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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility
Permit ID: 3-4840-00024/00008
Mod 0 Effective Date: 11/19/2001 Expiration Date: No expiration date.

Mod 1 Effective Date: 02/28/2012 Expiration Date: No expiration date.

Permit Issued To:JML QUARRIES INC
420 BERNAS RD
COCHECTON, NY 12726

Facility: JML QUARRIES MASTEN LAKE PLANT
CO RTE 56 (MASTEN LAKE RD)
MAMAKATING, NY 12790

Contact: KENNETH BOWDREN
420 BERNAS ROAD
COCHECTON, NY 12726

Description:
This permit is for a hot mix batch asphalt plant, a quarry, and diesel generators for backup electrical power. The asphalt plant will be allowed to burn either number 2 oil or waste oil.

There are emission limits on carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic compounds, in order to avoid the requirements of Title V of the Clean Air Act. The facility is subject to the requirements of 40 CFR Subparts I and OOO, and 6NYCRR Parts 200.7, 201-7, 212.12, 225-1, 225-2, and 227-1.

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: KENNETH R GRZYB
NYSDEC REGION 3
21 S PUTT CORNERS RD
NEW PALTZ, NY 12561

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, modifications and transfers

Permit modifications, suspensions or revocations by the Department

**Facility Level**

Submission of application 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 1-1: Applications for permit renewals, modifications and transfers**
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 1-1.1:**
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 1-1.2:**
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 1-1.3:**
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.

**Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 1-2.1:**
The Department reserves the right to exercise all available authority 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 1-3: Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 1-3.1:**
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

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To:JML QUARRIES INC
420 BERNAS RD
COCHECTON, NY 12726

Facility: JML QUARRIES MASTEN LAKE PLANT
CO RTE 56 (MASTEN LAKE RD)
MAMAKATING, NY 12790

Authorized Activity By Standard Industrial Classification Code:
1429 - CRUSHED AND BROKEN STONE NEC
2951 - PAVING MIXTURES AND BLOCKS
3273 - READY-MIXED CONCRETE

Mod 0 Permit Effective Date: 11/19/2001 Permit Expiration Date: No expiration date.

Mod 1 Permit Effective Date: 02/28/2012 Permit Expiration Date: No expiration date.

**LIST OF CONDITIONS**

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

1-1 6 NYCRR 200.7: Maintenance of Equipment
1 6 NYCRR 200.5: Sealing
5 6 NYCRR 201-1.2: Unpermitted Emission Sources
10 6 NYCRR 201-1.10 (a): Public Access to Recordkeeping
1-2 6 NYCRR 201-7.2: Facility Permissible Emissions
*1-3 6 NYCRR 201-7.2: Capping Monitoring Condition
*1-4 6 NYCRR 201-7.2: Capping Monitoring Condition
*1-5 6 NYCRR 201-7.2: Capping Monitoring Condition
*1-6 6 NYCRR 201-7.2: Capping Monitoring Condition
1-7 6 NYCRR 211.1: Air pollution prohibited
1-8 6 NYCRR 225-1.2 (a) (2): Compliance Demonstration
1-9 6 NYCRR 227-1.3 (a): Compliance Demonstration
1-10 40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver
1-11 40CFR 60.12, NSPS Subpart A: Circumvention.

**Emission Unit Level**

**EU=1-00001**

1-12 6 NYCRR 200.7: Compliance Demonstration
1-13 6 NYCRR 200.7: Compliance Demonstration
1-14 6 NYCRR 212.12 (a) (1): Compliance Demonstration
1-15 6 NYCRR 212.12 (b): Compliance Demonstration
1-16 40CFR 60.93(b), NSPS Subpart I: Test Methods and Procedures

**EU=1-00001,EP=00001**

1-17 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
1-18 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

**EU=1-00001,EP=00001,Proc=002,ES=00001**

1-19 6 NYCRR 225-2.3 (b) (3): Compliance Demonstration
1-20 6 NYCRR 225-2.4: Compliance Demonstration

**EU=2-00002**

1-21 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
1-22 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
1-23 40CFR 60.675(c)(1), NSPS Subpart OOO: Modifications to opacity observation techniques

**STATE ONLY ENFORCEABLE CONDITIONS**
**Facility Level**

1-24 ECL 19-0301: Contaminant List
1-25 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
21 6 NYCRR Subpart 201-5: General Provisions
22 6 NYCRR Subpart 201-5: Permit Exclusion Provisions
23 6 NYCRR Subpart 201-5: Emission Unit Definition
1-26 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

26 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
27 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

**EU=1-00001**

1-27 6 NYCRR 201-5.3 (b): Compliance Demonstration

**EU=3-00003**

1-28 6 NYCRR 201-5.3 (b): Compliance Demonstration

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, allowor 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 1-1:** **Maintenance of Equipment**

**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 1-1.1:**
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 1: Sealing**
**Effective between the dates of 11/19/2001 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 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 5: Unpermitted Emission Sources**
**Effective between the dates of 11/19/2001 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 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 10: Public Access to Recordkeeping**
**Effective between the dates of 11/19/2001 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 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 1-2: Facility Permissible Emissions**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-2.1:**
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: 000630-08-0 (From Mod 1) PTE: 157,380 pounds per year
Name: CARBON MONOXIDE

CAS No: 007446-09-5 (From Mod 1) PTE: 64,168 pounds per year
Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0 (From Mod 1) PTE: 107,574 pounds per year
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0 (From Mod 1) PTE: 14,732 pounds per year
Name: VOC

**Condition 1-3: Capping Monitoring Condition**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-3.1:**
Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 1-3.2:**

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

**Item 1-3.3:**
The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Item 1-3.4:**
On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 1-3.5:**
The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 1-3.6:**
The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

**Item 1-3.7:**
Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
VOC (volatile organic compound) emissions shall not exceed 7.4 tons per year in any consecutive 12 month period.

Asphalt production and hours of generator operation will be monitored and tracked, in order to determine VOC emissions. The following emission factors (based on AP-42) will be used:
0.0082 pounds of VOC per ton of asphalt produced when using no. 2 oil,
0.036 pounds of VOC per ton of ashalt produced when using waste oil, and
0.95 pounds of VOC per hour of generator operation.

Parameter Monitored: VOC
Upper Permit Limit: 7.4 tons per year

Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2013.
Subsequent reports are due every 12 calendar month(s).

**Condition 1-4: Capping Monitoring Condition**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-4.1:**
Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 1-4.2:**
Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 1-4.3:**
The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Item 1-4.4:**
On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 1-4.5:**
The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 1-4.6:**
The Compliance Demonstration activity will be performed for the Facility.

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

**Item 1-4.7:**
Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Sulfur dioxide (SO2) emissions shall not exceed 32.1 tons per year in any consecutive 12 month period.

Asphalt production and hours of generator operation will be monitored and tracked, in order to determine SO2 emissions. The following emission factors (based on AP-42) will be used:
0.088 pounds of SO2 per ton of asphalt produced, and
16.4 pounds of SO2 per hour of generator operation.

Parameter Monitored: SULFUR DIOXIDE
Upper Permit Limit: 32.1 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2013.
Subsequent reports are due every 12 calendar month(s).

**Condition 1-5: Capping Monitoring Condition**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-5.1:**
Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 1-5.2:**
Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 1-5.3:**
The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Item 1-5.4:**
On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This

certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 1-5.5:**
The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 1-5.6:**
The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 1-5.7:**
Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Carbon monoxide (CO) emissions shall not exceed 78.7 tons per year in any consecutive 12 month period.

Asphalt production and hours of generator operation will be monitored and tracked, in order to determine CO emissions. The following emission factors (based on AP-42) will be used:
0.4 pounds of CO per ton of asphalt produced, and
7.4 pounds of CO per hour of generator operation.

Parameter Monitored: CARBON MONOXIDE
Upper Permit Limit: 78.7 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2013.
Subsequent reports are due every 12 calendar month(s).

**Condition 1-6: Capping Monitoring Condition**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-6.1:**
Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6
6 NYCRR Subpart 227-2

**Item 1-6.2:**
Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 1-6.3:**
The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Item 1-6.4:**
On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 1-6.5:**
The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 1-6.6:**
The Compliance Demonstration activity will be performed for the Facility.

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

**Item 1-6.7:**
Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Oxides of nitrogen (NOx) emissions shall not exceed 53.8 tons in any consecutive 12 month period.

Asphalt production and hours of generator operation will be monitored and tracked, in order to determine NOx emissions. The following emission factors (based on AP-42) will be used:
0.12 pounds of NOx per ton of asphalt produced, and
32.4 pounds of NOx per hour of generator operation.

Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 53.8 tons per year

Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2013.
Subsequent reports are due every 12 calendar month(s).

**Condition 1-7: Air pollution prohibited**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 1-7.1:**
No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 1-8: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Replaces Condition(s) 17**

**Item 1-8.1:**
The Compliance Demonstration activity will be performed for the Facility.

**Item 1-8.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
All number 2 fuel oil for facility use will be certified to have a sulfur content of 1.50 percent by weight or less. Sulfur content shall be indicated on purchase or delivery records.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.50 percent reduction by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-9: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-9.1:**
The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 3-00003 Emission Point: 00002

Emission Unit: 3-00003 Emission Point: 00003

**Item 1-9.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-10: Performance Test Methods - Waiver**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-10.1:**
Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR Part 60 unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternate method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrators satisfaction that the affected facility is in compliance with the standatrd, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

**Condition 1-11: Circumvention.**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A**

**Item 1-11.1:**
No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

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

**Condition 1-12: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 1-12.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

**Item 1-12.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The facility must inspect the emissions control equipment (fabric filters) annually at a minimum and must replace the filters as necesaary.

Monitoring Frequency: ANNUALLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-13: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 1-13.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

**Item 1-13.2:**
Compliance Demonstration shall include the following monitoring:

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

The differential pressure across the baghouse filters shall be monitored and recorded daily if the asphalt plant is in operation. The differential pressure shall remain between 0.5 and 4.0 inches of water. If the pressure falls outside of this range, corrective action must be taken to restore the pressure. Any corrective actions must be documented.

Parameter Monitored: PRESSURE CHANGE
Lower Permit Limit: 0.5 inches of water
Upper Permit Limit: 4.0 inches of water
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY TIME
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-14: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.12 (a) (1)**

**Item 1-14.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

**Item 1-14.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Beginning in calendar year 2011, a tune-up must be performed on the dryer burner on an annual basis at any hot mix asphalt production plant that is in operation during that calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-15: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.12 (b)**

**Item 1-15.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

**Item 1-15.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

(1) Beginning January 1, 2012, the owner or operator of a hot mix asphalt production plant must analyze the economic feasibility of installing a low NOx burner when it comes time for their current burner to be replaced. This economic analysis must follow an approach acceptable to the department.

(2) By January 1, 2020, all owners or operators of active plants must have submitted the economic feasibility analysis for the installation of a low NOx burner. A low NOx burner must be installed for that operating year in all instances in which it proves feasible.

(3) Hot mix asphalt production plants which are in a state of inactivity on January 1, 2020 and have not otherwise complied with the requirements of this subdivision by that date must do so prior to continued operation.

(4) A similar analysis must be submitted for subsequent burner replacements.

(5) A low NOx burner will be required at any new hot mix asphalt production plant.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-16: Test Methods and Procedures**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.93(b), NSPS Subpart I**

**Item 1-16.1:**
This Condition applies to Emission Unit: 1-00001

**Item 1-16.2:**
The owner or operator shall determine compliance with the particulate matter standards in 40 CFR 60.92 as follows:

(1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).

(2) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

**Condition 1-17: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.92(a)(1), NSPS Subpart I**

**Item 1-17.1:**
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 1-17.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
No owner or operator shall discharge into the atmosphere any emissions which contain particulate matter in excess of 0.04 grains per dry standard cubic foot.

Within 180 days after the issuance of this permit modification, the facility owner shall submit to the Department a test protocol of the methods and procedures to be used. Within 180 days of approval of the protocol, the test shall be performed. A report of the test results shall be submitted within 60 days after completion of the test.

Upper Permit Limit: 0.04 grains per dscf
Reference Test Method: Method 5
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: Arithmetic average of stack test runs
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-18: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-18.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001

**Item 1-18.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater.

The facility owner is responsible for the performance of a Method 9 opacity evaluation to demonstrate compliance with the opacity limit. The evaluation will be done concurrently with the particulate emission testing.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 1-19: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.3 (b) (3)**

**Item 1-19.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001
Process: 002 Emission Source: 00001

**Item 1-19.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Within 60 days of the first delivery of Waste Fuel A to the facility, each burner firing waste oil shall be performance tested to demonstrate a combustion efficiency of at least 99 percent. Combustion efficiecny will be measured by the relative concentration of CO2 and CO in the flue gas. Testing will be conducted in accordance with 6NYCRR Part 202-1 and 225-2.

Parameter Monitored: COMBUSTION EFFICIENCY
Lower Permit Limit: 99 percent
Reference Test Method: Method 3A and 10
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 1-20: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.4**

**Item 1-20.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001
Process: 002 Emission Source: 00001

**Item 1-20.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Waste Fuel A constituents shall not exceed the following levels:

PCB: less than 50 ppm by weight
Total halogens: 1000 ppm by weight
Sulfur: 1.50 percent by weight
Lead: 250 ppm by weight
Heat content: 125,000 BTU per gallon minimum

Limits are by weight of fuel on a water free basis.

Records of analytical sampling results from the waste fuel supplier must show compliance with the above limits. Records must also show the name and address of the supplier and the quantity of waste fuel received. All records must be retained by the owner or operator for at least three years.

Monitoring Frequency: PER DELIVERY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-21: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.672(b), NSPS Subpart OOO**

**Item 1-21.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 2-00002

**Item 1-21.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No owner or operator shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any screen any fugitive emissions which exhibit greater than 10 percent opacity. The Department reserves the right to perform or require the performance of a

Method 9 visible emissions observation. When determining compliance with the opacity limit, the duration of the Method 9 observations must be 30 minutes (five 6 minute averages). Compliance will be based on the average of the five 6 minutes averages.

Parameter Monitored: OPACITY
Upper Permit Limit: 10 percent
Reference Test Method: Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-22: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.672(b), NSPS Subpart OOO**

**Item 1-22.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 2-00002

**Item 1-22.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No owner or operator shall cause to be discharged into the atmosphere from any crusher any fugitive emissions which exhibit greater than 15 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 visible emissions observation. When determining compliance with the opacity limit, the duration of the Method 9 observations must be 30 minutes (five 6 minute averages). Compliance will be based on the average of five 6 minute averages.

Parameter Monitored: OPACITY
Upper Permit Limit: 15 percent
Reference Test Method: Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-23: Modifications to opacity observation techniques**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.675(c)(1), NSPS Subpart OOO**

**Item 1-23.1:**
This Condition applies to Emission Unit: 2-00002

**Item 1-23.2:**
In determining compliance with the particulate matter standards in 40 CFR 60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in 40 CFR 60.11, with the following additions:

(i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

(ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.

(iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

**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 1-24: Contaminant List**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-24.1:**
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

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

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

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

CAS No: 0NY998-00-0
Name: VOC

**Condition 1-25: Unavoidable noncompliance and violations**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-25.1:**
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 21: General Provisions**
**Effective between the dates of 11/19/2001 and Permit Expiration Date**

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

**Item 23.1(From Mod 1):**
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 1-00001
Emission Unit Description:
This emission unit encompasses the hot mix batch asphalt plant and the ancillary support and emission control equipment.

Building(s): 1

**Item 23.2(From Mod 1):**
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 2-00002

Emission Unit Description:
This emission unit encompasses the quarry and all associated equipment.

**Item 23.3(From Mod 1):**
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 3-00003
Emission Unit Description:
This emission unit consists of two standby generators. One generator provides backup power to the asphalt plant and the other provides backup power to the quarry equipment.

**Condition 1-26: Visible Emissions Limited**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Replaces Condition(s) 25**

**Item 1-26.1:**
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-minute period per hour of not more than 57 percent opacity.

****** 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:6 NYCRR Subpart 201-5**

**Item 26.1(From Mod 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

**Item 26.2(From Mod 1):**
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 3-00003

Emission Point: 00002
Height (ft.): 12 Diameter (in.): 10
NYTMN (km.): 4607.6 NYTME (km.): 541.2

Emission Point: 00003
Height (ft.): 11 Diameter (in.): 10
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:6 NYCRR Subpart 201-5**

**Item 27.1(From Mod 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 hot mix plant.
Number 2 oil is used to fuel the dryer.

Emission Source/Control: 00002 - Control
Control Type: CENTRIFUGAL

Emission Source/Control: 00003 - Control
Control Type: FABRIC FILTER

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

**Item 27.2(From Mod 1):**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-00001
Process: 002
Process Description:
The production of asphalt in a batch hot mix plant.
Waste fuel A is used to fuel the dryer.

Emission Source/Control: 00002 - Control
Control Type: CENTRIFUGAL

Emission Source/Control: 00003 - Control
Control Type: FABRIC FILTER

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

**Item 27.3(From Mod 1):**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-00002
Process: 003
Process Description:
Natural aggregate is processed through a 400 ton per hour

plant utilizing primary, secondary, and tertiary crushers. Material travels via conveyors to wet screens for washing and final sizing.

Emission Source/Control: 00012 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00004 - Process
Design Capacity: 400 tons per hour

Emission Source/Control: 00005 - Process
Design Capacity: 150 tons per hour

Emission Source/Control: 00006 - Process
Design Capacity: 150 tons per hour

Emission Source/Control: 00007 - Process
Design Capacity: 400 tons per hour

Emission Source/Control: 00008 - Process
Design Capacity: 200 tons per hour

Emission Source/Control: 00009 - Process
Design Capacity: 200 tons per hour

Emission Source/Control: 00010 - Process
Design Capacity: 200 tons per hour

Emission Source/Control: 00011 - Process
Design Capacity: 200 tons per hour

**Item 27.4(From Mod 1):**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 3-00003
Process: 004
Process Description:
Standby generators are capable of providing electric power. The generators combust diesel oil.

Emission Source/Control: 00013 - Combustion
Design Capacity: 800 kilowatts

Emission Source/Control: 00014 - Combustion
Design Capacity: 800 kilowatts

**Condition 1-27: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-27.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

**Item 1-27.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Asphalt production at the facility is limited to 356,450 tons during any consecutive 12 month period.

Parameter Monitored: ASPHALT
Upper Permit Limit: 356450 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-28: Compliance Demonstration**
**Effective between the dates of 02/28/2012 and Permit Expiration Date**

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

**Item 1-28.1:**
The Compliance Demonstration activity will be performed for:

Emission Unit: 3-00003

**Item 1-28.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Each of the standby generators is limited to 1000 hours of operation per year. The hour meter on the generators shall be recorded on a monthly basis.

Parameter Monitored: OPERATING HOURS
Upper Permit Limit: 1000 hours per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY