

New York State Department of Environmental Conservation
Facility DEC ID: 3392200018



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 3-3922-00018/00033
Effective Date: 01/02/2002 Expiration Date: No expiration date

Permit Issued To: TILCON NEW YORK INC
162 OLD MILL RD
WEST NYACK, NY 10994

Contact: RICHARD RANDLOV
TILCON NY INC
162 OLD MILL RD
WEST NYACK, NY 10994
(845) 358-4500

Facility: TILCON QUARRIES HAVERSTRAW PLANT
362 SCRATCHUP RD
HAVERSTRAW, NY 10994-4728

Contact: LEONARD TELLONE
66 SCRATCHUP ROAD
HAVERSTRAW, NY 10927
(845) 708-0091

Description:
THE TILCON QUARRIES HAVERSTRAW PLANT IS AN EXISTING FACILITY LOCATED IN THE TOWN OF HAVERSTRAW (ROCKLAND COUNTY) WHICH CONSISTS OF AN EXISTING HOT MIX ASPHALT BATCH PLANT. ANCILLARY EQUIPMENT SUPPORTING THE OPERATION INCLUDE: LIQUID ASPHALT AND PETROLEUM STORAGE TANKS, AGGREGATE STORAGE FACILITIES, HOT ASPHALT STORAGE SILOS, TANK HEATERS, AND LOAD OUT EQUIPMENT.

EMISSION UNIT U-00001 IDENTIFIES THE HOT MIX ASPHALT BATCH PLANT. HOT MIX ASPHALT IS PRODUCED BY COMBINING LIQUID ASPHALT CEMENT, VARIOUS SIZES OF AGGREGATE, AND RECLAIMED ASPHALT PAVEMENT (RAP). THE LIQUID ASPHALT CEMENT IS STORED IN HEATED ABOVE GROUND TANKS. AGGREGATE AND RAP ARE STORED IN VARIOUS STOCKPILES ON SITE. THE AGGREGATE IS HEATED IN A ROTARY DRYER AND THEN BLENDED WITH THE OTHER MATERIALS IN A MIXING TOWER TO PRODUCE HOT MIX ASPHALT. THE ROTARY DRYER IS VENTED TO A BAGHOUSE FILTER. THE HOT MIX IS EITHER TRANSFERRED TO STORAGE SILOS OR BATCH LOADED DIRECTLY INTO TRUCKS AND DRIVEN OFF SITE. VARIOUS FUELS USED FOR THE PROCESS INCLUDE : NATURAL GAS, NO. 2 OR NO. 4 DISTILLATE FUEL OIL, NO. 6 RESIDUAL FUEL OIL, AND SPECIFICATION WASTE FUEL A.

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THE FACILITY IS CAPPING HOT MIX ASPHALT PRODUCTION TO LESS THAN 400,000 TONS PER YEAR TO LIMIT OXIDES OF NITROGEN BELOW MAJOR STATIONARY SOURCE THRESHOLDS AS DEFINED BY 6 NYCRR PART 201. APPLICABLE REQUIREMENTS INCLUDE: ANNUAL COMPLIANCE CERTIFICATION REPORTING UNDER 6 NYCRR PART 201-7.2(e), PARTICULATE EMISSIONS TESTING UNDER 6 NYCRR PART 202-1.1, SULFUR IN FUEL LIMIT UNDER 6 NYCRR PART 225-1.2, OPACITY EVALUATION UNDER 6 NYCRR PART 202-1.1, ANALYTICAL SAMPLING AND RECORDKEEPING REQUIREMENTS FOR WASTE FUEL UNDER 6 NYCRR PART 225-2.7, AND OPERATIONAL REQUIREMENT FOR CONTROL DEVICES UNDER 6 NYCRR PART 212.7.

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: ROBERT J STANTON
 NYS DEC DIVISION OF AIR RESOURCES
 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 permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal-REGION 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: 6NYCRR 621.13(a)

Item 3.1:

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

Item 3.2:

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

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

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Item 4.1:

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

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

****** Facility Level ******

**Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 3
HEADQUARTERS**
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:

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



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 16 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3 6NYCRR 200.7: Maintenance of equipment
- 6 6NYCRR 201-1.7: Recycling and Salvage
- 7 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 9 6NYCRR 201-3.2(a): Proof of Eligibility
- 10 6NYCRR 201-3.3(a): Proof of Eligibility
- 14 6NYCRR 202-1.1: Required emissions tests
- 15 6NYCRR 211.3: Visible emissions limited.
- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.5: Emergency Defense
- 8 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 11 6NYCRR 201-7.2: Facility Permissible Emissions
- *12 6NYCRR 201-7.2: Compliance Demonstration
- 13 6NYCRR 201-7.2(e): Compliance Demonstration

Emission Unit Level

EU=U-00001

- 17 6NYCRR 225-1.2: Compliance Demonstration

EU=U-00001,EP=00001

- 18 6NYCRR 202-1.1: Compliance Demonstration
- 19 6NYCRR 202-1.1: Compliance Demonstration
- 20 6NYCRR 212.11: Compliance Demonstration

EU=U-00001,EP=00001,Proc=P04,ES=ES001

- 21 6NYCRR 225-2.7: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 22 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 23 6NYCRR 201-5: General Provisions
- 24 6NYCRR 201-5: Permit Exclusion Provisions
- 25 6NYCRR 201-5: Emission Unit Definition
- 26 6NYCRR 201-5.3(b): Contaminant List
- 27 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 28 6NYCRR 201-5: Emission Point Definition By Emission Unit



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29 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.

Permit Effective Date: 01/02/2002

Permit Expiration Date: No expiration date.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

Condition 16: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 215

Item 16.1:

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

Condition 3: Maintenance of equipment
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 3.1:

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.

Condition 6: Recycling and Salvage
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 6.1:

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.

Condition 7: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 7.1:

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.

Condition 9: Proof of Eligibility
Effective between the dates of 01/02/2002 and Permit Expiration Date



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Applicable Federal Requirement: 6NYCRR 201-3.2(a)

Item 9.1:

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.

Condition 10: Proof of Eligibility

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-3.3(a)

Item 10.1:

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.

Condition 14: Required emissions tests

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 14.1:

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

Condition 15: Visible emissions limited.

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.3

Item 15.1:

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-



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minute period per hour of not more than 57 percent opacity.

Condition 1: Sealing
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:

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

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

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

Condition 2: Acceptable ambient air quality
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.6

Item 2.1:

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.

Condition 4: Unpermitted Emission Sources
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 4.1:

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



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

Condition 5: Emergency Defense
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 5.1:

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.

Condition 8: Public Access to Recordkeeping
Effective between the dates of 01/02/2002 and Permit Expiration Date

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

Item 8.1:

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance



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with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Condition 11: Facility Permissible Emissions
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 11.1:

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: 49,000 pounds per year
Name: OXIDES OF NITROGEN

Condition 12: Compliance Demonstration
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 12.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 12.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
FACILITY WIDE NOX EMISSIONS WILL BE LIMITED TO LESS THAN 24.5 TONS PER YEAR WITH A FEDERALLY ENFORCEABLE EMISSIONS CAP. COMPLIANCE WILL BE DEMONSTRATED BY LIMITING THE QUANTITY OF HOT MIX ASPHALT PRODUCED TO 400,000 TONS PER YEAR (ANNUAL MAXIMUM ROLLED MONTHLY).

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: ASPHALTIC CONCRETE
Upper Permit Limit: 400000 tons per year



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Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 01/31/2003 for the period 01/02/2002 through 01/01/2003

Condition 13: Compliance Demonstration

Effective between the dates of 01/02/2002 and Permit Expiration Date

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

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

On an annual basis, a responsible official representing the facility 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 applicable time period and a comparison to threshold values that requires compliance with an applicable requirement.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 01/31/2003 for the period 01/02/2002 through 01/01/2003

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

Condition 17: Compliance Demonstration

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-1.2

Item 17.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Item 17.2:

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Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

SULFUR LIMIT IN RESIDUAL AND DISTILLATE
OIL AND WASTE FUEL IS 0.37 PERCENT BY
WEIGHT SULFUR. COMPLIANCE WILL BE
DEMONSTRATED BY MAINTAINING RECORDS ON
SITE OF FUEL COMPOSITION DATA FOR OIL
PURCHASED AND NAME OF FUEL SUPPLIER.

Parameter Monitored: SULFUR

Upper Permit Limit: 0.37 percent by weight

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

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

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 01/31/2003 for the period 01/02/2002 through 01/01/2003

Condition 18: Compliance Demonstration
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 18.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 18.2:

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. Compliance will be demonstrated under 6 NYCRR
202-1.1 by conducting a performance test. 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



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commercial production for the 2002 paving season.
Performance tests for alternate fuels shall be conducted
within 60 days after initiation of alternate fuel use.

Upper Permit Limit: 0.040 grains per dscf
Reference Test Method: METHOD 5
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT
ANY TIME
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 19: Compliance Demonstration
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 19.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Item 19.2:

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 for the 2002 paving
season.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 20: Compliance Demonstration
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.11

Item 20.1:

The Compliance Demonstration activity will be performed for:



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Emission Unit: U-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 20.2:

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 21: Compliance Demonstration

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7

Item 21.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Process: P04 Emission Source: ES001

Item 21.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must maintain certified analytical sampling results from the supplier for all waste fuel received (typically 5,000 to 10,000 gallon deliveries) and burned in accordance with 6NYCRR Part 225-2. The following parameters and allowable limits apply:

Polychlorinated Biphenyls (PCB)	< 50 ppm
Total Halogen	1,000 ppm maximum
Sulfur	0.37 % by weight
Lead	250 ppm maximum

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Heat Content 125,000 BTU/gal minimum

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



STATE ONLY ENFORCEABLE CONDITIONS

****** Facility Level ******

Condition 22: Unavoidable noncompliance and violations
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 22.1:

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

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

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are 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



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quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

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

Condition 23: General Provisions

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 23.1:

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

Item 23.2:

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

Item 23.3:

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.

Condition 24: Permit Exclusion Provisions

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 24.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not



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supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 25: Emission Unit Definition
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 25.1:

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

Emission Unit: U-00001

Emission Unit Description:

HOT MIX ASPHALT BATCH PLANT. LIQUID ASPHALT CEMENT, VARIOUS SIZES OF AGGREGATE, AND RECLAIMED ASPHALT PAVEMENT (RAP) ARE COMBINED TO PRODUCE HOT MIX ASPHALT ON SITE. THE LIQUID ASPHALT CEMENT IS STORED IN HEATED ABOVE GROUND TANKS. AGGREGATE AND RAP ARE STORED IN VARIOUS STOCKPILES ON SITE. THE AGGREGATE IS HEATED IN A ROTARY DRYER AND THEN BLENDED WITH THE OTHER MATERIALS IN A MIXING TOWER TO PRODUCE HOT MIX ASPHALT. THE ROTARY DRYER IS VENTED TO A BAGHOUSE FILTER. THE HOT MIX IS EITHER TRANSFERRED TO STORAGE SILOS OR BATCH LOADED DIRECTLY INTO TRUCKS AND DRIVEN OFF SITE. TILCON PROPOSES TO FIRE THE FOLLOWING ALTERNATIVES FUELS IN THE ASPHALT BATCH PLANT: THE CURRENT FUEL, NATURAL GAS; NO. 2 OR NO. 4 DISTILLATE FUEL OIL; NO. 6 RESIDUEAL FUEL OIL; AND SPECIFICATION WASTE OIL (WASTE FUEL A).

Building(s): NONE

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Condition 26: Contaminant List

Effective between the dates of 01/02/2002 and Permit Expiration Date

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

Item 26.1:

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

Condition 27: Air pollution prohibited

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 27.1:

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 28: Emission Point Definition By Emission Unit

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 28.1:

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 38

Length (in.): 60

Width (in.): 40

NYTMN (km.): 4560.023 NYTME (km.): 587.532



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Condition 29: Process Definition By Emission Unit
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 29.1:

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

Emission Unit: U-00001

Process: P01

Process Description:

HOT MIX ASPHALT BATCH PLANT FIRED WITH
NATURAL GAS.

Emission Source/Control: ES001 - Combustion

Emission Source/Control: FF001 - Control

Control Type: FABRIC FILTER

Item 29.2:

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

Emission Unit: U-00001

Process: P02

Process Description:

HOT MIX ASPHALT BATCH PLANT FIRED WITH
DISTILLATE (NO. 2 OR NO. 4) FUEL OIL.

Emission Source/Control: ES001 - Combustion

Emission Source/Control: FF001 - Control

Control Type: FABRIC FILTER

Item 29.3:

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

Emission Unit: U-00001

Process: P03

Process Description:

HOT MIX ASPHALT BATCH PLANT FIRED WITH
RESIDUAL (NO. 6) FUEL OIL.

Emission Source/Control: ES001 - Combustion

Emission Source/Control: FF001 - Control

Control Type: FABRIC FILTER

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Item 29.4:

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

Emission Unit: U-00001

Process: P04

Process Description:

HOT MIX ASPHALT BATCH PLANT FIRED WITH
SPECIFICATION WASTE OIL (WASTE FUEL A).

Emission Source/Control: ES001 - Combustion

Emission Source/Control: FF001 - Control

Control Type: FABRIC FILTER