



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 5-0946-00101/00001  
Effective Date: 04/20/2010                      Expiration Date: No expiration date

Permit Issued To: J E SHEEHAN CONTRACTING CORP  
208 SISSONVILLE RD  
POTSDAM, NY 13676

Contact: JAMES E SHEEHAN  
208 SISSONVILLE RD  
POTSDAM, NY 13676  
(315) 265-8427

Facility: CLINTON COUNTY ASPHALT PLANT  
172-195 KELLEY RD - W SIDE - 0.9 MI FROM MILITARY TPKE EXT - S  
OF NYSEG POWER LINE ROW  
SCHUYLER FALLS, NY 12985

**Description:**

This permit allows for the construction and operation of a 240 tons per hour (tph) H & B asphaltic concrete batch plant in the Town of Schyler Falls in Clinton County. At this facility, liquid asphalt, various sizes of aggregate, and sand are heated in a rotary dryer and then blended in a mixing tower to produce hot mix asphalt (HMA). The HMA is loaded directly into trucks. The rotary dryer can be fired with No. 2 fuel oil or on-specification waste oil (i.e., Waste Fuel A). Particulate emissions from the rotary dryer are controlled by a baghouse. Aggregate and sand are produced by other facilities and stored in stockpiles on-site. No crushing is performed at this facility. Sources at this facility are regulated primarily under 40CFR 60, Subparts I and A, as well as 6NYCRR Parts 200, 201, 202, 211, 212, 215 and Subparts 225-1 and 225-2

The federally enforceable asphaltic concrete production limit of 300,000 tons per year (tpy) caps the facility out of Title V permitting requirements contained in Subpart 201-6 of 6NYCRR 201, as well as Reasonably Available Control Technology (RACT) requirements for oxides of nitrogen (NO<sub>x</sub>), contained in 6NYCRR 212. Under the 300,000 tpy cap, the facility-wide potential to emit CO is 60.2 tpy based upon current USEPA emission factors (AP-42). Emissions of Sulfur Dioxide (SO<sub>2</sub>) and NO<sub>x</sub>, which also have emission potentials greater than major source thresholds will be limited to no more than 18.7 and 18.5 tpy, respectively, under this cap.

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 5094600101**



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:           MARC S MIGLIORE  
  NYSDEC  
  232 GOLF COURSE RD  
  WARRENSBURG, NY 12885

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 5  
SUBOFFICE - WARRENSBURG



**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, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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



**Applicable State Requirement: 6 NYCRR 621.13**

**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 application for permit modification or renewal-REGION 5  
SUBOFFICE - WARRENSBURG**

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

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
Region 5 Sub-office  
Division of Environmental Permits  
232 Golf Course Road, PO Box 220  
Warrensburg, NY 12885-0220  
(518) 623-1281

**New York State Department of Environmental Conservation**

Permit ID: 5-0946-00101/00001

Facility DEC ID: 5094600101



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

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

**IDENTIFICATION INFORMATION**

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208 SISSONVILLE RD  
POTSDAM, NY 13676

Facility: CLINTON COUNTY ASPHALT PLANT  
172-195 KELLEY RD - W SIDE - 0.9 MI FROM MILITARY TPKE EXT - S  
OF NYSEG POWER LINE ROW  
SCHUYLER FALLS, NY 12985

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

Permit Effective Date: 04/20/2010  
date.

Permit Expiration Date: No expiration  
date.



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6 NYCRR 211.3: Visible Emissions Limited
- 2 6 NYCRR 201-7.2: Facility Permissible Emissions
- \*3 6 NYCRR 201-7.2: Capping Monitoring Condition
- 4 6 NYCRR 211.4: VOC prohibited
- 5 40CFR 60.7(a), NSPS Subpart A: Date of construction notification - If a COM is not used.
- 6 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 7 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 8 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 9 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 10 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 11 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 12 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 13 40CFR 60.11(g), NSPS Subpart A: Use of credible evidence
- 14 40CFR 60.12, NSPS Subpart A: Circumvention.

#### Emission Unit Level

##### EU=1-BLKTP

- 15 6 NYCRR 212.4 (a): Compliance Demonstration
- 16 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 17 40CFR 60.14, NSPS Subpart A: Modifications.
- 18 40CFR 60.92(a), NSPS Subpart I: Compliance Demonstration

##### EU=1-BLKTP,Proc=002

- 19 6 NYCRR 225-2.7: Compliance Demonstration

##### EU=1-BLKTP,Proc=002,ES=BTP01

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

##### EU=1-BLKTP,EP=AC001

- 21 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 22 40CFR 60.92(a), NSPS Subpart I: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 23 ECL 19-0301: Contaminant List
- 24 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 25 6 NYCRR Subpart 201-5: Emission Unit Definition
- 26 6 NYCRR 211.2: Air pollution prohibited
- 27 6 NYCRR 211.2: Compliance Demonstration
- 28 6 NYCRR 225-1.2 (a) (2): Compliance Demonstration

#### Emission Unit Level

- 29 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 30 6 NYCRR Subpart 201-5: Process Definition By Emission Unit



NOTE: \* preceding the condition number indicates capping.



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,



required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6 NYCRR 201-1.2**

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6 NYCRR 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.



(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item F: Recycling and Salvage - 6 NYCRR 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item J: Required Emission Tests - 6 NYCRR 202-1.1**



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

**Item K: Visible Emissions Limited - 6 NYCRR 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 Prohibitions - 6 NYCRR 215.2**

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item 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 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: Visible Emissions Limited**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.3**

**Item 1.1:**

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.

**Condition 2: Facility Permissible Emissions**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 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 PTE: 120,320 pounds per year  
Name: CARBON MONOXIDE

CAS No: 007446-09-5 PTE: 37,380 pounds per year  
Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0 PTE: 37,040 pounds per year  
Name: OXIDES OF NITROGEN

**Condition 3: Capping Monitoring Condition**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 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 201-6.1  
6 NYCRR 212.10 (a) (2)



**Item 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 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 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 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 3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5	SULFUR DIOXIDE
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 000630-08-0	CARBON MONOXIDE

**Item 3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The owner or operator shall limit asphalt concrete production to no more than 300,000 tons during any consecutive 12 month period. This limit assures carbon monoxide (CO) emissions remain less than the major source threshold of 100 tons during any consecutive 12 month period. This production limit will also keep emissions of oxides of nitrogen (NO<sub>x</sub>), and sulfur dioxide (SO<sub>2</sub>) well below their respective major source thresholds.

Records shall be maintained on-site which demonstrate compliance with the above limit. These records shall include the amount of asphalt produced monthly and the



total amount of asphalt produced over each rolling twelve month period. These records must be maintained at the facility for a period of five years.

On an annual basis, the responsible official shall provide a certification to the Department that the facility has operated within the limit imposed by the facility's production cap. This certification shall include the following information for each of the twelve (12) consecutive months of the previous year:

1. the amount of asphalt produced, in tons per month;
2. the total asphalt produced during the last consecutive 12 months, in tons per year
3. the threshold level to which the annual total is being compared.

Any noncompliance with the asphalt concrete production limit in this condition must be reported by sending a copy of such record to the NYSDEC, Region 5, within 30 days of the occurrence.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALTIC CONCRETE

Upper Permit Limit: 300000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 4: VOC prohibited**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.4**

**Item 4.1:**

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 5: Date of construction notification - If a COM is not used.  
Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 5.1:**

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

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

**Condition 6: Recordkeeping requirements.  
Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 6.1:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 7: Facility files for subject sources.  
Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 7.1:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.



**Condition 8: Performance testing timeline.**  
Effective between the dates of 04/20/2010 and Permit Expiration Date

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

**Item 8.1:**

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

**Condition 9: Required performance test information.**  
Effective between the dates of 04/20/2010 and Permit Expiration Date

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

**Item 9.1:**

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

**Condition 10: Performance testing facilities.**  
Effective between the dates of 04/20/2010 and Permit Expiration Date

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

**Item 10.1:**

The following performance testing facilities shall be provided during all tests:

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

**Condition 11: Number of required tests.**  
Effective between the dates of 04/20/2010 and Permit Expiration Date

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

**Item 11.1:**

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.

**Condition 12: Compliance with Standards and Maintenance Requirements**  
Effective between the dates of 04/20/2010 and Permit Expiration Date

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

**Item 12.1:**

**New York State Department of Environmental Conservation**

Permit ID: 5-0946-00101/00001

Facility DEC ID: 5094600101



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

**Condition 13: Use of credible evidence**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 13.1:**

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

**Condition 14: Circumvention.**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 14.1:**

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 15: Compliance Demonstration**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (a)**

**Item 15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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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.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 16: EPA Region 2 address.**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 16.1:**

This Condition applies to Emission Unit: 1-BLKTP

**Item 16.2:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

**Condition 17: Modifications.**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A**

**Item 17.1:**

This Condition applies to Emission Unit: 1-BLKTP

**Item 17.2:**

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

**Condition 18: Compliance Demonstration**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**



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

**Item 18.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Source owner or operator shall not discharge or cause the discharge into the atmosphere from the asphalt plant any gases which exhibit 20 percent opacity, or greater. Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

Within 60 days after achieving maximum production rate, but no later than 180 days after initial startup of the asphalt plant, and upon request by the Administrator thereafter, source owner or operator shall conduct a performance test to determine compliance with this limit and furnish the Administrator a written report of the results of such performance test.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA RM 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 19: Compliance Demonstration**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.7**

**Item 19.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP

Process: 002

**Item 19.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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Waste Oil may be burned as fuel in the aggregate dryer associated with this asphalt plant subject to the following provisions:

1. Source owner shall comply with all current and future New York State and Federal regulatory requirements concerning the combustion of waste oil.
2. To ensure that the waste oil burned meets the definition of Waste Fuel A, as set forth in paragraph 225-2.2(b)(9) of 6NYCRR 225-2, source owner shall maintain a record of the analyses, certified by the supplier, of all waste oil burned. Each analysis shall include the following parameters:
  - a. Concentration of total halogens [in ppm, by weight (water free basis) of fuel];
  - b. Concentration of PCB's [in ppm, by weight (water free basis) of fuel];
  - c. Concentration of lead [in ppm, by weight (water free basis) of fuel];
  - d. Sulfur Content (in % by weight);
  - e. Gross Heat Content (in Btu/gallon).
3. The above parameters, for all waste oil burned, shall meet the following criteria:
  - a. total halogens content shall not exceed 1,000 ppm;
  - b. PCB content shall not exceed 50 ppm;
  - c. lead content shall not exceed 250 ppm;
  - d. Sulfur content shall not exceed 1.5% by weight;
  - e. heat content shall be at least 125,000 Btu/gallon.

These records shall be kept on site for a period of at least five (5) years.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 20: Compliance Demonstration**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 20.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP  
Process: 002

Emission Source: BTP01

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**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The combustion efficiency of the unit while burning waste oil shall be at least 99%. To document compliance with this requirement, the unit shall be tested within within 60 days after achieving maximum production rate, but no later than 180 days after initial startup of the asphalt plant, and upon request by the Administrator thereafter. Testing shall be conducted in accordance with 6NCYRR Subpart 202.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA RM 3A & 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 21: Prior notice.**

**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 21.1:**

This Condition applies to Emission Unit: 1-BLKTP Emission Point: AC001

**Item 21.2:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

**Condition 22: Compliance Demonstration**

**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 22.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP Emission Point: AC001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 22.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Source owner or operator shall not discharge or cause the discharge into the atmosphere from the asphalt plant, particulate emissions which exceed 0.04 grains per dry standard cubic foot of exhaust. 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).

In accordance with 40 CFR 60.8, within 60 days after achieving maximum production rate, but no later than 180 days after initial startup of the asphalt plant, and upon request by the Administrator thereafter, source owner shall conduct a performance test to determine compliance with this limit and furnish the Administrator a written report of the results of such performance test.

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA RM 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

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

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**



**Condition 23: Contaminant List**

**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 23.1:**

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

**Condition 24: Unavoidable noncompliance and violations**

**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 24.1:**

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

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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 25: Emission Unit Definition**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 25.1:**

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

Emission Unit: 1-BLKTP

Emission Unit Description:

Hot mix asphalt batch plant. Liquid asphalt, various sizes of aggregate and sand are combined to produce hot mix asphalt. The liquid asphalt is stored in heated above-ground tanks. Aggregate and sand, all of which are obtained from outside sources (i.e., other facilities), are stored in various stock piles and hoppers on site. The aggregate and sand are heated in a rotary dryer and then blended in a mixing tower to produce hot mix asphalt. The rotary dryer is vented to a baghouse. The hot mix asphalt is loaded directly into trucks. The dryer can run on either no. 2 distillate fuel oil or specification waste oil (Waste Fuel A).

Building(s): Sheehan

**Condition 26: Air pollution prohibited**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**



**Applicable State Requirement:6 NYCRR 211.2**

**Item 26.1:**

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 27: Compliance Demonstration**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 27.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 27.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:

1. Have a complaint phone line available 24 hours a day, 7 days a week.
2. Investigate any possible causes of any complaint received.
3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
4. Fully document the complaint, results of investigation, and any action taken.
5. Report in a format acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 28: Compliance Demonstration**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 28.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 28.2:**

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Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 29: Emission Point Definition By Emission Unit**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 29.1:**

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

Emission Unit: 1-BLKTP

Emission Point: AC001

Height (ft.): 37

Length (in.): 48

Width (in.): 48

NYTMN (km.): 4947.127 NYTME (km.): 617.063

**Condition 30: Process Definition By Emission Unit**  
**Effective between the dates of 04/20/2010 and Permit Expiration Date**

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

**Item 30.1:**

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

Emission Unit: 1-BLKTP

Process: 001

Source Classification Code: 3-05-002-52

Process Description:

Production of hot mix asphalt while firing no. 2 fuel oil in a rotary aggregate dryer. Particulate emissions from rotary aggregate dryer are controlled with a bag house.

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Other activities are aggregate hopper loading, transport to dryer via conveyor and asphalt load-out.

Emission Source/Control: BAG01 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: BTP01 - Process  
Design Capacity: 240 tons per hour

Emission Source/Control: C0002 - Process

Emission Source/Control: H0001 - Process

**Item 30.2:**

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

Emission Unit: 1-BLKTP

Process: 002

Source Classification Code: 3-05-002-52

Process Description:

Production of hot mix asphalt while firing waste fuel A in a rotary aggregate dryer. Particulate emissions from rotary aggregate dryer are controlled with a bag house. Other activities are aggregate hopper loading, transport to dryer via conveyor and asphalt load-out.

Emission Source/Control: BAG01 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: BTP01 - Process  
Design Capacity: 240 tons per hour

Emission Source/Control: C0002 - Process

Emission Source/Control: H0001 - Process

