

New York State Department of Environmental Conservation
Facility DEC ID: 6405600039



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 6-4056-00039/00001
Effective Date: 12/12/2005 Expiration Date: No expiration date

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

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

Facility: SHEEHAN ASPHALT PLANT
2500 ST RTE 310
MADRID, NY 13660

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

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: BRIAN D FENLON
DIVISION OF ENVIRONMENTAL PERMITS
STATE OFFICE BLDG, 317 WASHINGTON ST
WATERTOWN, NY 13601-3787

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 6
HEADQUARTERS



DEC GENERAL CONDITIONS
****** General Provisions ******
GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 1.1:

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

Item 1.2:

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

Item 1.3:

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

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

New York State Department of Environmental Conservation
Facility DEC ID: 6405600039



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 6 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 6 Headquarters
Division of Environmental Permits
State Office Building, 317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: JAMES E SHEEHAN CONTRACTING CORP

JAMES E SHEEHAN
208 SISSONVILLE RD
POTSDAM, NY 13676

Facility: SHEEHAN ASPHALT PLANT
2500 ST RTE 310
MADRID, NY 13660

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

Permit Effective Date: 12/12/2005

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 201-6.5(g): Non Applicable requirements
- 2 6NYCRR 201-7.1: Facility Permissible Emissions
- *3 6NYCRR 201-7.1: Capping Monitoring Condition
- *4 6NYCRR 201-7.1: Capping Monitoring Condition
- 5 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 6 6NYCRR 225-1.8(a): Compliance Demonstration
- 7 6NYCRR 225-1.8(d): Sampling, compositing, and analysis of fuel samples

Emission Unit Level

EU=1-BLKTP,Proc=001,ES=BTP01

- 8 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 9 40CFR 60.7(a)(1), NSPS Subpart A: Compliance Demonstration
- 10 40CFR 60.7(a)(3), NSPS Subpart A: Compliance Demonstration
- 11 40CFR 60.7(a)(4), NSPS Subpart A: Compliance Demonstration
- 12 40CFR 60.7(a)(6), NSPS Subpart A: Compliance Demonstration
- 13 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 14 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or Local Agency
- 15 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 16 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 17 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 18 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 19 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 20 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 21 40CFR 60.9, NSPS Subpart A: Availability of information.
- 22 40CFR 60.11(a), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 23 40CFR 60.11(b), NSPS Subpart A: Compliance Demonstration
- 24 40CFR 60.11(c), NSPS Subpart A: Opacity Standard During Periods of Startup, Shutdown or Malfunction
- 25 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 26 40CFR 60.11(e)(1), NSPS Subpart A: Compliance Demonstration
- 27 40CFR 60.11(g), NSPS Subpart A: Use of Credible Evidence
- 28 40CFR 60.12, NSPS Subpart A: Circumvention.
- 29 40CFR 60.14, NSPS Subpart A: Modifications.
- 35 40CFR 60.93(b), NSPS Subpart I: Test Methods and Procedures

EU=1-BLKTP,Proc=002,ES=CAT01

- 30 6NYCRR 227-1.6(a): Corrective Action
- 31 6NYCRR 227-1.6(b): Corrective Action



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

- 32 6NYCRR 227-1.6(c): Corrective Action
- 33 6NYCRR 227-1.6(d): Corrective Action
- 34 6NYCRR 227-1.7: General Provisions

EU=1-BLKTP,EP=AC001,Proc=001,ES=BAG01

- 36 6NYCRR 212.6(a): Compliance Demonstration
- 37 6NYCRR 212.9(d): Compliance Demonstration

EU=1-BLKTP,EP=CG001,Proc=002,ES=CAT01

- 38 6NYCRR 227-1.3(a): Compliance Demonstration
- 39 6NYCRR 227.2(b)(1): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 40 ECL 19-0301: Contaminant List
- 41 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 42 6NYCRR 201-5: Emission Unit Definition
- 43 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 44 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 45 6NYCRR 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 - 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

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



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



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

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

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



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



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

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: Non Applicable requirements
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.5(g)

Item 1.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

40CFR 60-I.92(a)(1)

Emission Unit: 1BLKTP Emission Point: AC001 Process: 001 Source: BAG01

Reason: This NSPS requirement does apply to the facility. However, the state allowable particulate emission rate of 0.03 gr/dscf, codified at 6 NYCRR Part 212.9(d), is more restrictive than this NSPS limit of 0.04 gr/dscf. Therefore, only the more restrictive state particulate emission rate is being included in this permit.

The facility must still meet the NSPS General Provision requirements (40 CFR 60 Subpart A) for performance testing contained in the permit in order to demonstrate compliance

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



with the state particulate emission limit for this emission source.

40CFR 60-I.92(a)(2)

Emission Unit: 1BLKTP Emission Point: AC001 Process: 001 Source: BAG01

Reason: This NSPS requirement does apply to the facility. However, the state allowable limit of 20%, codified at 6 NYCRR Part 212.6(a), is the same as the NSPS limit of 20% opacity. In order to avoid redundancy only the state opacity limit is being included in this permit.

The facility must still meet the NSPS General Provision requirements (40 CFR 60 Subpart A) for performance testing contained in the permit in order to demonstrate compliance with the state opacity requirements for this emission source.

Condition 2: Facility Permissible Emissions
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.1

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: 190,000 pounds per year
Name: CARBON MONOXIDE

Condition 3: Capping Monitoring Condition
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.1

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:

6NYCRR 201-6.1
6NYCRR 227-2.1

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.

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



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: 0NY075-00-5	PM-10
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:

Facility owner shall ensure that the Caterpillar diesel generator (emission source CAT01) hours of operation remain less than 1580 hours during any consecutive 12 month period. This limit is being placed on the facility to ensure that emissions of carbon monoxide (CO) remain less than the major source threshold of 100 tons during any consecutive 12 month period. This operational limit will also keep emissions of sulfur dioxide (SO₂), PM-10 and oxides of nitrogen (NO_x) well below their respective major source thresholds.

Facility owner must maintain records that verify the



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

diesel generator's monthly hours of operation. These records must be maintained at the facility for a period of five years.

Reports will be submitted annually, in a format acceptable to the commissioner's representative, which document that the diesel generator's hours of operation over any consecutive 12 month period were less than 1580 hours.

Any noncompliance with the hours of operation limit in this condition must be reported by sending a copy of such record to the NYSDEC, Region 6, within 30 days of the occurrence.

Work Practice Type: HOURS PER YEAR OPERATION
Upper Permit Limit: 1580 hours
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 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 4: Capping Monitoring Condition
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.1

Item 4.1:

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

6NYCRR 201-6.1
6NYCRR 227-2.1

Item 4.2:

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

Item 4.3:

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

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



Item 4.4:

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

Item 4.5:

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

Item 4.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

CAS No: 0NY075-00-5 PM-10

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

CAS No: 000630-08-0 CARBON MONOXIDE

Item 4.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility owner shall ensure that production of asphalt remains less than 475,000 tons during any consecutive 12 month period. This limit is being placed on the facility to ensure that emissions of carbon monoxide (CO) remain less than the major source threshold of 100 tons during any consecutive 12 month period. This production limit will also keep emissions of sulfur dioxide (SO₂), PM-10 and oxides of nitrogen (NO_x) well below their respective major source thresholds.

Facility owner must maintain records that verify the facility's monthly asphalt production. These records must be maintained at the facility for a period of five years.

Reports will be submitted annually, in a format acceptable to the commissioner's representative, which document that the facility's asphalt production over any consecutive 12 month period were below 475,000 tons.

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



Any noncompliance with the asphalt production limit in this condition must be reported by sending a copy of such record to the NYSDEC, Region 6, within 30 days of the occurrence.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: ASPHALTIC CONCRETE
Upper Permit Limit: 475,000 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 5: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 5.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Emission Unit: 1-BLKTP
Process: 002 Emission Source: CAT01

Item 5.2:

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



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

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 6: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 6.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 6.2:

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 7: Sampling, compositing, and analysis of fuel samples
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 7.1:

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.

**** Emission Unit Level ****

Condition 8: EPA Region 2 address.
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Item 8.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 8.2:

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 9: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a)(1), NSPS Subpart A

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

A notification of the date construction (or reconstruction



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

as defined under 40 CFR Part 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 10: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a)(3), NSPS Subpart A

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP

Process: 001

Emission Source: BTP01

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 11: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a)(4), NSPS Subpart A

Item 11.1:

The Compliance Demonstration activity will be performed for:

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



Emission Unit: 1-BLKTP

Process: 001

Emission Source: BTP01

Item 11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

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 that change is specifically exempted under an applicable subpart or in 40 CFR Part 60.14(e). This notice shall be postmarked 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 capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 12: Compliance Demonstration

Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a)(6), NSPS Subpart A

Item 12.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP

Process: 001

Emission Source: BTP01

Item 12.2:

Compliance Demonstration shall include the following monitoring:



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

A notification of the anticipated date for conducting the opacity observations required by 40 CFR Part 60.11(e)(1). The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 13: Recordkeeping requirements.
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 13.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 13.2:

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 14: Notification Similar to State or Local Agency
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 14.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 14.2:

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

60.7(a).

Condition 15: Performance testing timeline.
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 15.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 15.2:

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

Condition 16: Performance test methods.
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 16.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 16.2:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 17: Required performance test information.
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 17.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 17.2:

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

Condition 18: Prior notice.
Effective between the dates of 12/12/2005 and Permit Expiration Date

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



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Item 18.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 18.2:

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

Condition 19: Performance testing facilities.

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 19.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 19.2:

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 20: Number of required tests.

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 20.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 20.2:

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 21: Availability of information.

Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Item 21.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 21.2:

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter.

**Condition 22: Compliance with Standards and Maintenance Requirements
Effective between the dates of 12/12/2005 and Permit Expiration Date**

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

Item 22.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 22.2:

Compliance with standards in 40 CFR Part 60, other than opacity standards, shall be determined in accordance with performance tests established by section 60.8 of 40 CFR Part 60 unless otherwise specified in the applicable standard

**Condition 23: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date**

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

Item 23.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 23.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in 40 CFR Part 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

those fugitive-type emission sources subject only to an opacity standard).

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 24: Opacity Standard During Periods of Startup, Shutdown or Malfunction
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 24.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 24.2:

The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

Condition 25: Compliance with Standards and Maintenance Requirements
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 25.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 25.2:

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 26: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(e)(1), NSPS Subpart A



Item 26.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP

Process: 001

Emission Source: BTP01

Item 26.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR Part 60.8 unless one of the following conditions apply. If no performance test under 40 CFR Part 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR Part 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR Part 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR Part 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



certification. Except as provided in 40 CFR Part 60.11(e)(5), the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 27: Use of Credible Evidence
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 27.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 27.2:

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 28: Circumvention.
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 28.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 28.2:



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

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.

Condition 29: Modifications.

Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A

Item 29.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 29.2:

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 35: Test Methods and Procedures

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 35.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 001 Emission Source: BTP01

Item 35.2:

The owner or operator shall determine compliance with the particulate matter standards in 40 CFR 60.92 as follows:

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

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

Condition 30: Corrective Action

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 30.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 002 Emission Source: CAT01

Item 30.2:



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

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

Condition 31: Corrective Action

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 31.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 002 Emission Source: CAT01

Item 31.2:

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 32: Corrective Action

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 32.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 002 Emission Source: CAT01

Item 32.2:

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 33: Corrective Action

Effective between the dates of 12/12/2005 and Permit Expiration Date

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

Item 33.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 002 Emission Source: CAT01

Item 33.2:

No person except the commissioner or his representatives shall remove, tamper with or destroy any seal



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

affixed to any stationary combustion installation in accordance with 6 NYCRR Part 227-1.6.

Condition 34: General Provisions
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.7

Item 34.1:

This Condition applies to Emission Unit: 1-BLKTP
Process: 002 Emission Source: CAT01

Item 34.2:

(a) Emission data. Any person who owns or operates a stationary combustion installation described in 6 NYCRR Part 227-1 shall provide pertinent data concerning emissions when so requested by the commissioner.

(b) Test methods. Sampling, compositing and analysis of fuel samples shall be carried out in accordance with the most recent ASTM standard methods or equivalent methods acceptable to the commissioner.

Condition 36: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 36.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP Emission Point: AC001
Process: 001 Emission Source: BAG01

Item 36.2:

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 the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 37: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.9(d)

Item 37.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP Emission Point: AC001
Process: 001 Emission Source: BAG01

Regulated Contaminant(s):
CAS No: 0NY075-00-0 PARTICULATES

Item 37.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

The permissible emission rate for particulates from this emission unit shall not exceed 0.030 grains per dry standard cubic foot of undiluted exhaust gas on a dry basis.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.030 grains per dscf
Reference Test Method: Method 5
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: ARITHMETIC MEAN
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 38: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

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

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



Item 38.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP Emission Point: CG001
Process: 002 Emission Source: CAT01

Item 38.2:

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. Facility shall perform visible emissions observations when requested by the Department.

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 39: Compliance Demonstration
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227.2(b)(1)

Item 39.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BLKTP Emission Point: CG001
Process: 002 Emission Source: CAT01

Regulated Contaminant(s):
CAS No: 0NY075-00-0 PARTICULATES

Item 39.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



Monitoring Description:

The two hour average emission of particulates from this stationary combustion installation shall not exceed 0.10 pounds per million Btu of heat input.

Upon request the facility shall perform the following:

- 1) Submit to the Department an acceptable protocol for the testing of particulate emissions in a manner that will determine compliance with the limit cited in this condition.
- 2) Perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition.
- 3) Submit an acceptable stack test report that outlines the results obtained from the testing done to meet the requirement of #2 above.
- 4) Facility shall keep records of all testing done at this stationary combustion installation for a period of 5 years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: EPA RM 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

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 - 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

New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039



law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 40: Contaminant List

Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 40.1:

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

CAS No: 0NY075-00-5

Name: PM-10

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 41: Unavoidable noncompliance and violations

Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 41.1:

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



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

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

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

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

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

Condition 42: Emission Unit Definition

Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 42.1:

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

Emission Unit: 1-BLKTP

Emission Unit Description:

Emission unit consists of a Barber Greene asphalt concrete batch plant (300 tph capacity) and a Caterpillar diesel generator Model #3412 (665 hp rating) to supply electricity to batch plant.



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Building(s): MADRID

Condition 43: Air pollution prohibited
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 43.1:

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

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

Condition 44: Emission Point Definition By Emission Unit
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 44.1:

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

Building: MADRID

Emission Point: CG001

Height (ft.): 13

Diameter (in.): 8

Building: MADRID

Condition 45: Process Definition By Emission Unit
Effective between the dates of 12/12/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 45.1:

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



New York State Department of Environmental Conservation

Permit ID: 6-4056-00039/00001

Facility DEC ID: 6405600039

Process Description:

Barber Greene Model BE 100 asphalt concrete batch plant.
Production capacity for the hot mix asphalt paving mix is
300 tph rotary dryer for aggregates. Particulate
emissions are controlled by an H & B fabric filter.

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

Emission Source/Control: BTP01 - Process
Design Capacity: 300 tons per hour

Item 45.2:

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

Emission Unit: 1-BLKTP

Process: 002

Source Classification Code: 2-02-001-02

Process Description:

A Caterpillar Model 3412 diesel generator burning #2 fuel
oil and generating electricity for the batch plant.

Emission Source/Control: CAT01 - Combustion
Design Capacity: 665 horsepower (mechanical)