

**New York State Department of Environmental Conservation
Facility DEC ID: 3484000024**



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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 3-4840-00024/00008
Effective Date: 11/19/2001 Expiration Date: No expiration date

Permit Issued To: J M L QUARRIES
420 BERNAS RD
COCHECTON, NY 12726

Facility: JML QUARRIES MASTEN LAKE QUARRY/PLANT
CR 56, MASTEN LAKE RD & MOUNTAINDALE ROAD
MAMAKATING, NY 12790

Contact: KENNETH BOWDREN
420 BERNAS ROAD
COCHECTON, NY 12726

Description:

This permit is for a hot mix (batch) asphalt plant which began operation in May of 2000. The plant's production capacity is 300 tons of asphalt per hour.

There are limitations on emissions of nitrogen oxides, sulfur dioxide, and volatile organic compounds, as well as asphalt production and number 2 fuel oil usage, in order to avoid the requirements of Title V of the Clean Air Act. The facility is subject to the particulate emission limits and the emission testing requirements of 40 CFR 60 Subpart I and the sulfur-in-fuel limitation of 1.5 percent in accordance with

YCRR Part 225-1.

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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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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COCHECTON, NY 12726

Facility:

JML QUARRIES MASTEN LAKE QUARRY/PLANT

CR 56, MASTEN LAKE RD & MOUNTAINDALE ROAD

MAMAKATING, NY 12790

Authorized Activity By Standard Industrial Classification Code:

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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
- 8 6NYCRR 201-1.7: Recycling and Salvage
- 9 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 11 6NYCRR 201-3.2(a): Proof of Eligibility
- 12 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 200.7: Compliance Demonstration
- 5 6NYCRR 201-1.2: Unpermitted Emission Sources
- 6 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 7 6NYCRR 201-1.5: Emergency Defense
- 10 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 13 6NYCRR 201-7.2(a): Compliance Demonstration
- 17 6NYCRR 225-1.2(a)(2): Compliance Demonstration

Emission Unit Level

EU=1-00001,EP=00001

- 18 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 19 40CFR 60.92, NSPS Subpart I: Compliance Demonstration
- 20 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 21 6NYCRR 201-5: General Provisions
- 22 6NYCRR 201-5: Permit Exclusion Provisions
- 23 6NYCRR 201-5: Emission Unit Definition
- 24 6NYCRR 201-5.3(b): Contaminant List
- 25 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 26 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 27 6NYCRR 201-5: Process Definition By Emission Unit
- 2951 - PAVING MIXTURES AND BLOCKS

Permit Effective Date: 11/19/2001

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 11/19/2001 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 11/19/2001 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 8: Recycling and Salvage
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 8.1:

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 9: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 9.1:

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 11: Proof of Eligibility
Effective between the dates of 11/19/2001 and Permit Expiration Date



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

Item 11.1:

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 12: Proof of Eligibility

Effective between the dates of 11/19/2001 and Permit Expiration Date

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

Item 12.1:

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 11/19/2001 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 11/19/2001 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 11/19/2001 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 11/19/2001 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: Compliance Demonstration
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 4.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



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Monitoring Description:

The facility must inspect the emissions control equipment (fabric filters) annually at a minimum and must replace the filters according to manufacturer's recommendations. The pressure drop across the filters must be monitored and the gauge maintained in proper working order. The pressure drop must be recorded daily if the plant is in operation.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Unpermitted Emission Sources
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 5.1:

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.
- (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 6: Unavoidable Noncompliance and Violations
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 6.1:

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 or certificate issued for the corresponding air contamination source. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or



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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.

(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.

Condition 7: Emergency Defense
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 7.1:

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



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(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 10: Public Access to Recordkeeping
Effective between the dates of 11/19/2001 and Permit Expiration Date

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

Item 10.1:

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

Condition 13: Compliance Demonstration
Effective between the dates of 11/19/2001 and Permit Expiration Date

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

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:

The facility shall comply with the following restrictions:

(1) Emission limits (in any consecutive 12 month period):

NOx: 51.0 tons

SO₂: 27.1 tons

VOC: 12.6 tons

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Emissions shall be calculated as follows:

$\text{NOx} = (\text{Tons of asphalt produced}) \times (0.17 \text{ pounds of NOx per ton of asphalt})$

$\text{VOC} = (\text{Tons of asphalt produced}) \times (0.042 \text{ pounds of VOC per ton of asphalt})$

$\text{SO}_2 = (\text{Gallons of fuel used}) \times (7.22 \text{ pounds per gallon of fuel}) \times (0.015 \text{ pounds of sulfur per pound of fuel}) \times (2 \text{ pounds of SO}_2 \text{ per pound of sulfur})$

(2) The asphalt produced at the plant during any consecutive 12 month period shall not exceed 600,000 tons.

(3) No.2 fuel oil usage shall not exceed 250,000 gallons in any consecutive 12 month period. The facility shall be equipped with a non-resettable fuel meter to measure fuel oil usage. The fuel meter shall be read and recorded on a monthly basis.

The facility shall keep records which demonstrate compliance with the above limitations and must report emissions, asphalt production, and fuel usage to the Department each year for the previous calendar year. The report must also compare these values with the above limitations and indicate whether or not the facility is in compliance with the above limitations.

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 1/30/2002.

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

Condition 17: Compliance Demonstration
Effective between the dates of 11/19/2001 and Permit Expiration Date

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

Item 17.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 17.2:

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Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any distillate oil fuel which contains sulfur in a quantity exceeding the following limitation.

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: SEMI-ANNUALLY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 18: Performance testing timeline.

Effective between the dates of 11/19/2001 and Permit Expiration Date

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

Item 18.1:

This Condition applies to Emission Unit: 1-00001 Emission Point: 00001

Item 18.2:

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

Condition 19: Compliance Demonstration

Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.92, NSPS Subpart I

Item 19.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001

Item 19.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Standard for opacity from a hot mix asphalt plant.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 20: Compliance Demonstration
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.92, NSPS Subpart I

Item 20.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 20.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions limitations for a hot mix asphalt
plant.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: method 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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STATE ONLY ENFORCEABLE CONDITIONS

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

Condition 21: General Provisions
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 21.1:

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 21.2:

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 21.3:

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 22: Permit Exclusion Provisions
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 22.1:

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 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



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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 23: Emission Unit Definition

Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 23.1:

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

Emission Unit: 1-00001

Emission Unit Description:

HOT MIX ASPHALT PLANT EXHAUST STACK THAT IS COMPRISED OF AN ASPHALT BATCH MIXING TOWER, COLD FEED SYSTEM, DRYER, CYCLONE AND BAGHOUSE FILTERATION AIR POLLUTION CONTROL EQUIPMENT AND ANCILLARY SUPPORT EQUIPMENT.

Building(s): 1

Condition 24: Contaminant List

Effective between the dates of 11/19/2001 and Permit Expiration Date

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

Item 24.1:

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

Condition 25: Air pollution prohibited

Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

New York State Department of Environmental Conservation

Permit ID: 3-4840-00024/00008

Facility DEC ID: 3484000024



Item 25.1:

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 26: Emission Point Definition By Emission Unit
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 26.1:

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

Emission Unit: 1-00001

Emission Point: 00001

Height (ft.): 36

Length (in.): 30

Width (in.): 41

NYTMN (km.): 4607.6

NYTME (km.): 541.2

Condition 27: Process Definition By Emission Unit
Effective between the dates of 11/19/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 27.1:

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

Emission Unit: 1-00001

Process: 001

Source Classification Code: 3-05-002-52

Process Description:

THE PRODUCTION OF ASPHALT IN A BATCH MIX
HOT MIX PLANT, INCLUDING THE USE OF AN OIL
FIRED DRYER.

Emission Source/Control: 00002 - Control

Control Type: CENTRIFUGAL

Emission Source/Control: 00003 - Control

Control Type: FABRIC FILTER

New York State Department of Environmental Conservation
Permit ID: 3-4840-00024/00008 Facility DEC ID: 3484000024



Emission Source/Control: 00001 - Process
Design Capacity: 300 tons per hour