

**New York State Department of Environmental Conservation
Facility DEC ID: 4361200007**



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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 4-3612-00007/00012
Effective Date: 06/25/2004 Expiration Date: No expiration date

Permit Issued To: COBLESKILL STONE PRODUCTS INC
PO BOX 220
COBLESKILL, NY 12043-0189

Contact: DAN KLEESCHULTE
COBLESKILL STONE PRODUCTS INC
PO BOX 220
COBLESKILL, NY 12043
(607) 432-8321

Facility: COBLESKILL STONE PRODUCTS CEPERLY AVE
59-61 CEPERLEY AVE
ONEONTA, NY 13820

Description:

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: KENT P SANDERS
65561 STATE HIGHWAY 10
SUITE 1
STAMFORD, NY 12167

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 4
SUBOFFICE



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

Item 3.1:

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

Item 3.2:

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

Item 3.3:

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual

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transfer of ownership.

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

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 4
SUBOFFICE
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 4 Sub-office
Division of Environmental Permits
65561 State Highway 10, Suite 1
Stamford, NY 12167-9503
(607) 652-7364

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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

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PO BOX 220
COBLESKILL, NY 12043-0189

Facility: COBLESKILL STONE PRODUCTS CEPERLY AVE
59-61 CEPERLEY AVE
ONEONTA, NY 13820

Authorized Activity By Standard Industrial Classification Code:



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 211.4: VOC prohibited
- 2 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 3 6NYCRR 225-1.8(a): Compliance Demonstration
- 4 6NYCRR 225-1.8(d): Sampling, compositing, and analysis of fuel samples
- 5 6NYCRR 227-1.7(b): Emissions data requirements.

Emission Unit Level

EU=1-OAC01,Proc=BC1

- 6 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications
- 7 6NYCRR 212.4(a): Compliance Demonstration
- 8 6NYCRR 212.6(a): Compliance Demonstration
- 9 6NYCRR 212.6(a): Compliance Demonstration

EU=1-OAC01,Proc=BC2

- 10 6NYCRR 227-1.3(a): Compliance Demonstration
- 11 6NYCRR 227-1.3(a): Compliance Demonstration
- 12 6NYCRR 227-1.6(a): Corrective Action
- 13 6NYCRR 227-1.6(b): Corrective Action
- 14 6NYCRR 227-1.6(c): Corrective Action
- 15 6NYCRR 227-1.6(d): Corrective Action
- 16 6NYCRR 227-1.7(a): Fuel sampling.

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 17 ECL 19-0301: Contaminant List
- 18 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 19 6NYCRR 201-5: Emission Unit Definition
- 20 6NYCRR 201-7.2: Facility Permissible Emissions
- *21 6NYCRR 201-7.2: Capping Monitoring Condition
- *22 6NYCRR 201-7.2: Capping Monitoring Condition
- 23 6NYCRR 211.2: Air pollution prohibited
- 24 6NYCRR 211.2: Compliance Demonstration

Emission Unit Level

- 25 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 26 6NYCRR 201-5: Process Definition By Emission Unit
- 27 6NYCRR 201-7.2: Emission Unit Permissible Emissions
- 28 6NYCRR 201-7.2: Process Permissible Emissions

NOTE: * preceding the condition number indicates capping. 2951 - PAVING MIXTURES AND BLOCKS

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Permit Expiration Date: No expiration date.



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 - 6NYCRR Part 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 - 6NYCRR Part 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 - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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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 - 6NYCRR Part 201-1.2

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.

Item E: Emergency Defense - 6NYCRR Part 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



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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 - 6NYCRR Part 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 - 6NYCRR Part 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 Part 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 Part 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



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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 Part 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 6NYCRR Part 202-1.

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Item L: Open Fires - 6 NYCRR Part 215

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.

Item M: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not

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limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item N: Federally Enforceable Requirements - 40 CFR 70.6(b)

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS

The following conditions are federally enforceable.

Condition 1: VOC prohibited
Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.4

Item 1.1:

The use of Volatile Organic Compounds to liquefy asphalt used for paving is prohibited, except for:

- (1) asphalt used in the production of long-life stockpile material for pavement patching and repair;
- (2) asphalt applied at low ambient temperature from October 16th to May 1st; and
- (3) asphalt used as a penetrating prime coat for the purpose of preparing an untreated absorbent surface to receive an asphalt surface.

Condition 2: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

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

Item 2.1:



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The Compliance Demonstration activity will be performed for the Facility.

Item 2.2:

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: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 3: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

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

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such certifications shall contain, as a minimum: supplier name, date of shipment, quantity shipped, heating value of the oil, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 4: Sampling, compositing, and analysis of fuel samples



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Effective between the dates of 06/25/2004 and Permit Expiration Date

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

Item 4.1:

All sampling, compositing, and analysis of fuel samples, taken to determine compliance with 6 NYCRR Part 225-1, must be done in accordance with methods acceptable to the commissioner.

Condition 5: Emissions data requirements.

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.7(b)

Item 5.1:

Sampling, compositing, and analysis of fuel samples shall be conducted in accordance with methods acceptable to the commissioner.

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

Condition 6: Emissions from new emission sources and/or modifications

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4(a)

Item 6.1:

This Condition applies to Emission Unit: 1-OAC01
Process: BC1

Item 6.2:

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

Condition 7: Compliance Demonstration

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4(a)

Item 7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OAC01
Process: BC1

Regulated Contaminant(s):



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CAS No: 0NY075-00-0 PARTICULATES

Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates shall not exceed 0.03 grains per standard cubic foot of undiluted exhaust gas on a dry basis.

Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.03 grains per dscf

Reference Test Method: METHOD 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 8: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OAC01

Process: BC1

Item 8.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

Compliance with this requirement shall be determined by



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the facility owner and/or operator conducting a visible emissions observation (determining the presence or absence of visible emissions above those that are normal and in compliance) of all emission points and/or emission sources once per day, during daylight hours, except during conditions of extreme weather (fog, snow, rain).

If visible emissions above those that are in compliance are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

Daily records of observations are to be maintained, including corrective actions taken and explanations for days when weather conditions are prohibitive, on site for a period of five years.

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

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 9: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OAC01

Process: BCI

Item 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 cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source,



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except only the emission of uncombined water.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 10: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

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

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OAC01

Process: BC2

Item 10.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity (on a six minute block period) except for one six minute block period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

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2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- weather condition
- was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions above those that are normal and in compliance with the referenced regulation (other than steam - see below) two consecutive days, then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence.

The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**** NOTE **** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 11: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

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



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Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OAC01

Process: BC2

Item 11.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall operate the installation in such a way to emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of 40 CFR 60.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 12: Corrective Action

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.6(a)

Item 12.1:

This Condition applies to Emission Unit: 1-OAC01

Process: BC2

Item 12.2:

Any facility found in violation of the provisions of this Part shall not cause, permit, or allow the operation of the affected stationary combustion installation unless:

- (1) it is equipped with approved emission control equipment;
- (2) it is rehabilitated or upgraded in an approved manner; or

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(3) the fuel is changed to an acceptable type.

Condition 13: Corrective Action

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.6(b)

Item 13.1:

This Condition applies to Emission Unit: 1-OAC01
Process: BC2

Item 13.2:

The commissioner may seal such stationary combustion installation so as to prevent any operation if the conditions of paragraphs 6 NYCRR Part 227-1.6(a)(1)-(3) are not met within the time provided by the order of final determination issued in the case of the violation.

Condition 14: Corrective Action

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.6(c)

Item 14.1:

This Condition applies to Emission Unit: 1-OAC01
Process: BC2

Item 14.2:

No person shall cause, permit, or allow the operation of any affected stationary combustion installation sealed by the commissioner in accordance with 6 NYCRR Part 227-1.6.

Condition 15: Corrective Action

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.6(d)

Item 15.1:

This Condition applies to Emission Unit: 1-OAC01
Process: BC2

Item 15.2:

No person except the commissioner or his representatives shall remove, tamper with or destroy any seal affixed to any stationary combustion installation in accordance with 6 NYCRR Part 227-1.6.

Condition 16: Fuel sampling.

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.7(a)

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Item 16.1:

This Condition applies to Emission Unit: 1-OAC01
Process: BC2

Item 16.2:

Any stationary combustion installation described in section 6 NYCRR 227-1.2 of this Part, shall provide pertinent emissions data upon the commissioner's request.



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 - 6NYCRR Part 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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 17: Contaminant List

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 17.1:

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: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

Condition 18: Unavoidable noncompliance and violations

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 18.1:

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



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for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

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

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

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

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

Condition 19: Emission Unit Definition
Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 19.1:

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

Emission Unit: 1-OAC01

Emission Unit Description:

THIS EMISSION UNIT INCLUDES ALL ACTIVITIES WITHIN THE HOT MIX ASPHALT OPERATION. THE HOT MIX ASPHALT OPERATION INCLUDES A 240 TPH AND A 300 TPH ASPHALTIC CONCRETE HOT MIX BATCH PLANTS. THE PLANTS ARE FIRED BY EITHER NATURAL GAS OR NO.2 FUEL OIL AND ARE POWERED BY A CATERPILLAR GENERATOR SET MODEL 3508 OR A MODEL 3512 INTERNAL COMBUSTION ENGINES BURNING DIESEL FUEL.



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Condition 20: Facility Permissible Emissions

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7.2

Item 20.1:

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 PTE: 195,897 pounds per year
Name: CARBON MONOXIDE

CAS No: 0NY210-00-0 PTE: 139,512 pounds per year
Name: OXIDES OF NITROGEN

Condition 21: Capping Monitoring Condition

Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7.2

Item 21.1:

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:

6NYCRR 201-6.1(a)

Item 21.2:

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

Item 21.4:

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.

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Item 21.5:

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 21.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 21.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The applicant proposes to maintain records on site which indicate the emission of Carbon Monoxide will be less than or equal to 195,897 lbs over any 12 consecutive months.

Emissions will be calculated monthly using the following formula:

$$(A \times B) + (C \times D) + (E \times F) + (G \times H) + (I \times J) + (K \times L) = Z$$

Where

A = Emission Source STAN1 monthly production of hot mix asphalt in tons when using No. 2 fuel oil.

B = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent carbon monoxide emission factor from AP-42 for oil will be used in the calculation.

C = Emission Source STAN1 monthly production of hot mix asphalt in tons when using natural gas.

D = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent carbon monoxide emission factor from AP-42 for natural gas will be used in the calculation.

E = Emission Source ASTC1 monthly production of hot mix asphalt in tons when using No. 2 fuel oil.

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F = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent carbon monoxide emission factor from AP-42 for oil will be used in the calculation.

G = Emission Source ASTC1 monthly production of hot mix asphalt in tons when using natural gas.

H = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent carbon monoxide emission factor from AP-42 for natural gas will be used in the calculation.

I = Emission Source 00003 monthly gallons burned when using No 2 fuel oil.

J = Facility will use the most current emission factor based on facility stack testing, if none is available then manufacturer's emission data for this model engine will be used or the most recent carbon monoxide emission factor from AP-42 for oil will be used in the calculation.

K = Emission Source 00004 monthly gallons burned when using No 2 fuel oil.

L = Facility will use the most current emission factor based on facility stack testing, if none is available then manufacturer's emission data for this model engine will be used or the most recent carbon monoxide emission factor from AP-42 for oil will be used in the calculation.

Z = Total monthly Carbon Monoxide.

Production and fuel usage records will be maintained on site for a 5 year period.

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 1/30/2005.
Subsequent reports are due every 12 calendar month(s).

Condition 22: Capping Monitoring Condition
Effective between the dates of 06/25/2004 and Permit Expiration Date

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Applicable State Requirement: 6NYCRR 201-7.2

Item 22.1:

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:

6NYCRR 201-6.1(a)

Item 22.2:

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

Item 22.3:

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 22.4:

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 22.5:

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 22.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 22.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The applicant proposes to maintain records on site which indicate the emission of Oxides of Nitrogen will be less than or equal to 139,512 lbs over any 12 consecutive months.

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Emissions will be calculated monthly using the following formula:

$$(A \times M) + (C \times N) + (E \times O) + (G \times P) + (I \times Q) + (K \times R) = Y$$

Where

A = Emission Source STAN1 monthly production of hot mix asphalt in tons when using No. 2 fuel oil.

M = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent oxides of nitrogen emission factor from AP-42 for oil will be used in the calculation.

C = Emission Source STAN1 monthly production of hot mix asphalt in tons when using natural gas.

N = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent oxides of nitrogen emission factor from AP-42 for natural gas will be used in the calculation.

E = Emission Source ASTC1 monthly production of hot mix asphalt in tons when using No. 2 fuel oil.

O = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent oxides of nitrogen emission factor from AP-42 for oil will be used in the calculation.

G = Emission Source ASTC1 monthly production of hot mix asphalt in tons when using natural gas.

P = Facility will use the most current emission factor based on facility stack testing, if none is available then the most recent oxides of nitrogen emission factor from AP-42 for natural gas will be used in the calculation.

I = Emission Source 00003 monthly gallons burned when using No 2 fuel oil.

Q = Facility will use the most current emission factor



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based on facility stack testing, if none is available then manufacturer's emission data for this model engine will be used or the most recent oxides of nitrogen emission factor from AP-42 for oil will be used in the calculation.

K = Emission Source 00004 monthly gallons burned when using No 2 fuel oil.

R = Facility will use the most current emission factor based on facility stack testing, if none is available then manufacturer's emission data for this model engine will be used or the most recent oxides of nitrogen emission factor from AP-42 for oil will be used in the calculation.

Y = Total monthly Oxides of Nitrogen.

Production and fuel usage records will be maintained on site for a 5 year period.

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 1/30/2005.

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

Condition 23: Air pollution prohibited
Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 23.1:

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 24: Compliance Demonstration
Effective between the dates of 06/25/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 24.1:

The Compliance Demonstration activity will be performed for the Facility.



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Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 24.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within thirty (30) days of issuance of this permit the facility shall submit an acceptable fugitive dust control plan and implementation schedule. The facility-wide fugitive dust plan should address: Loading stone, hauling stone, dumping stone, transfer points, storage piles, haul roads, conveying, spillage, baghouse dust, emptying asphalt hot bins, conveyor spraying and anything else which could cause fugitive dust. The fugitive dust plan shall address conveyor systems operating with or without material on the belt.

The facility shall suppress fugitive dust in accordance with their Fugitive Dust Control Plan upon acceptance by this Department. A copy of the Fugitive Dust Control Plan shall be maintained with the permit for this facility at all times.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 25: Emission Point Definition By Emission Unit
Effective between the dates of 06/25/2004 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 25.1:

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

Emission Unit: 1-OAC01

Emission Point: 10002

Height (ft.): 10

Length (in.): 64

Width (in.): 32

NYTMN (km.): 4699.4

NYTME (km.): 492.2

Building: 240T

Emission Point: 10003



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Process Description:

TWO INTERNAL COMBUSTION ENGINES SUPPLY POWER TO THE TWO ASPHALT PLANTS. THE INTERNAL COMBUSTION ENGINES BURN DIESEL FUEL.

Emission Source/Control: 00003 - Combustion

Emission Source/Control: 00004 - Combustion

**Condition 27: Emission Unit Permissible Emissions
Effective between the dates of 06/25/2004 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-7.2

Item 27.1:

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

Emission Unit: 1-OAC01

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 195,897 pounds per year

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 139,512 pounds per year

**Condition 28: Process Permissible Emissions
Effective between the dates of 06/25/2004 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-7.2

Item 28.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 1-OAC01

Process: BC1

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 176,300 pounds per year

Emission Unit: 1-OAC01

Process: BC2

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CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 21,221 pounds per year

Emission Unit: 1-OAC01

Process: BC1

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 54,000 pounds per year

Emission Unit: 1-OAC01

Process: BC2

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 92,602 pounds per year