



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 2-6302-00138/00028
Effective Date: 09/21/2005 Expiration Date: No expiration date

Permit Issued To: NYC DEPT OF TRANSPORTATION
40 WORTH ST 11TH FL
NEW YORK, NY 10003

Facility: HARPER STREET ASPHALT PLANT
30-01 HARPER ST | 130-01 NORTHERN BLVD
CORONA, NY 11368

Contact: RICHARD DELANEY
GRACE ASPHALT
30-01 HARPER ST
FLUSHING, NY 11368
(718) 898-4700

Description:

PERMIT DESCRIPTION
Grace Asphalt - Division of Grace Industries
DEC ID # 2-6302-00138/00028 ASF

Grace Asphalt, a division of Grace Industries, Inc. operates a batch asphalt plant in Corona, Queens, NY. The plant primarily produces asphalt paving materials used in the Metropolitan, New York City area. The facility is a batch mix asphalt plant that consists of asphalt storage tanks, and rotary stone dryer with three generators, which provide onsite electrical power, and other small miscellaneous insignificant and/or exempt sources (mainly combustion that are exempt as defined in Part 201-3.2). The emissions from the miscellaneous sources are considered below The Air State Facility permit applicability. The rotary dryer is fired on natural gas while the three diesel generators are now capable of burning a maximum mixture of 60% natural gas and 40% low-sulfur fuel oil, while still retaining their capability to be fired on 100% low-sulfur fuel oil. The asphalt tank heaters are capable of burning either 100% natural gas or 100% low-sulfur fuel oil. The plant operates typically during the March through December period and produces a maximum of 400,000 tons/yr of asphalt.

This is an Air State Facility permit for Grace Asphalt Division of Grace Industries for its asphalt manufacturing and asphalt recycling facility. Currently, the facility has a Title V permit that was issued on 9/12/2000 and is due to expire on 9/11/2005. As of November of 2002, the CO has been redesignated from non-attainment to attainment pollutant in the New York City Metropolitan Area, and the applicability threshold for CO for a Title V has increased from 50 tpy to 100 tpy. Due to all of the facility's potential air regulated pollutants emissions falling below the Title V applicability threshold levels, the facility has



chosen to cap out of NO_x and CO emissions, and hence cap out of Title V operating permit requirements, and submit an Air State Facility permit application instead of the Title V renewal application. Potential emissions of all other regulated pollutants are less than the Title V threshold levels.

Grace Asphalt Industries, Inc. has submitted an Air State Facility permit application for its asphalt manufacturing and asphalt recycling facility. The batch asphalt plant consists of a stone dryer, asphalt storage tanks, three generators and other miscellaneous combustion sources. The main air pollution sources at the facility are: (1) the rotating drum hot asphalt mix production unit; (2) The three diesel engine generators that generate power for the facility; and (3) The two asphalt storage silos and the two asphalt heaters. In addition the facility operates a recyclable asphalt crusher and screening equipment.

Grace Asphalt - Division of Grace Industries consists of six emission units: A-00012, B-00001, D-00001, G-00123, H-00012 and R-00001. Below is a description of each of these six emission units:

Emission Unit A-00012 consists of two (2) heaters (Emission Sources 0C005 & 0C006), which are used to maintain the temperature of the asphalt tanks during the production period (March through December). The emissions from these two heaters vent from two separate stacks, identified as Emission Points 0S007 & 0S008, respectively. The heaters can be fired on either 100% low sulfur # 2 fuel oil or 100% natural gas (Process P04).

Emission Unit B-00001 consists of a small 1.5 MM BTU/hr boiler (Emission Source 0C004), firing # 2 fuel oil (Process P03), that provides heat to the Administration/Maintenance Building during the heating season. The flue gases from this boiler vent from a stack, identified as Emission Point 0S006.

Emission Unit D-00001 consists of the stack (Emission Point 0S001) serving the rotary gas fired stone dryer (Emission Source APC03), which is located at the Hot Mix Asphalt Plant Building. Particulate emissions (Process P01) from the stone loading, transferring and storage systems, including the dryer, controlled by a multi clone and fabric filter baghouse system (Emission Controls APC01 & APC02 respectively). The level of control to limit particulate emissions is equal to 0.03 gr/dscf or a maximum of 16 lbs/hr. The emissions from this stone dryer exit through Emission Point 0S001.

Emission Unit G-00123 consists of onsite electrical power for the asphalt production areas, which is provided by three (3) diesel generators. There are two (2) 900 KW units (Emission Sources 0C002 & 0C003) and one (1) 600 KW unit (Emission Source 0C001). When the facility is producing hot asphalt mix, only one (1) 900 KW generator is operational, while the other 900 KW unit serves as a back up unit. The design of the generator systems is such that only one of the two 900 KW generators is physically able to be operated at any one time. The 600 KW diesel engine (Emission Source 0C001) provides power to the portable crusher (Emission Source RAP01), and provides power to the recycled asphalt pavement (RAP) crusher as required. The two 900 KW each diesel engines (Emission Sources 0C002 & 0C003) provide power to the electrical equipment serving the rotary dryer. The units are currently capable of burning either 100% low sulfur # 2 fuel oil or a mixture of up to 60% natural gas and 40% low-sulfur fuel oil (Process P13). The flue gases from these three generators vent from three separate stacks, identified as Emission Points 0S003, 0S004 & 0S005, respectively.



Emission Unit H-00012 consists of two (2) space heaters (Emission Sources 0C007 & 0C008), which are used to provide supplemental heat during the winter season. The heaters are located in the Administration/Maintenance Building and use low sulfur # 2 fuel oil (Process P05). The emissions from these two heaters vent from two separate stacks, identified as Emission Points 0S009 & 0S010, respectively.

Emission Unit R-00001 consists of a portable recycled asphalt pavement (RAP) crusher (Emission Source RAP01), which is used to produce RAP materials (Process P02) at the facility. It operates only ten (10) to fifteen (15) hours per week when RAP material is available. The emissions from this crusher exit through Emission Point 0S002.

The owners of this asphalt-producing facility have modified the fuel burning capabilities of their three diesel generators and of the two asphalt tank heaters. The three generators and the two asphalt heaters could previously burn only #2 low-sulfur fuel oil. The facility has installed the necessary pipelines, connections and flow meters for the use of natural gas. The three diesel generators are now capable of burning a maximum mixture of 60% natural gas and 40% low-sulfur fuel oil, while still retaining their capability to be fired on 100% fuel oil. The asphalt tank heaters are capable of burning either 100% natural gas or 100% low-sulfur fuel oil.

In order to avoid the applicability of the the Title V and the NOX-RACT- controls required under Part 227-2, the owner has applied for a cap on its asphalt production and on the annual use of diesel oil. Specifically the owner uses no more that 225,000 gallons of diesel (or #2 oil) per year. The three engine generators use no more than 75,000 gallons per year. Similarly the annual asphalt production is limited to 400,000 tons of asphalt per year. This ensures that the annual NOx emission are below 25 tons per year.

The Air State Facility permit contains a complete listing of the applicable federal, state and compliance monitoring requirements for the facility, its emission units, emission points, and its processes. Grace Asphalt - Division of Grace Industries Inc. is subject to the provisions of State Facility permit specified under 6 NYCRR 201-5 in addition to the following regulations and conditions:

1. In order to keep its NOx emissions below 25 tons/year and the CO emissions below 100 tons per year, the owner agreed to maintain his asphalt production to less than 400,000 tons of asphalt per year. The 400,000 tons is an annual amount rolled monthly. This exempts the facility from the applicability of Part 231-1, and the applicability of Title V.
2. The owner must record the monthly asphalt production in tons of asphalt. The annual total production of asphalt must be submitted to NYSDEC within thirty (30) days after the end of the calendar year. The report should include a table of monthly asphalt productions. The annual total (calendar year) must not exceed 400,000 tons. Also, the owner shall compute monthly the NOx emissions resulting from the asphalt producing operations under Emission Unit D-00001 and submit them to NYSDEC.
3. The owner must limit the combined use of natural gas for the three engines and the two asphalt tank heaters to no more than 20,240,000 scf/ year.
4. The maximum permitted combined fuel oil consumption for the three diesel engines



(EU: G-00123) is 75,000 gallons per year. If the owner burns 75,000 gallons per year in the engines, no additional natural gas may be burned. Under the current modification, the owner is allowed to burn in the engines dual fuel containing no more than 60% natural gas and 40% low-sulfur # 2 oil. At 60% natural gas and 40% low-sulfur # 2 oil, the annual consumption is 30,000 gallons/year of fuel oil and 5.98x10E6 scf/year of natural gas.

5. The maximum permitted combined fuel oil consumption for the two asphalt tank heaters is 110,000 gallons per year. Under the current modification, the owner is allowed to burn in the heaters dual fuel containing either 100% natural gas or 100% low sulfur # 2 oil. At 100% low-sulfur # 2 oil all the time, the annual consumption is 110,000 gallons/year. At 100% natural gas all the time, the consumption is 14.26x10E6 scf/year of natural gas.

6. The owner must limit the use of # 2 low-sulfur fuel oil (when no natural gas at all is used) to no more than 225,000 gallons/year for the entire facility. As part of a plan to keep the facility's CO emissions under 100 tons per year and avoid Title V applicability and New Source Review under Part 231-1, the total facility fuel consumption has been limited by the owner to no more than 225,000 gallons per year. This amount includes the limitation of 75,000 gallons per year amount allowed for the power generating engines. At the same time, the owner has limited his asphalt production (generated in the gas-fired hot mix asphalt plant) to 400,000 tons per year.

7. The owner has the option of using the emission factors in EPA's AP-42 emission factors for NO_x, or conduct a stack testing to determine the NO_x emissions emanating from the stack of each of the three combustion engines (Emission Sources 0C001, 0C002 & 0C003) in Emission Unit G-00123. The tests should be conducted concurrently with the tests for the hot mix asphalt plant prescribed under Part 212.11 (a). For the 600 KW and the two 900 KW Caterpillar generating engines (Emission Sources 0C001, 0C002 & 0C003), the low-sulfur # 2 oil limit is 75,000 gallons per year.

8. The owner has the option of using the emission factors in EPA's AP-42 emission factors for CO, or conduct a stack testing to determine the CO emissions emanating from the stack of each of the three combustion engines (Emission Sources 0C001, 0C002 & 0C003) in Emission (EU: G-00123). The tests should be conducted concurrently with the tests for the hot mix asphalt plant prescribed under Part 212.11 (a). For the 600 KW and the two 900 KW Caterpillar generating engines (Emission Sources 0C001, 0C002 & 0C003), the low-sulfur # 2 oil limit is 75,000 gallons per year.

9. The owner will monitor and record the facility's fuel usage and asphalt production. At the same time, the owner will compute each calendar month, the NO_x and the CO emissions from the entire facility using AP-42 emission factors or NYSDEC approved stack data (if the facility selects to conduct stack testing). The NO_x and the CO emissions shall be reported annually (calendar basis) as twelve monthly emissions amounts rolled monthly in the annual emissions.

10. The Particulate emissions from the hot mix asphalt plant (EU: D-00001) shall not exceed 0.030 grains per standard cubic foot of undiluted exhaust gas on a dry basis, corrected to 7% O₂ (Table 4 - Part 212.9(d)). The facility conducted a stack testing on May 18 & 19, 2001, and the results were in compliance with the 0.030 gr/dscf at 7% O₂. The facility may be required to conduct another stack test to verify the particulates

New York State Department of Environmental Conservation
Facility DEC ID: 2630200138



emission limit of 0.030 gr/dscf at 7% O₂ from the hot mix asphalt plant (EU: D-00001) at the discretion of NYSDEC. If a particulates stack test will be required, the stack test must be conducted during the production of virgin mix asphalt as well as during the production of asphalt mixes that use recyclable materials. The tests should be run during maximum production outputs. The testing must use acceptable procedures pursuant to Part 202. The limit is 330 tons per hour of asphalt.

The facility operates other sources which are considered exempt from permitting in accordance with 6 NYCRR 201-3.2(c), including combustion sources with < 10 MM BTU/hr each: one boiler (A/M Building), two space heaters (A/M Building) and two asphalt heaters (C/A Building), one portable stone crusher < 150 tons/hr, and one distillate fuel oil storage tank < 300,000 bbls (C/A Building).

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
 NYSDEC
 47-40 21ST ST
 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 compliance 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 any 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: 6 NYCRR 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 transfer of ownership.



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

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: NYC DEPT OF TRANSPORTATION
40 WORTH ST 11TH FL
NEW YORK, NY 10003

Facility: HARPER STREET ASPHALT PLANT
30-01 HARPER ST|130-01 NORTHERN BLVD
CORONA, NY 11368

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

Permit Effective Date: 09/21/2005
date.

Permit Expiration Date: No expiration
date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 202-1.1: Required Emissions Tests
- 2 6 NYCRR 201-6.5 (g): Non Applicable requirements
- 3 6 NYCRR 202-1.2: Notification
- 4 6 NYCRR 202-1.3: Acceptable procedures
- 5 6 NYCRR 212.10 (d): Compliance Demonstration
- 6 6 NYCRR 225-1.8: Compliance Demonstration
- 7 6 NYCRR 225-1.8 (a): Compliance Demonstration

Emission Unit Level

EU=D-00001

- 8 6 NYCRR 212.6 (a): Compliance Demonstration
- 9 6 NYCRR 212.11 (a): Compliance Demonstration

EU=D-00001,EP=0S001,Proc=P01

- 10 6 NYCRR 212.4 (a): Compliance Demonstration
- 11 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

EU=D-00001,EP=0S001,Proc=P01,ES=APC01

- 12 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications

EU=D-00001,EP=0S001,Proc=P01,ES=APC02

- 13 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications

EU=D-00001,EP=0S001,Proc=P01,ES=APC03

- 14 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications

EU=G-00123

- 15 6 NYCRR 225-1.2 (a): Compliance Demonstration
- 16 6 NYCRR 227-1.3: Compliance Demonstration

EU=G-00123,EP=0S003

- 17 6 NYCRR 227-1.3 (a): Compliance Demonstration

EU=G-00123,EP=0S004

- 18 6 NYCRR 227-1.3 (a): Compliance Demonstration

EU=G-00123,EP=0S005

- 19 6 NYCRR 227-1.3 (a): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS



Facility Level

- 20 ECL 19-0301: Contaminant List
- 21 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 22 6 NYCRR Subpart 201-5: Emission Unit Definition
- 23 6 NYCRR 201-5.3 (b): Compliance Demonstration
- 24 6 NYCRR 201-7.2: Facility Permissible Emissions
- *25 6 NYCRR 201-7.2: Capping Monitoring Condition
- *26 6 NYCRR 201-7.2: Capping Monitoring Condition
- *27 6 NYCRR 201-7.2: Capping Monitoring Condition
- *28 6 NYCRR 201-7.2: Capping Monitoring Condition
- 29 6 NYCRR 201-7.2 (e): Facility Permissible Emissions
- *30 6 NYCRR 201-7.2 (e): Capping Monitoring Condition
- 31 6 NYCRR 211.2: Air pollution prohibited
- 32 6 NYCRR 231-1.2 (a) (4): Compliance Demonstration
- 33 6 NYCRR 231-1.2 (a) (4): Compliance Demonstration

Emission Unit Level

- 34 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 35 6 NYCRR Subpart 201-5: Process Definition By Emission Unit
- 36 6 NYCRR 201-7.2: Emission Unit Permissible Emissions
- 37 6 NYCRR 201-7.2 (e): Emission Unit Permissible Emissions

EU=D-00001

- *38 6 NYCRR 201-7.2: Capping Monitoring Condition
- 39 6 NYCRR 231-1.2 (a) (1): Compliance Demonstration

EU=D-00001,EP=0S001,Proc=P01

- 40 6 NYCRR Subpart 201-5: Compliance Demonstration

EU=G-00123

- *41 6 NYCRR 201-7.2: Capping Monitoring Condition
- *42 6 NYCRR 201-7.2: Capping Monitoring Condition

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 - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 200.7

Any person who owns or operates an air contamination 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 - 6 NYCRR 201-1.2

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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 - 6 NYCRR 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 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 - 6 NYCRR 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 - 6 NYCRR 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 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 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 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 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 6 NYCRR Subpart 202-1.

Item K: Visible Emissions Limited - 6 NYCRR 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 Prohibitions - 6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

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 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 1: Required Emissions Tests
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 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 2: Non Applicable requirements
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-6.5 (g)

Item 2.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

40 CFR 52.21

Reason: 40 CFR 52-A.21 - Prevention of Significant Deterioration is non-applicable to this facility because Grace Asphalt is not considered to be a major source of SO₂. The three generators emit less than 2.5 tons per year of SO₂ for PSD.

40 CFR Part 60, Subpart A

Reason: 40 CFR 60-A - Standards of Performance for New Stationary Sources, General Provisions, is non-applicable to this facility because NSPS does not apply to generator-engines that produce electricity. Subpart Dc of 40 CFR 60 (NSPS) applies to generator-engines that produce steam only.

40 CFR Part 60, Subpart Dc

Reason: 40 CFR 60-Dc - Standards of Performance for New Stationary Sources in non-applicable to this facility because NSPS (New Source Performance Standards) does not apply to generator-engine that produce electricity. Subpart Dc of



40 CFR 60 (NSPS) applies to generator-engines that produce steam only.

40 CFR 60.92

Emission Unit: D00001 Emission Point: 0S001 Process: P01

Reason: The conditions under 40 CFR 60.92 set the limits for emissions of particulates from hot mix asphalt facilities.

The opacity of these emissions may not exceed 20%. The particulate standard to be met is 0.04 grains per dry standard cubic foot from the stack or emission point.

40 CFR 60, Subpart 92, Hot mix asphalt plants - standard for Particulate matter is not applicable to Grace Asphalt.

The particulate matter emission limit in 40 CFR 60.92 is superseded by the 0.030 grains per dry standard cubic foot particulate standard in Table 4 - Part 212.9(d) of 6 NYCRR 212.4(a).

40 CFR 60.670 (c) (2)

Emission Unit: R00001 Emission Point: 0S002 Process: P02 Source:

RAP01

Reason: The portable crusher for the recycled asphalt pavement (RAP) with a throughput capacity of less than 150 tons per hour is not subject to the requirements of 40 CFR -000.670(c)(2).

The portable crusher at Grace Asphalt has a throughput capacity of only 100 tons per hour.

40 CFR Part 63, Subpart 000

Reason: 40 CFR 63, Subpart 000; New Source Performance Standards (NSPS) for nonmetallic mineral processing plants is not applicable to Grace Asphalt since the applicability of the recycled asphalt pavement (RAP) crusher (Emission Source RAP01) in Emission Unit R-00001 is less than 150 tons per hour and the unit is portable.

40 CFR Part 63, Subpart ZZZZ

Reason: 40 CFR 63, Subpart ZZZZ; National Emission Standards for Hazardous Air Pollutants (NESHAPs) for reciprocating internal combustion engines (RICE) is not applicable to Grace Asphalt. The RICE, which is part of the MACT (section 63 NESHAP) NESHAP and became effective on 6/15/2004 is not applicable to Grace Asphalt. Grace Asphalt is not a major source of HAPs.

The RICE NESHAP is applicable to facilities that are major for HAPs, of which Grace Asphalt is not. The emissions of total HAPs at Grace Asphalt is 6.25 tpy. Total VOC



(volatile organic compounds, the category to which most - but not all - HAPs belong) is only 10.4 tons per year, well under the 25 tpy threshold to be considered as major for VOC. The HAPs emissions from stationary RICE are: formaldehyde, acetaldehyde, acrolein, and methanol, in which formaldehyde is the major contributor to HAPs.

Since all three diesel engines at the Grace Asphalt facility are defined as existing 4- Stroke Lean Burn Stationary RICE units, they are not subject to Subpart ZZZZ of the NESHAP regulations.

Condition 3: Notification
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.2

Item 3.1:

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 4: Acceptable procedures
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.3

Item 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 5: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.10 (d)

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of any facility with federally and



state enforceable conditions which limit its annual potential to emit of nitrogen oxides and volatile organic compounds below the applicability levels of subdivision 212.10(a) by 5/31/95 is exempt from the Reasonably Available Control Technology (RACT) analysis and implementation requirements of this section. Records must be maintained by the owner or operator at the facility on a monthly basis which verify the facility's annual actual emissions.

An exceedance of the annual potential to emit conditions for any calendar year must be reported by the owner or operator to the Department within thirty days of the end of that calendar year.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 6: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 225-1.8

Item 6.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 6.2:

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 fuel oil shall compile and retain records of the following information:

- a. fuel analyses and data on the quantities of all residual and distillate oil and coal received, burned or sold;
- b. the names of all purchasers of all residual and distillate oil and coal sold;
- c. any results of stack sampling, stack monitoring and other procedures used to ensure compliance with the provisions of 6 NYCRR Part 225-1.

Fuel analyses must contain, as a minimum, data on the sulfur content, specific gravity and heating value of any residual oil, distillate oil or coal received, burned or sold. Ash content shall also be included in the fuel analyses for any residual oil or coal received, burned or sold.

These records shall be retained for a minimum period of three years. If the facility is subject to Title V

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



requirements the minimum record retention period shall be five years. The records shall be made available for inspection by department staff during normal business hours. In addition, copies of such records shall be furnished to department staff upon request. All required sampling, compositing and analysis of fuel samples must be done in accordance with methods acceptable to the department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 7: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

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

Item 7.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 7.2:

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

**** Emission Unit Level ****

Condition 8: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.6 (a)

Item 8.1:

The Compliance Demonstration activity will be performed for:

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Emission Unit: D-00001

Item 8.2:

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 when the 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: 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 1/30/2006.

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

Condition 9: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.11 (a)

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 9.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The facility is limiting its operation to a maximum production rate of 330 tons of asphalt per hour. The facility must keep records to verify that it operated at a maximum rate of 330 tons of asphalt per hour.



Parameter Monitored: ASPHALT
Upper Permit Limit: 330 tons per hour
Reference Test Method: METHOD 7
Monitoring Frequency: HOURLY
Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 10: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.4 (a)

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-00001 Emission Point: OS001
Process: P01

Regulated Contaminant(s):
CAS No: 0NY075-00-0 PARTICULATES

Item 10.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The particulates emissions emanating from the stack of the hot mix asphalt plant (EU: D-00001) shall not exceed 0.030 grains per standard cubic foot of undiluted exhaust gas on a dry basis (Table 4 - Part 212.9(d)).

The facility has conducted an initial stack testing on May 18 & 19, 2001. Particulate sampling of the baghouse outlet from the rotary gas-fired dryer at Emission Unit D-00001 was conducted when processing both virgin aggregate and a combination of virgin aggregate and recycled asphalt product (RAP). The results of the particulate testing at Emission Point OS001 were as follows:

Material Processed	gr/dscf at 7% O2
Virgin Aggregate	0.028
3.0	
Combined VA and RAP	0.029



4.3

Therefore, the source is in compliance with the 0.030 gr/dscf particulates emission limitation. The particulates emissions are controlled by a combination of McCarter multi-clone (Model 121) and McCarter fabric filter baghouse system (Model 864), Emission Controls APC01 & APC02, respectively.

The facility may be required to conduct another stack test to verify the particulates emission limit of 0.030 grains per standard cubic foot of undiluted exhaust gas on a dry basis from the hot mix asphalt plant (EU: D-00001) at the discretion of NYSDEC.

The stack test must be conducted during the production of virgin mix asphalt as well as during the production of asphalt mixes that use recyclable materials. The tests should be run during maximum production outputs. The testing must use acceptable procedures pursuant to Part 202.

Process Material: ASPHALT

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.030 grains per dry standard cubic foot (corrected to 7% O₂)

Reference Test Method: METHOD 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 11: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.92(a)(2), NSPS Subpart I

Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-00001
Process: P01

Emission Point: 0S001

Regulated Contaminant(s):
CAS No: 0NY075-00-0 PARTICULATES

Item 11.2:

Compliance Demonstration shall include the following monitoring:

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

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Monitoring Description:

The opacity is not to exceed 20% from a hot mix asphalt plant. No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater. 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

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

**Condition 12: Emissions from new emission sources and/or modifications
Effective between the dates of 09/21/2005 and Permit Expiration Date**

Applicable Federal Requirement:6 NYCRR 212.4 (a)

Item 12.1:

This Condition applies to Emission Unit: D-00001 Emission Point: 0S001
Process: P01 Emission Source: APC01

Item 12.2:

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 13: Emissions from new emission sources and/or modifications
Effective between the dates of 09/21/2005 and Permit Expiration Date**

Applicable Federal Requirement:6 NYCRR 212.4 (a)

Item 13.1:

This Condition applies to Emission Unit: D-00001 Emission Point: 0S001
Process: P01 Emission Source: APC02

Item 13.2:

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 14: Emissions from new emission sources and/or modifications
Effective between the dates of 09/21/2005 and Permit Expiration Date**

Applicable Federal Requirement:6 NYCRR 212.4 (a)

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Item 14.1:

This Condition applies to Emission Unit: D-00001 Emission Point: 0S001
Process: P01 Emission Source: APC03

Item 14.2:

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

Condition 15: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

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

Item 15.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: G-00123

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 15.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person in New York City shall use, purchase, sell, or offer for sale any distillate fuel oil (# 2 oil) which has a sulfur content greater than 0.20 percent by weight. 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.

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 1/30/2006.

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

Condition 16: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 227-1.3

Item 16.1:

The Compliance Demonstration activity will be performed for:



Emission Unit: G-00123

Item 16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operators of oil-fired internal combustion engines which 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 for each internal combustion engine which is operating on oil 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 firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), then a 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.

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



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.

Monitoring Frequency: DAILY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 17: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

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

Item 17.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: G-00123

Emission Point: 0S003

Item 17.2:

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 operate the installation in such a way to 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. Opacity shall be monitored on a daily basis whenever the unit is in operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 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 1/30/2006.

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

Condition 18: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

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

Item 18.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: G-00123

Emission Point: 0S004



Item 18.2:

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 operate the installation in such a way to 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. Opacity shall be monitored on a daily basis whenever the unit is in operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 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 1/30/2006.

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

Condition 19: Compliance Demonstration

Effective between the dates of 09/21/2005 and Permit Expiration Date

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

Item 19.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: G-00123

Emission Point: 0S005

Item 19.2:

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 operate the installation in such a way to 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. Opacity shall be monitored on a daily basis whenever the unit is in operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: DAILY

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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



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 - 6 NYCRR 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 20: Contaminant List
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 20.1:

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

CAS No: 000630-08-0
Name: CARBON MONOXIDE

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

CAS No: 0NY075-00-0
Name: PARTICULATES

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

Condition 21: Unavoidable noncompliance and violations
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 21.1:

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 22: Emission Unit Definition
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 22.1:

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

Emission Unit: A-00012

Emission Unit Description:

Emission Unit A-00012 consists of two (2) heaters (Emission Sources 0C005 & 0C006), which are used to maintain the temperature of the asphalt tanks during the production period (March through December). The emissions from these two heaters vent from two separate stacks, identified as Emission Points 0S007 & 0S008, respectively. The heaters can be fired on either 100% low sulfur # 2 fuel oil or 100% natural gas (Process P04).

Building(s): C/A

Item 22.2:

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

Emission Unit: B-00001

Emission Unit Description:

Emission Unit B-00001 consists of a small 1.5 MM BTU/hr boiler (Emission Source 0C004), firing # 2 fuel oil (Process P03), that provides heat to the



Administration/Maintenance Building during the heating season. The flue gases from this boiler vent from a stack, identified as Emission Point 0S006.

Building(s): A/M

Item 22.3:

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

Emission Unit: D-00001

Emission Unit Description:

Emission Unit D-00001 consists of the stack (Emission Point 0S001) serving the rotary gas fired stone dryer (Emission Source APC03), which is located at the Hot Mix Asphalt Plant Building. Particulate emissions (Process P01) from the stone loading, transferring and storage systems, including the dryer, controlled by a multi clone and fabric filter baghouse system (Emission Controls APC01 & APC02). The level of control to limit particulate emissions is equal to 0.03 gr/dscf or a maximum of 16 lbs/hr. The emissions from this stone dryer exit through Emission Point 0S001.

Building(s): BATCH

Item 22.4:

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

Emission Unit: G-00123

Emission Unit Description:

Emission Unit G-00123 consists of onsite electrical power for the asphalt production areas, which is provided by three (3) diesel generators. There are two (2) 900 KW units (Emission Sources 0C002 & 0C003) and one (1) 600 KW unit (Emission Source 0C001). When the facility is producing hot asphalt mix, only one (1) 900 KW generator is operational, while the other 900 KW unit serves as a back up unit. The design of the generator systems is such that only one of the two 900 KW generators is physically able to be operated at any one time. The 600 KW diesel engine (Emission Source 0C001) provides power to the portable crusher (Emission Source RAP01) and provides power to the recycled asphalt pavement (RAP) crusher as required. The two 900 KW each diesel engines (Emission Sources 0C002 & 0C003) provide power to the electrical equipment serving the rotary dryer. The units are currently capable of burning either 100% low sulfur # 2 fuel oil or a mixture of up to 60% natural gas and 40% low-sulfur fuel oil (Process P13). The flue gases from these three generators vent from three separate stacks, identified as Emission Points 0S003, 0S004 & 0S005, respectively.

Building(s): A/M

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Item 22.5:

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

Emission Unit: H-00012

Emission Unit Description:

Emission Unit H-00012 consists of two (2) space heaters (Emission Sources 0C007 & 0C008), which are used to provide supplemental heat during the winter season. The heaters are located in the Administration/Maintenance Building and use low sulfur # 2 fuel oil (Process P05). The emissions from these two heaters vent from two separate stacks, identified as Emission Points 0S009 & 0S010, respectively.

Building(s): A/M

Item 22.6:

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

Emission Unit: R-00001

Emission Unit Description:

Emission Unit R-00001 consists of a portable recycled asphalt pavement (RAP) crusher (Emission Source RAP01), which is used to produce RAP materials (Process P02) at the facility. It operates only ten (10) to fifteen (15) hours per week when RAP material is available. The emissions from this crusher exit through Emission Point 0S002.

Building(s): RAP

Condition 23: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

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

Item 23.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 23.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required in this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources
NYS Dept of Environmental Conservation
Region 2
47-40 21st Street
Long Island City, NY 11101

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 25.5:

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 25.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 25.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Grace Asphalt Division of Grace Industries Inc. proposes to use certain WORK PRACTICES pertaining to certain operations in order to keep the NOx emissions from the facility below the major source threshold of 25 tons/year in NOx emissions. This will exempt the facility from controlling its NOx emissions from the asphalt plant and from the diesel generators to the RACT standards of Part 212 and 227-2 of 6 NYCRR in order to keep its NOx emissions below 25 tons/year, the owner agreed to MAINTAIN HIS ASPHALT PRODUCTION TO LESS THAN 400,000 TONS OF ASPHALT PER YEAR.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ASPHALT

Parameter Monitored: ASPHALT

Upper Permit Limit: 400,000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 26: Capping Monitoring Condition

Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-7.2

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:

6 NYCRR Subpart 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
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The NO_x (oxides of nitrogen) emissions are capped at 22.5 tons per year.

The owner or operator shall maintain a record of the quantity of each fuel fired at the facility. Also, the owner or operator shall calculate (based on the fuel quantity) using the following formula:

$R(0.075) + D(0.02) + G(100) + E(0.44) + N(3400) < 45,000$
lbs/yr of Oxides of Nitrogen emissions.



Where:

R = 12-month rolling total of residual oil fired (from boilers) in gals/yr

D = 12-month rolling total of distillate oil fired (from boilers) in gals/yr

G = 12-month rolling total of natural gas fired (from boilers) in MMSCF/yr

E = 12-month rolling total of distillate oil fired (from engines) in gals/yr

N = 12-month rolling total of natural gas fired (from engines) in MMSCF/yr

The facility will accept the emission factors for NO_x emissions from EPA's AP-42 rather than conduct stack testing.

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.

The initial report is due 1/30/2006.

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

Condition 27: Capping Monitoring Condition
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement: 6 NYCRR 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:

6 NYCRR 231-1.2 (a) (4)

Item 27.2:

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

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: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The owner must LIMIT THE USE OF #2 FUEL OIL TO NO MORE THAN 225,000 GALLONS/YEAR for the entire facility :

1. The maximum permitted combined fuel oil consumption for the three (3) diesel engines is 75,000 gallons per year. If the owner burns 75,000 gallons per year in the engines, no additional NG may be burned. Under the current modification (Mod. #1 of the ATV) the owner is allowed to burn in the engines dual fuel containing no more than 60% natural gas (NG) [and 40% #2 oil]. At 60% NG and 40% #2 oil, the annual consumption is limited to 30,000 Gallons/year of fuel oil and 5.98x10E6 scf/year of NG.

2. The maximum permitted combined fuel oil consumption for the two (2) asphalt tank heaters is 110,000 gallons per year. Under the current modification (Mod. #1 of the ATV) the owner is allowed to burn in the heaters dual fuel containing either 100% natural gas (NG) or 100% #2 oil. At 100% #2 oil all the time, the annual consumption is limited to 110,000 Gallons/year. At 100% NG all the time, the consumption is limited to 14.26x10E6 scf/year of NG.

3. The fuel consumption described above was submitted by Grace Industries Inc. with their modification application,



in Table 1, attached to their letter dated 11/14/02.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: NUMBER 2 OIL

Upper Permit Limit: 225,000 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 1/30/2006.

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

Condition 28: Capping Monitoring Condition
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement: 6 NYCRR 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:

6 NYCRR Subpart 231-2

Item 28.2:

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

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



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: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The owner must limit the combined use of natural gas for the three engines and the two asphalt tank heaters to no more than 20,240,000 scf/ year:

1. The maximum permitted combined fuel oil consumption for the three (3) diesel engines is 75,000 gallons per year. If the owner burns 75,000 gallons per year in the engines, no additional NG may be burned. Under the current modification (Mod. #1 of the ATV) the owner is allowed to burn in the engines dual fuel containing no more than 60% natural gas (NG) [and 40% #2 oil]. At 60% NG and 40% #2 oil, the annual consumption is 30,000 Gallons/year of fuel oil and 5.98x10E6 scf/year of NG.
2. The maximum permitted combined fuel oil consumption for the two (2) asphalt tank heaters is 110,000 gallons per year. Under the current modification (Mod. #1 of the ATV) the owner is allowed to burn in the heaters dual fuel containing either 100% natural gas (NG) or 100% #2 oil. At 100% #2 oil all the time, the annual consumption is 110,000 Gallons/year. At 100% NG all the time, the consumption is 14.26x10E6 scf/year of NG.
3. The fuel consumption described above was submitted by Grace Industries Inc. with their modification application in Table 1, attached to their letter dated 11/14/02.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NATURAL GAS

Parameter Monitored: NATURAL GAS

Upper Permit Limit: 20,240,000 standard cubic feet per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 29: Facility Permissible Emissions



Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-7.2 (e)

Item 29.1:

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: 41,600 pounds per year

Name: OXIDES OF NITROGEN

Condition 30: Capping Monitoring Condition

Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-7.2 (e)

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:

6 NYCRR Subpart 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.

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



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: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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 1/30/2006.

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

Condition 31: Air pollution prohibited

Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 31.1:

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.

Condition 32: Compliance Demonstration

Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 231-1.2 (a) (4)

Item 32.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 32.2:

Compliance Demonstration shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

As part of a plan to keep the facility's CO emissions under 100 tons per year and avoid New Source Review under Part 231-1, and Title V requirements, the total facility fuel consumption has been limited by the owner to no more than 225,000 gallons per year. This amount includes the limitation of 75,000 gallons per year amount allowed for the power generating engines. At the same time, the owner has limited his asphalt production (generated in the gas-fired hot mix asphalt plant) to 400,000 tons per year.

In accordance with the capping requirements of Part 201-7.2(a) the owner has submitted a permit modification application to accomplish the above-noted objective. The application was submitted in the form of Table 2 of the "calculations section" of the initial Title V permit application (the application associated with modification # 0 of the ATV).

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: NUMBER 2 OIL

Upper Permit Limit: 225,000 gallons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 33: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 231-1.2 (a) (4)

Item 33.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 33.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In order to avoid the applicability of Part 231-1 the owner has agreed to keep his annual Carbon Monoxide emissions to amounts lower than 100 tons per year. To



accomplish such CO emissions limits, the owner limits the fuel usage at the facility and the facility's asphalt production as follows:

1. The maximum permitted combined fuel oil consumption for the three (3) diesel engines is 75,000 gallons per year. If the owner burns 75,000 gallons per year in the engines, no additional NG may be burned. Under the current modification (Mod. #1 of the ATV) the owner is allowed to burn in the engines dual fuel containing no more than 60% natural gas (NG) [and 40% #2 oil]. At 60% NG and 40% #2 oil, the annual consumption is 30,000 Gallons/year of fuel oil and 5.98x10E6 scf/year of NG.
2. The maximum permitted combined fuel oil consumption for the two (2) asphalt tank heaters is 110,000 gallons per year. Under the current modification (Mod. #1 of the ATV), the owner is allowed to burn in the heaters dual fuel containing either 100% natural gas (NG) or 100% #2 oil. At 100% #2 oil all the time, the annual consumption is 110,000 Gallons/year. At 100% NG all the time, the consumption is 14.26x10E6 scf/year of NG.
3. The annual fuel oil usage (when no NG at all is used) is 225,000 gallons.
4. In order to keep its Carbon Monoxide (CO) emissions below 100 tons/year, the owner agreed to MAINTAIN HIS ASPHALT PRODUCTION TO LESS THAN 400,000 TONS OF ASPHALT PER YEAR.

THE OWNER WILL MONITOR AND RECORD THE FACILITY'S FUEL USAGE AND ASPHALT PRODUCTION. AT THE SAME TIME, THE OWNER WILL COMPUTE EACH CALENDAR MONTH, THE CO EMISSIONS FROM THE ENTIRE FACILITY USING AP-42 EMISSION FACTORS. OR, THE FACILITY CAN OPT TO CONDUCT APPROVED STACK TESTING AND USE THAT DATA FOR THE ANNUAL CO EMISSION CALCULATION.

Monitoring Frequency: MONTHLY
 Averaging Method: ANNUAL TOTAL ROLLED MONTHLY
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 09/21/2005 and Permit Expiration Date



Applicable State Requirement:6 NYCRR Subpart 201-5

Item 34.1:

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

Emission Unit: A-00012

Emission Point: OS007
Height (ft.): 12 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: C/A

Emission Point: OS008
Height (ft.): 12 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: C/A

Item 34.2:

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

Emission Unit: B-00001

Emission Point: OS006
Height (ft.): 4 Diameter (in.): 10
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: A/M

Item 34.3:

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

Emission Unit: D-00001

Emission Point: OS001
Height (ft.): 52 Diameter (in.): 54
NYTMN (km.): 4513.273 NYTME (km.): 597.635 Building: BATCH

Item 34.4:

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

Emission Unit: G-00123

Emission Point: OS003
Height (ft.): 15 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: A/M

Emission Point: OS004
Height (ft.): 15 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: A/M

Emission Point: OS005
Height (ft.): 15 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: A/M

Item 34.5:

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



Emission Unit: H-00012

Emission Point: OS009
Height (ft.): 33 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: A/M

Emission Point: OS010
Height (ft.): 33 Diameter (in.): 6
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: A/M

Item 34.6:

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

Emission Unit: R-00001

Emission Point: OS002
Height (ft.): 13 Diameter (in.): 60
NYTMN (km.): 4513.273 NYTME (km.): 597.725 Building: RAP

**Condition 35: Process Definition By Emission Unit
Effective between the dates of 09/21/2005 and Permit Expiration Date**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 35.1:

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

Emission Unit: A-00012
Process: P04 Source Classification Code: 3-05-900-01

Process Description:

Process P04 consists of two (2) oil fired heaters (Emission Sources 0C005 & 0C006), which are used to maintain the proper temperature of the asphalt storage tanks. Each heater is rated at 1.5 MMBTU/hour and is operated throughout the March through December period.

The owners of this asphalt-producing facility have modified the fuel burning capabilities of their two asphalt tank heaters. The two asphalt heaters can presently (currently) burn only # 2 fuel oil. This modification involved the installation of the necessary pipelines, connections and flow meters for the use of natural gas. The asphalt tank heaters are currently capable of burning either 100 % natural gas or 100% low sulfur # 2 fuel oil.

Emission Source/Control: 0C005 - Combustion
Design Capacity: 1.5 million Btu per hour

Emission Source/Control: 0C006 - Combustion



Design Capacity: 1.5 million Btu per hour

Item 35.2:

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

Emission Unit: B-00001

Process: P03

Source Classification Code: 1-03-005-03

Process Description:

Process P03 in Emission Unit B-00001 consists of the firing of low sulfur # 2 fuel oil in a small hot-water boiler (Emission Source 0C004). The capacity of the unit is 1.5 MMBtu/hr and it provides steam for heating the Administration/ Maintenance Building. The unit is used only during the heating season. The flue gases from this boiler vent from a stack, identified as Emission Point 0S006.

Emission Source/Control: 0C004 - Combustion

Design Capacity: 1.5 million Btu per hour

Item 35.3:

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

Emission Unit: D-00001

Process: P01

Source Classification Code: 3-05-002-51

Process Description:

Process P01 consists of blending, heating, drying and mixing aggregates, as appropriate with asphalt cement to produce a hot asphalt mix at the asphalt batch plant. The rotary gas-fired stone dryer (Emission Source APC03) has a maximum capacity of 330 tons of aggregate and/or recycled asphalt pavement (RAP) per hour, and is located at the Hot Mix Asphalt Plant Building. The particulate emissions from the stone loading, transferring and storage systems, including the stone dryer are controlled by a multi clone and fabric filter baghouse system (Emission Controls APC01 & APC02). The uncontrolled particulate emissions exit through Emission Point 0S001. The level of control to limit particulate emissions is equal to 0.03 gr/dscf or a maximum of 16 lbs/hr. The process is subject to NSPS (i.e., 40 CFR Part 60, Subpart I) and Part 212 New York State regulations.

Emission Source/Control: APC01 - Control

Control Type: MULTIPLE CYCLONE W/O FLY ASH INJECTION

Emission Source/Control: APC02 - Control

Control Type: FABRIC FILTER

Emission Source/Control: APC03 - Process

Design Capacity: 330 tons per hour



Item 35.4:

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

Emission Unit: G-00123

Process: P13

Source Classification Code: 2-02-001-02

Process Description:

Process P13 consists of three (3) diesel engine generators to provide onsite electrical power to the asphalt production areas. These units typically operate less than 2,000 hours per year, but they are significant contributors of NOx emissions. There are two (2) 900 KW units (Emission Sources 0C002 & 0C003) and one (1) 600 KW unit (Emission Source 0C001). When the facility is producing hot asphalt mix, only one (1) 900 KW generator is operational, while the other 900 KW unit serves as a back up unit. The design of the generator systems is such that only one of the two 900 KW generators is physically able to be operated at any one time. The 600 KW diesel engine (Emission Source 0C001) provides power to the portable crusher (Emission Source RAP01) and provides power to the recycled asphalt pavement (RAP) crusher as required. The two 900 KW each diesel engines (Emission Sources 0C002 & 0C003) provide power to the electrical equipment serving the rotary dryer. The units are currently capable of burning either 100% low sulfur # 2 fuel oil or a mixture of up to 60% natural gas and 40% fuel oil (Process P13). The flue gases from these three generators vent from three separate stacks, identified as Emission Points 0S003, 0S004 & 0S005, respectively.

The owners of this asphalt-producing facility have modified the fuel burning capabilities of their three (3) diesel generators. The three (3) generators can presently (currently) burn a maximum mixture of 60% natural gas and 40% # 2 fuel oil, while still retaining their capability to be fired on 100% # 2 fuel oil.

Emission Source/Control: 0C001 - Combustion

Design Capacity: 600 kilowatts

Emission Source/Control: 0C002 - Combustion

Design Capacity: 900 kilowatts

Emission Source/Control: 0C003 - Combustion

Design Capacity: 900 kilowatts

Item 35.5:

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

Emission Unit: H-00012

Process: P05

Source Classification Code: 1-05-001-05

Process Description:

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



Process P05 consists of the use of two (2) space heaters to provide supplemental heat in the Administration and Maintenance areas during the winter months. The capacity of each of these units is 145,000 BTU's/hour and burn low sulfur # 2 fuel oil.

Emission Source/Control: 0C007 - Combustion
Design Capacity: 0.145 million Btu per hour

Emission Source/Control: 0C008 - Combustion
Design Capacity: 0.145 million Btu per hour

Item 35.6:

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

Emission Unit: R-00001
Process: P02 Source Classification Code: 3-05-006-10
Process Description:

Process P02 consists of crushing the recycled asphalt pavement (RAP) with a portable crusher (Emission Source RAP01) to produce RAP materials at the facility. It operates only ten to fifteen hours per week when RAP material is available. The emissions from this crusher exit through Emission Point OS002.

Emission Source/Control: RAP01 - Process
Design Capacity: 100 tons per hour

Condition 36: Emission Unit Permissible Emissions
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-7.2

Item 36.1:

The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: D-00001

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 10 pounds per hour

11,000 pounds per year

Condition 37: Emission Unit Permissible Emissions
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-7.2 (e)

Item 37.1:

The sum of emissions from all regulated processes specified in this permit for the emission unit



cited

shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: D-00001

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 10 pounds per hour

11,000 pounds per year

Condition 38: Capping Monitoring Condition
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement: 6 NYCRR 201-7.2

Item 38.1:

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:

6 NYCRR Subpart 231-2

Item 38.2:

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

Item 38.3:

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 38.4:

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 38.5:

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 38.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-00001

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



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

Item 38.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The owner shall maintain its annual asphalt production to no more than 400,000 tons. This activity combined with restrictions on other activities at emission unit level and facility level shall ensure that the facility's annual NOx emissions do not exceed 25 tons per year.

Records of fuel consumption shall be maintained on-site to demonstrate compliance with the 22.5 tons of NOx per year cap.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 400,000 tons 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 1/30/2006.

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

Condition 39: Compliance Demonstration
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement: 6 NYCRR 231-1.2 (a) (1)

Item 39.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-00001

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

Item 39.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

In order to exempt the facility from the NOx-RACT requirements of Parts 212 and 227-2 of 6 NYCRR, the owner decided to maintain the facility's nitrogen oxides

New York State Department of Environmental Conservation

Permit ID: 2-6302-00138/00028

Facility DEC ID: 2630200138



emissions below 25 tons per year. In effect the owner is "capping" the facility-wide NOx emissions to an annual amount not to exceed 22.5 tpy.

As part of the capping plan, the owner does not exceed 400,000 tons per year of asphalt production. The 400,000 tons is a yearly amount rolled monthly.

The owner will record the daily asphalt production and compute monthly and annually the NOx emissions resulting from the asphalt producing operations under Emission Unit D-00001.

The owner shall submit to NYSDEC a total annual report rolled monthly of asphalt production and of NOx emissions from EU D-00001.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 400,000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 40: Compliance Demonstration

Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 40.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-00001

Emission Point: 0S001

Process: P01

Item 40.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner must record the daily, monthly and annual asphalt production in tons of asphalt. The report should include a table of daily asphalt productions. The annual total (calendar year) must not exceed 400,000 tons.

Monitoring Frequency: DAILY

Averaging Method: ANNUAL TOTAL ROLLED DAILY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.



The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 41: Capping Monitoring Condition
Effective between the dates of 09/21/2005 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-7.2

Item 41.1:

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:

6 NYCRR Subpart 231-2

Item 41.2:

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

Item 41.3:

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 41.4:

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 41.5:

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 41.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: G-00123

Regulated Contaminant(s):

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

Item 41.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes



Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The three diesel/ # 2 oil engines shall not consume more than 75,000 gallons of # 2 oil annually. This along with other emission unit and facility level operational restriction will ensure that the NOx emissions amount to less than 25 tons per year.

To ensure that the three diesel engines run at optimum conditions, periodic maintenance will be performed in accordance with the manufacturer's specification manual for the units. Other components of the periodic maintenance program for the unit include those actions necessitated by the results of monitoring the following data: diagnostic data obtained after a set number of operating hours, engine oil analysis, and fuel consumption versus power output of the unit.

On a daily basis, the facility will keep records of:

1. The # 2 fuel usage for each generating engine in gallons per day,
2. the natural gas consumption for each generator engine in cubic feet per day,
3. The hours of operation for each generating engine in hours per day.

Records will be maintained for five years at the facility. The facility will then calculate the NOx emissions emanating from the stack of each of the three combustion engines using the emission factors for NOx emissions from EPA's AP-42 of 0.45 lbs/gal.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Manufacturer Name/Model Number: Three CATERPILLAR generating engines
Parameter Monitored: NUMBER 2 OIL
Upper Permit Limit: 75,000 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 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 42: Capping Monitoring Condition
Effective between the dates of 09/21/2005 and Permit Expiration Date



Applicable State Requirement: 6 NYCRR 201-7.2

Item 42.1:

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:

6 NYCRR Subpart 231-2

Item 42.2:

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

Item 42.3:

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 42.4:

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 42.5:

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 42.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: G-00123

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 42.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The three diesel/ # 2 oil engines shall not consume more than 75,000 gallons of # 2 oil annually. This along with other emission unit and facility level operational



restriction will ensure that the CO emissions amount to less than 100 tons per year.

To ensure that the three diesel engines run at optimum conditions, periodic maintenance will be performed in accordance with the manufacturer's specification manual for the units. Other components of the periodic maintenance program for the unit include those actions necessitated by the results of monitoring the following data: diagnostic data obtained after a set number of operating hours, engine oil analysis, and fuel consumption versus power output of the unit.

On a daily basis, the facility will keep records of:

1. The # 2 fuel usage for each generating engine in gallons per day,
2. the natural gas consumption for each generator engine in cubic feet per day,
3. The hours of operation for each generating engine in hours per day.

Records will be maintained for five years at the facility. The facility will then calculate the CO emissions emanating from the stack of each of the three combustion engines using the emission factors for CO emissions from EPA's AP-42, which is 0.12 lbs/gal for the CO.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Manufacturer Name/Model Number: Three CATERPILLAR generating engines
Parameter Monitored: NUMBER 2 OIL
Upper Permit Limit: 75,000 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 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

