capping Monitoring Condition**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 29.1:**

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 29.2:**



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

**Item 29.3:**

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 29.4:**

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 29.5:**

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 29.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 29.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

TY IS LIMITED TO BURN 99,319

GALLONS PER YEAR OF #2 FUEL OIL.

Parameter Monitored: NUMBER 2 OIL

Upper Permit Limit: 99,319 gallons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Condition 30: Capping Monitoring Condition**

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**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 30.1:**

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 30.2:**

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

**Item 30.3:**

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 30.4:**

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 30.5:**

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 30.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 30.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE  
Monitoring Description:  
FACILITY IS LIMITED TO BURN 87.3 MILLION



## CUBIC FEET PER YEAR OF NATURAL GAS.

Parameter Monitored: NATURAL GAS

Upper Permit Limit: 87.3 million standard cubic feet per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Condition 31: Capping Monitoring Condition**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 31.1:**

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 31.2:**

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

**Item 31.3:**

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 31.4:**

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 31.5:**

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 31.6:**



**New York State Department of Environmental Conservation**

**Permit ID: 2-6101-01143/00001**

**Facility DEC ID: 2610101143**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 31.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

ASPHALT PRODUCTION PLANT WILL OPERATE A  
MAXIMUM OF 1080 HOURS/YEAR. NUMBER OF #2

)(6 HRS/DAY), NUMBER OF NG

DAYS - 150 (6 HRS/DAY).

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 1080 hours 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 1/30/2005.

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

**Condition 32: Air pollution prohibited**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 32.1:**

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 33: Emission Point Definition By Emission Unit**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**



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

**Item 33.1:**

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 82

Diameter (in.): 54

NYTMN (km.): 4509.8

NYTME (km.): 588.7

Building: ASPHALT PL

**Item 33.2:**

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 49

Diameter (in.): 11

NYTMN (km.): 4509.8

NYTME (km.): 588.7

Building: 1

**Condition 34: Process Definition By Emission Unit**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

**Applicable State Requirement:**

**6NYCRR 201-5**

**Item 34.1:**

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

Emission Unit: U-00001

Process: 001

Source Classification Code: 3-05-002-06

Process Description: THE BURNER USES NATURAL GAS.

Emission Source/Control: S0002 - Combustion

Design Capacity: 77.8 million Btu per hour

Emission Source/Control: S0001 - Process

Design Capacity: 325 tons per hour

**Item 34.2:**

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

Emission Unit: U-00001

Process: 002

Source Classification Code: 3-05-002-08

Process Description: THE BURNER USES #2 FUEL OIL.

Emission Source/Control: S0002 - Combustion

Design Capacity: 77.8 million Btu per hour



**New York State Department of Environmental Conservation**

**Permit ID: 2-6101-01143/00001**

**Facility DEC ID: 2610101143**

Emission Source/Control: S0001 - Process

Design Capacity: 325 tons per hour

**Item 34.3:**

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

Emission Unit: U-00002

Process: 003

Source Classification Code: 2-02-002-04

Process Description:

THE PLANT OPERATES ONE CO-GEN ENGINE USING  
NATURAL GAS AS FUEL.

Emission Source/Control: S0004 - Combustion

Design Capacity: 7.2 million Btu per hour

**Condition 35: Compliance Demonstration**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 35.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

**Item 35.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE HEIGHT OF THE ASPHALT PLANT STACK  
MUST BE 82 FEET BEFORE THE FACILITY IS  
ALLOWED TO OPERATE.

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Capping Monitoring Condition**

**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 36.1:**

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:

**New York State Department of Environmental Conservation**

**Permit ID: 2-6101-01143/00001**

**Facility DEC ID: 2610101143**



6NYCRR 201-6

**Item 36.2:**

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

**Item 36.3:**

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 36.4:**

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 36.5:**

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 36.6:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

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

**Item 36.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

EMISSION FACTOR OF 0.84 LB/MMBTU OF NO<sub>x</sub>  
WHEN BURNING NATURAL GAS WILL BE  
DEMONSTRATED THROUGH THE STACK TEST.  
FACILITY MUST PERFORM A STACK TEST ONCE  
EVERY FIVE YEARS TO DEMONSTRATE

COMPLIANCE WITH THIS LIMIT.

Parameter Monitored: OXIDES OF NITROGEN



**New York State Department of Environmental Conservation**

**Permit ID: 2-6101-01143/00001**

**Facility DEC ID: 2610101143**

Upper Permit Limit: 0.84 pounds per million Btus  
Reference Test Method: EPA METHOD 7E  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 3-HOUR BLOCK AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.  
Subsequent reports are due every 12 calendar month(s).

**Condition 37: Compliance Demonstration**  
**Effective between the dates of 10/15/2004 and Permit Expiration Date**

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

**Item 37.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002

**Item 37.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE HEIGHT OF THE CO-GEN STACK MUST BE

THE FACILITY IS ALLOWED TO

OPERATE.

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION