



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-0422-00062/00001
Effective Date: 04/08/2010 Expiration Date: No expiration date

Permit Issued To: BUFFALO CRUSHED STONE INC
2544 CLINTON ST
PO BOX 710
BUFFALO, NY 14224-0710

Contact: JOSEPH S LARAISO
BUFFALO CRUSHED STONE INC
PO BOX 710 2544 CLINTON ST
BUFFALO, NY 14224-0710
(716) 826-7310

Facility: ASHFORD ASPHALT PLANT 50
HENRIETTA RD | ACROSS FROM 7020 HENRIETTA RD
ASHFORD, NY 14141

Description:

1.) The Ashford Asphalt Plant is located in the Town of Ashford, New York. The plant consists of a H & B Model 1560-11240 Asphalt Batch Plant with a 250 ton per hour production capacity. The aggregate or stone dryer has the capability to burn Fuel Oil and Waste Fuel Oil A. The dryer exhaust is vented to an Astec Model baghouse for particulate control with an airflow of 65,000 ACFM.

2.) The New Source Performance Standard (NSPS) Subpart I - Standards of Performance for Hot Mix Asphalt Facilities applies to this source. Subpart I establishes a particulate emission limit from the stone dryer of 0.04 grains per dry standard cubic feet and 20% opacity. A performance test is required to demonstrate compliance for these parameters.

3.) Particulate emissions from the stone dryer are also regulated by 6NYCRR Part 212. Permissible Emission Rates based on process weight for solid particulate emissions from new stone dryers at asphalt concrete plants are limited to 0.030 grain per standard cubic foot of undiluted exhaust gas on a dry basis and 20% opacity. The performance test used to demonstrate compliance with Subpart I will also be used to demonstrate compliance with Part 212.

4.) Toxic air emissions are also regulated under Part 212. Toxic air emission data was obtained from AP-42, Chapter 11 for the Mineral Processing Industry. Table 11.1-9 was used to obtain organic emissions from a batch plant with a waste oil fired dryer and baghouse. Table 11.1-11 was used to obtain metal emissions from a batch plant. The maximum offsite impact of the toxic air contaminants was screened using NYSDEC Policy DAR-1: Guidelines for the Control of Toxic Ambient Air Contaminants. The review indicated none of the contaminants modeled are projected to exceed the guidance values.



5.) The department assesses all projects for their potential to emit fine particulate matter. The protocol for this assessment is outlined in the department's Commissioner's Policy CP-33. As per this policy, since this project's PM - 10 emissions do not equal or exceed 15 tpy, no further assessment of fine particulate matter impacts are required.

6.) As per the requirements in NYCRR Part 225-2, the facility must demonstrate the dryer can burn Waste Fuel Oil A and still maintain a combustion efficiency of greater than 99%. A combustion efficiency test must be completed before regular burning of waste fuel can occur. In addition, the facility must obtain certification from the fuel supplier that the Waste Fuel A delivered has been tested for each of the parameters in Part 225-2, Table 2-1 and meets the associated limits.

7.) This permit includes a federally enforceable emission cap that limits asphaltic concrete production to 475,000 tons during every 12 month period. Such a limitation will cap carbon monoxide and nitrogen oxide emissions below 100 tons per year for non-applicability to Title V, 6NYCRR Part 231-5 non-attainment New Source Review (NSR), 6NYCRR Part 231-7 attainment NSR or PSD, and 40CFR52.21 federal attainment NSR or PSD. All other criteria contaminant emissions are below the NSR/PSD applicability thresholds without capping.

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: DAVID S DENK
 DIVISION OF ENVIRONMENTAL PERMITS
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2999

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 9 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, 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 9 HEADQUARTERS

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 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7165

New York State Department of Environmental Conservation

Permit ID: 9-0422-00062/00001

Facility DEC ID: 9042200062



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: BUFFALO CRUSHED STONE INC
2544 CLINTON ST
PO BOX 710
BUFFALO, NY 14224-0710

Facility: ASHFORD ASPHALT PLANT 50
HENRIETTA RD | ACROSS FROM 7020 HENRIETTA RD
ASHFORD, NY 14141

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

Permit Effective Date: 04/08/2010
date.

Permit Expiration Date: No expiration
date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 201-7.2: Facility Permissible Emissions
- *2 6 NYCRR 201-7.2: Capping Monitoring Condition

Emission Unit Level

EU=U-000HB

- 3 6 NYCRR 212.6 (a): Compliance Demonstration
- 4 6 NYCRR 212.9 (d): Compliance Demonstration
- 5 6 NYCRR 225-1.2 (d): Compliance Demonstration
- 6 6 NYCRR 225-2.3 (b) (3): Compliance Demonstration
- 7 6 NYCRR 225-2.4: Compliance Demonstration
- 8 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 9 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 10 ECL 19-0301: Contaminant List
- 11 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 12 6 NYCRR Subpart 201-5: Emission Unit Definition
- 13 6 NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 14 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 15 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: Facility Permissible Emissions
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 1.1:

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

CAS No: 0NY210-00-0 PTE: 57,000 pounds per year
Name: OXIDES OF NITROGEN

Condition 2: Capping Monitoring Condition
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 2.1:

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

6 NYCRR Subpart 201-6
6 NYCRR Subpart 231-5
6 NYCRR Subpart 231-7
40 CFR 52.21

Item 2.2:

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

Item 2.3:

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.

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4.) On an annual basis, 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 those threshold levels contained in item 1 above.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALTIC CONCRETE

Upper Permit Limit: 475000 tons per year

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: ANNUAL 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).

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

Condition 3: Compliance Demonstration

Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.6 (a)

Item 3.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) No person will 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.

2.) Method 9 opacity observations shall be conducted during the initial performance test and at the discretion of the department.

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Facility DEC ID: 9042200062



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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 4: Compliance Demonstration
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.9 (d)

Item 4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) Standard for particulate matter.

Permissible Emission Rates based on process weight for solid particulate emissions from new stone dryers at asphalt concrete plants are limited to 0.030 grain per standard cubic foot of undiluted exhaust gas on a dry basis.

2.) Test methods and procedures.

(a) The owner or operator shall determine compliance with the particulate matter standards using EPA Method 5 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).

(b) A particulate stack test shall commence no later than 120 days after start up and no later than 60 days after reaching maximum production rate. If the facility finds this deadline impossible to meet then it must apply for and receive a waiver of the deadline from the department. Such an application shall include the reasons for the delay and a projected stack test date.

(c) A stack test protocol shall be submitted to the Department for approval at least thirty days in advance of



the test. Additionally, a notice shall be given to Region 9 at least 30 days in advance of the test to give department personal ample time to schedule their witnessing of the test.

(d) The emission test report shall be submitted in duplicate, to the department within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

(e) The emission test required for this permit condition can be the same test used to demonstrate compliance for 40CFR 60.92.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.03 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 3-hour average

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 5: Compliance Demonstration

Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 225-1.2 (d)

Item 5.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The sulfur content of the fuel oil burned at the facility shall not exceed 1.5% by weight per 6 NYCRR Part 225-1.2(d), Table 2.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: OIL (NOT ELSEWHERE CLASSIFIED)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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



Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 6: Compliance Demonstration
Effective between the dates of 04/08/2010 and Permit Expiration Date

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

Item 6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

Item 6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) The facility owner shall conduct a combustion efficiency test while burning waste fuel A. The combustion efficiency shall be demonstrated to be at least 99%. Carbon monoxide and carbon dioxide in the final exhaust shall be measured and the following formula shall be used to calculate combustion efficiency:

$$C.E. = (CO_2 \times 100) / (CO_2 + CO)$$

An instrument capable of resolving 500 ppm carbon monoxide must be employed. An Orsat will not meet this requirement.

- 2.) The regular burning of waste fuel A shall not commence until the facility has received concurrence from the Department that the 99% combustion efficiency has been demonstrated.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: As per Air Guide 17

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 7: Compliance Demonstration
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 225-2.4

Item 7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

New York State Department of Environmental Conservation

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Facility DEC ID: 9042200062



Regulated Contaminant(s):
CAS No: 007439-92-1 LEAD

Item 7.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

- 1.) The facility is allowed to burn Waste Fuel A. Waste fuel A is any waste oil, fuel oil or mixture of these to be burned which contains no more than 250 parts per million (by weight) lead, which meets the limitations of Table 2-1 below and does not contain any chemical waste.
- 2.) The facility shall insure that the constituents of Waste Fuel A being received and burned meet the limits of Table 2-1. In order to accomplish this, the facility shall obtain certification from the seller that the Waste Fuel A delivered has been tested for each of the parameters in Table 2-1, as required by Part 225-2, and it meets the associated limits. A certification shall be obtained for each delivery and shall contain the representative chemical analysis of the batch of Waste Fuel A. Each delivery certification shall be kept on site and be made available to the Department's representative during normal business hours. Records of these certifications shall be kept on site for a period of five years.

TABLE 2-1
WASTE FUEL A CONSTITUENTS-PROPERTY

Polychlorinated Biphenyls (PCB)- Less than 50 ppm*
 Total Halogens-1,000 ppm* maximum
 Sulfur- See Subpart 225-1 for fuel sulfur limitations
 Lead- 250 ppm* maximum
 Gross Heat Content-125,000 (Btu/gal) minimum

* Parts per million (ppm) by weight (water free basis) of fuel.

Parameter Monitored: LEAD
 Upper Permit Limit: 250 parts per million by weight
 Reference Test Method: Methods contained in Part 225-2
 Monitoring Frequency: PER DELIVERY
 Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



Condition 8: Compliance Demonstration
Effective between the dates of 04/08/2010 and Permit Expiration Date

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

Item 8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) Standard for particulate matter.

On and after the date on which the performance test required to be conducted by §§60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.04 grains per dry standard cubic feet (gr/dscf).

2.) Test methods and procedures.

(a) In conducting the performance tests required in §§60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §§60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in §§60.92 as follows: 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).

(c) A particulate stack test shall commence no later than 120 days after start up and no later than 60 days after reaching maximum production rate. If the facility finds this deadline impossible to meet then it must apply for and receive a waiver of the deadline from the department. Such an application shall include the reasons for the delay and a projected stack test date.

(d) A stack test protocol shall be submitted to the



Department for approval at least thirty days in advance of the test. Additionally, a notice shall be given to Region 9 at least 30 days in advance of the test to give department personal ample time to schedule their witnessing of the test.

(e) The emission test report shall be submitted in duplicate, to the department within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 3-hour average

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 9: Compliance Demonstration
Effective between the dates of 04/08/2010 and Permit Expiration Date

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

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-000HB

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) Standard for particulate matter.

On and after the date on which the performance test required to be conducted by §§60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which exhibit 20 percent opacity, or greater.

2.) Test methods and procedures.

(a) In conducting the performance tests required in



§§60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §§60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in §§60.92 using Method 9 and the procedures in §§60.11 to determine opacity.

(c) For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours or thirty (30) 6-minute averages for the performance test. Method 9 opacity observations shall be conducted continuously during the three (3) one-hour stack test runs for particulates required by this permit under Method 5 and the results shall be included in the particulate stack test report.

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: 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 10: Contaminant List

Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 10.1:

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: 007439-92-1
Name: LEAD

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

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

Condition 11: Unavoidable noncompliance and violations

Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 11.1:

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after



becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are 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 12: Emission Unit Definition
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 12.1:

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

Emission Unit: U-000HB

Emission Unit Description:

Emission Unit U-000HB consists of a 250 ton per hour H & B Batch Mix Asphalt Plant. The plant is comprised of a mixing drum equipped with a waste oil or fuel oil fired dryer burner. In addition, there is a natural gas fired hot oil heater. Particulate emissions are controlled by a fabric baghouse through emission point 0000A.

Condition 13: Air pollution prohibited
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 13.1:

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 14: Emission Point Definition By Emission Unit
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 14.1:

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

Emission Unit: U-000HB

Emission Point: 0000A

Height (ft.): 38

Length (in.): 33

Width (in.): 49

Condition 15: Process Definition By Emission Unit
Effective between the dates of 04/08/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 15.1:

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

Emission Unit: U-000HB

Process: 1HB

Process Description:

Process 1HB includes the production of hot mix asphaltic concrete. The aggregate is dried in a rotary dryer that can be fueled with waste oil or fuel oil. The hot oil heater is fired with natural gas.

Emission Source/Control: 0HB50 - Combustion

Design Capacity: 250 tons per hour

Emission Source/Control: 0BHSE - Control

Control Type: FABRIC FILTER

