



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 3-3352-00255/00001
Effective Date: 06/06/2003 Expiration Date: No expiration date

Permit Type: Industrial SPDES - Surface Discharge
Permit ID: 3-3352-00255/00003
Effective Date: 07/01/2003 Expiration Date: 07/01/2008

Permit Type: Water Quality Certification
Permit ID: 3-3352-00255/00005
Effective Date: 06/04/2003 Expiration Date: 12/31/2005

Permit Type: Mined Land Reclamation
Permit ID: 3-3356-00066/00013
Effective Date: 06/04/2003 Expiration Date: 09/18/2005

Permit Type: Stream Disturbance
Permit ID: 3-3356-00066/00015
Effective Date: 06/04/2003 Expiration Date: 12/31/2005

Permit Issued To: E TETZ & SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941

Contact: GARY TETZ
E TETZ AND SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941
(845) 692-4486

Facility: TETZ ASPHALT PLANT
63 CREAMERY ROAD
MIDDLETOWN, NY 10940

Contact: GARY TETZ
E TETZ AND SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941
(845) 692-4486

Description:
The Tetz Asphalt Plant is a new facility located in the city of Middletown, Orange County. The facility consists of a counterflow hot mix asphalt concrete plant equipped with a filter baghouse. The burner and counterflow process will be capable of utilizing recycled asphalt product (RAP) from highway reclamation projects as well as other recycled substrate such as glass and crushed concrete. The drum dryer and liquid asphalt tank heaters fire primarily natural gas with diesel fuel as a backup. Electrical power is supplied by an 800

New York State Department of Environmental Conservation
Facility DEC ID: 3335200255



kw diesel fired generator. Plant operations will be supported by one 10,000 gallon fuel storage tank, two 30,000 gallon liquid asphalt storage tanks and two 1,000 gallon asphalt emulsion tanks.

Facility emissions have been capped below major stationary source threshold (permit condition 6NYCRR Part 201-6.1) by limiting hot mix asphalt production and generator hours. The facility is subject to New Source Performance Standards 40 CFR Part 60 subpart I - Standards of Performance for Hot Mix Asphalt Facilities.

The Standard Industrial Classification representative of this facility is 2951 - Asphalt Paving Mixtures and blocks.

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: MARGARET E DUKE
 DIVISION OF ENVIRONMENTAL PERMITS
 21 SOUTH PUTT CORNERS RD
 NEW PALTZ, NY 12561-1696

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 3 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 3 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 3 Headquarters
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 256-3054

New York State Department of Environmental Conservation

Permit ID: 3-3352-00255/00001

Facility DEC ID: 3335200255



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: E TETZ & SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941

Facility: TETZ ASPHALT PLANT
63 CREAMERY ROAD
MIDDLETOWN, NY 10940

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

Permit Effective Date: 06/06/2003
date.

Permit Expiration Date: No expiration
date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 201-6.1: Facility Permissible Emissions
- *2 6 NYCRR 201-6.1: Compliance Demonstration
- 3 6 NYCRR 201-7.2 (e): Compliance Demonstration
- 4 6 NYCRR 202-2.5: Recordkeeping requirements
- 5 6 NYCRR 225-1.2 (a) (2): Compliance Demonstration
- 6 40CFR 60.7(a), NSPS Subpart A: Date of construction notification.
- 7 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 8 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 9 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 10 40CFR 82, Subpart F: Recycling and Emissions Reduction

Emission Unit Level

EU=U-00001

- 11 6 NYCRR 212.11: Compliance Demonstration
- 12 40CFR 60.92, NSPS Subpart I: Compliance Demonstration
- 13 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 14 ECL 19-0301: Contaminant List
- 15 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 16 6 NYCRR Subpart 201-5: Emission Unit Definition
- 17 6 NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 18 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 19 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 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: 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 L: 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 M: 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: Facility Permissible Emissions



Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-6.1

Item 1.1:

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: 170,000 pounds per year

Name: OXIDES OF NITROGEN

Condition 2: Compliance Demonstration

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-6.1

Item 2.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 2.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility wide NOx emissions will be limited to less than 85 tons per year with a federally enforceable emissions cap. Compliance will be demonstrated by limiting the operation of the electrical generator to 4,000 hours per year and limiting the quantity of hot mix asphalt produced to 500,000 tons per year. The following mathematical relationship shall be used to calculate emissions.

$$\text{Generator hours} \times 34 \text{ lb NOx per hour} + \text{tons of hot mix asphalt} \times 0.055 \text{ lb NOx per ton of hot mix (oil)} + \text{tons of hot mix asphalt} \times 0.026 \text{ lb NOx per ton of hot mix asphalt (gas)} < 170,000 \text{ lbs NOx annual maximum rolled monthly}$$

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

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

Condition 3: Compliance Demonstration



Effective between the dates of 06/06/2003 and Permit Expiration Date

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

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

On an annual basis 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 within the limits imposed by the emissions cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold 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 1/30/2004.

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

Condition 4: Recordkeeping requirements

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 4.1:

(a) The following records shall be maintained for at least five years:

(1) a copy of each emission statement submitted to the department; and

(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 5: Compliance Demonstration

Effective between the dates of 06/06/2003 and Permit Expiration Date

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

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.



Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Date of construction notification.
Effective between the dates of 06/06/2003 and Permit Expiration Date**

Applicable Federal Requirement:40CFR 60.7(a), NSPS Subpart A

Item 6.1:

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, postmarked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, postmarked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR 60. The notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, postmarked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, postmarked not less than 30 days prior to such date; and
- 7) a notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during the performance test, postmarked not less than 30 days prior to the performance test.

Condition 7: Performance testing timeline.



Effective between the dates of 06/06/2003 and Permit Expiration Date

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

Item 7.1:

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

Condition 8: Opacity standard compliance testing.

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.11, NSPS Subpart A

Item 8.1:

The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

Condition 9: Compliance with Standards and Maintenance Requirements

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.11(d), NSPS Subpart A

Item 9.1:

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

Condition 10: Recycling and Emissions Reduction

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:40CFR 82, Subpart F

Item 10.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**** Emission Unit Level ****

Condition 11: Compliance Demonstration



Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.11

Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility will operate and maintain a magnehelic gauge to measure pressure differential of the baghouse.

Maintenance and or replacement of filter media will be conducted in accordance with good engineering practice and manufacturer specification.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 12: Compliance Demonstration

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.92, NSPS Subpart I

Item 12.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 12.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The permissible emission rate for solid particulate emissions is 0.040 grains/dscf under 40 CFR 60.92, NSPS Subpart I. A stack test protocol shall be submitted within 60 days of permit issuance. The performance test shall be conducted using the procedures specified in 40 CFR 60, Appendix A and shall be conducted within 60 days after initiation of commercial production.

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Facility DEC ID: 3335200255



Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: SINGLE OCCURRENCE

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

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 13: Compliance Demonstration
Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.92, NSPS Subpart I

Item 13.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must perform a Method 9 opacity evaluation using the procedures outlined in 40 CFR, Appendix A. The opacity evaluation shall be conducted within 60 days after initiation of commercial production.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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 14: Contaminant List

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 14.1:

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

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

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

Condition 15: Unavoidable noncompliance and violations

Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 15.1:

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 superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those



above.

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

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

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

Condition 16: Emission Unit Definition
Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 16.1:

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

Emission Unit: U-00001

Emission Unit Description:

COUNTERFLOW HOT MIX DRUM ASPHALT CONCRETE PLANT CONSISTING OF HEATED LIQUID ASPHALT, AGGREGATE DRUM DRYER AND FILTER BAGHOUSE. THE AGGREGATE DRYER AND HEATED LIQUID ASPHALT UTILIZE NATURAL GAS AS THE PRIMARY FUEL WITH DIESEL AS A BACKUP.

COUNTERFLOW DRUM MIX PLANTS OPERATE BY HAVING THE MATERIAL FLOW IN THE DRUM IN THE OPPOSITE OR COUNTERFLOW DIRECTION TO THE DIRECTION OF EXHAUST GASES. THE LIQUID ASPHALT CEMENT MIXING ZONE IS LOCATED BEHIND THE BURNER FLAME ZONE SO AS TO REMOVE THE MATERIALS FROM DIRECT CONTACT WITH HOT EXHAUST GASES. LIQUID ASPHALT CEMENT FLOW IS CONTROLLED BY A VARIABLE FLOW PUMP ELECTRONICALLY LINKED TO VIRGIN AGGREGATE AND RAP WEIGH SCALES; IT IS INJECTED INTO THE MIXING ZONE ALONG WITH ANY RAP (5%-6%) AND PARTICULATE MATTER FROM PRIMARY AND SECONDARY COLLECTORS.

Building(s): M

New York State Department of Environmental Conservation

Permit ID: 3-3352-00255/00001

Facility DEC ID: 3335200255



Item 16.2:

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

Emission Unit: U-00002

Emission Unit Description:

800 KW DIESEL GENERATOR USED TO POWER THE
MECHANICAL COMPONENTS OF THE COUNTERFLOW
HOT MIX DRUM ASPHALT CONCRETE PLANT.

Building(s): GEN

Condition 17: Air pollution prohibited
Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 17.1:

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

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

Condition 18: Emission Point Definition By Emission Unit
Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 18.1:

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 35

Length (in.): 59

Width (in.): 59

NYTMN (km.): 4589.315

NYTME (km.): 554.208

Building: M

Condition 19: Process Definition By Emission Unit
Effective between the dates of 06/06/2003 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 19.1:

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

Emission Unit: U-00001

Process: P01

Source Classification Code: 3-05-002-05

Process Description:

New York State Department of Environmental Conservation

Permit ID: 3-3352-00255/00001

Facility DEC ID: 3335200255



The drum dryer and liquid asphalt tank heater are fueled primarily by natural gas.

Emission Source/Control: 00002 - Combustion

Emission Source/Control: 00003 - Combustion

Emission Source/Control: 00001 - Control
Control Type: FABRIC FILTER

Item 19.2:

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

Emission Unit: U-00001

Process: P02

Source Classification Code: 3-05-002-05

Process Description:

The drum dryer and liquid asphalt tank heater are capable of using diesel fuel as a backup to the primary fuel natural gas.

Emission Source/Control: 00002 - Combustion

Emission Source/Control: 00003 - Combustion

Emission Source/Control: 00001 - Control
Control Type: FABRIC FILTER

Item 19.3:

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

Emission Unit: U-00002

Process: P03

Source Classification Code: 3-05-002-05

Process Description: Electric generator firing diesel fuel.

Emission Source/Control: 00004 - Combustion
Design Capacity: 800 kilowatts

