

New York State Department of Environmental Conservation
Facility DEC ID: 9048400129



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-0484-00129/00001
Effective Date: 09/27/2004 Expiration Date: No expiration date

Permit Issued To: GERNATT ASPHALT PRODUCTS INC
13870 TAYLOR HOLLOW RD
PO BOX 400
COLLINS, NY 14034

SALVATORE P DICEMBRE

GERNATT ASPHALT PRODUCTS INC
PO BOX 400
COLLINS, NY 14034-0400
(716) 532-3371

Facility: GERNATT YORKSHIRE BLACKTOP PLANT
11850 ROUTE 16
YORKSHIRE, NY 14034

SALVATORE P DICEMBRE

GERNATT ASPHALT PRODUCTS INC
PO BOX 400
COLLINS, NY 14034-0400
(716) 532-3371

Description:

- 1.) The facility is located in the Town of Yorkshshire. It consists of a Astec Relocatable Double Barrel Counter Flow Drum Mix Asphalt plant - Model SDB-9640 with a 400 ton per hour production capacity. It will have the ability to burn in its aggregate dryer natural gas, No. 2 Fuel Oil and Waste Fuel Oil A. Originally, the facility planned on obtaining a generator set to provide electric power to the facility, but later opted to acquire power from the grid. The dryer also has an Astec Model SBH-67-16 baghouse for particulate control with an airflow of 66,800 ACFM. The dryer also has a burner with a 100mm Btu/hr capacity.
- 2.) The New Source Performance Standard (NSPS) Subpart I - Standards of Performance for Hot Mix Asphalt Facilities applies to this source and will be included in the permit. Subpart I establishes a particulate emission limit for the emission from the baghouse of 0.04 gr/dscf and 20% opacity. This permit requires the performance tests for those parameters.
- 3.) Toxic air emissions are regulated under Part 212. The maximum offsite impact of each contaminant on potential receptors was screened as part of this permit application review. The review showed that none of these contaminants are projected to exceed the guidance values listed in department guidance



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DAR - 1 (formerly Air Guide -1).

4.) In addition, the department assesses all projects for their potential to emit fine particulate matter known as PM - 2.5. 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 - 2.5 primary emissions do not equal or exceed 15 tpy, no further assessment of PM - 2.5 impacts are required. The project will also not impact an Environmental Justice (EJ) designated area, therefore the department's EJ policy does not apply to this project.

5.) As per the requirements in NYCRR Part 225-2, the facility must demonstrate that the dryer can burn Waste Fuel Oil A and still maintain a combustion efficiency of greater than 99%. The permit include two conditions that incorporate this requirement.

5.) This permit (MOD 1) includes a federally enforceable emission cap that limits asphaltic concrete production to 450,000 tons for each 12 month period. This will limit the carbon monoxide to approximately 30 tons per year and similarity will limit VOC to 7.2 tons per year . The cap causes the facility to avoid TitleV and non-attainment NSR applicability. All other criteria contaminants emissions are below the NSR/PSD applicability thresholds without capping.

6.) Confidentially - This permit application does not support a claim of confidentially for the three processes.

7.) New construction approved in this permit shall be conducted under the supervision of an engineer licensed to practice engineering in New York State.

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 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 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 and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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

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transfer of ownership.

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

Item 4.1:

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

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 9 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 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: GERNATT ASPHALT PRODUCTS INC
13870 TAYLOR HOLLOW RD
PO BOX 400
COLLINS, NY 14034

Facility: GERNATT YORKSHIRE BLACKTOP PLANT
11850 ROUTE 16
YORKSHIRE, NY 14034

Authorized Activity By Standard Industrial Classification Code:



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Emission Unit Level

EU=1-04058

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

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 6 ECL 19-0301: Contaminant List
- 7 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 8 6NYCRR 201-5: Emission Unit Definition
- 9 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 10 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 11 6NYCRR 201-5: Process Definition By Emission Unit
- 12 6NYCRR 201-7: Emission Unit Permissible Emissions
- 13 6NYCRR 201-7: Process Permissible Emissions

EU=1-04058

- *14 6NYCRR 201-7: Capping Monitoring Condition

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

Permit Effective Date: 09/27/2004

Permit Expiration Date: No expiration date.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6NYCRR Part 200.5

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

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

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

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

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

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

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

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

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

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

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

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event

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occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

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

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

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

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

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

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

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific



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

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

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

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item L: Open Fires - 6 NYCRR Part 215

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

Item M: Permit Exclusion - ECL 19-0305

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



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

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

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

FEDERAL APPLICABLE REQUIREMENTS

The following conditions are federally enforceable.

Condition 1: Compliance Demonstration
Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 1.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-04058

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

1.) No person shall cause or allow emissions having an average opacity during six consecutive minutes of 20



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percent or greater from any process emission source, except only the emissions of uncombined water. This limit applies to this source on an ongoing basis and the department may make compliance observations as determined appropriate.

2.) For the purposes of complying with initial performance testing requirements under 40 CFR Subpart I, the facility shall conduct a EPA Method 9 test during the scheduled stack test. The requirements for this testing shall be included in the particulate stack test protocol.

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 2: Compliance Demonstration
Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable 6 NYCRR 225-2.3(b)(3)

Item 2.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-04058

Item 2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) The facility owner shall conduct a combustion efficiency test. 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.

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2.) The regular burning of waste oil 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 3: Compliance Demonstration
Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.4

Item 3.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-04058

Regulated Contaminant(s):

CAS No: 007439-92-1 LEAD

Item 3.2:

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

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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 4: Compliance Demonstration
Effective between the dates of 09/27/2004 and Permit Expiration Date

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

Item 4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-04058

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:

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- 1.) Standard for particulate matter.
 - (a) 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:
 - (1) Contain particulate matter in excess of 0.04 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).
- 3.) 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.
- 4.) 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 personnel ample time to schedule their witnessing of the test.
- 5.) The person who owns or operates an air contamination source shall submit the emission test report in triplicate, to the commissioner 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.

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Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.04 grains per dscf
Reference Test Method: EPA Method 5
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 5: Compliance Demonstration
Effective between the dates of 09/27/2004 and Permit Expiration Date

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

Item 5.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-04058

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

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) Standard for particulate matter.
 - (a) 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 as follows: Method 9 and the procedures in §§60.11 shall be used to determine opacity.
- 3.) Method 9 opacity observations shall be conducted continuously during each stack test for particulates

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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: ONCE DURING THE TERM OF THE PERMIT

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 - 6NYCRR Part 201-1.10(a)

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

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

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

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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 6: Contaminant List
Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 6.1:

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

ie: CARBON MONOXIDE

CAS No: 007439-92-1

Name: LEAD

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY998-00-0

Name: VOC

Condition 7: Unavoidable noncompliance and violations
Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 7.1:

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



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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.

Emission Unit Definition

Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 8.1:

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

Emission Unit: 1-04058

Emission Unit Description:

Production of hot mix asphaltic concrete for use in road construction. Aggregate is dried in a rotary dryer fueled by natural gas, number 2 fuel oil or waste oil and mixed in a SDB-9640 double barrel drum mixer.

Condition 9: Air pollution prohibited

Effective between the dates of 09/27/2004 and Permit Expiration Date



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Applicable State Requirement: 6NYCRR 211.2

Item 9.1:

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 nation with others.

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

**Condition 10: Emission Point Definition By Emission Unit
Effective between the dates of 09/27/2004 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 10.1:

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

Emission Unit: 1-04058

Emission Point: CDEP1

Height (ft.): 30

Diameter (in.): 46

**Condition 11: Process Definition By Emission Unit
Effective between the dates of 09/27/2004 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 11.1:

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

Emission Unit: 1-04058

Process: P01

Source Classification Code: 3-05-002-01

Process Description:

PRODUCTION OF HOT MIX ASPHALTIC CONCRETE FOR USE IN ROAD CONSTRUCTION. AGGREGATE IS DRIED IN A NATURAL GAS FIRED ROTARY DRYER.

Emission Source/Control: 00ES2 - Combustion

Emission Source/Control: 00ES3 - Combustion

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Emission Source/Control: 00ES1 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00CD1 - Process

Item 11.2:

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

Emission Unit: 1-04058
Process: P02
Source Classification Code: 3-05-002-01
Process Description:
PRODUCTION OF HOT MIX ASPHALTIC CONCRETE
FOR USE IN ROAD CONSTRUCTION. AGGREGATE IS
DRIED IN A #2 FUEL OIL FIRED ROTARY DRYER.

Emission Source/Control: 00ES2 - Combustion

Emission Source/Control: 00ES3 - Combustion

Emission Source/Control: 00ES1 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00CD1 - Process

Item 11.3:

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

Emission Unit: 1-04058
Process: P03
Source Classification Code: 3-05-002-01
Process Description:
PRODUCTION OF HOT MIX ASPHALTIC CONCRETE
FOR USE IN ROAD CONSTRUCTION. AGGREGATE IS
DREID IN A ROTARY DRYER FIRED BY WASTE
FUEL A (WASTE OIL).

Emission Source/Control: 00ES2 - Combustion

Emission Source/Control: 00ES3 - Combustion

Emission Source/Control: 00ES1 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00CD1 - Process

**Condition 12: Emission Unit Permissible Emissions
Effective between the dates of 09/27/2004 and Permit Expiration Date**

New York State Department of Environmental Conservation

Permit ID: 9-0484-00129/00001

Facility DEC ID: 9048400129



Applicable State Requirement: 6NYCRR 201-7

Item 12.1:

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

Emission Unit: 1-04058

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 58,500 pounds per year

CAS No: 0NY998-00-0

Name: VOC

14,400 pounds per year

Condition 13: Process Permissible Emissions

Effective between the dates of 09/27/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7

Item 13.1:

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

Emission Unit: 1-04058 Process: P01

CAS No: 000630-08-0

Name: CARBON MONOXIDE

58,500 pounds per year

Emission Unit: 1-04058 Process: P02

CAS No: 0NY998-00-0

Name: VOC

PTE(s): 14,400 pounds per year

Emission Unit: 1-04058 Process: P03

CAS No: 0NY998-00-0

Name: VOC

PTE(s): 14,400 pounds per year

Condition 14: Capping Monitoring Condition

Effective between the dates of 09/27/2004 and Permit Expiration Date

New York State Department of Environmental Conservation

Permit ID: 9-0484-00129/00001

Facility DEC ID: 9048400129



Applicable State Requirement: 6NYCRR 201-7

Item 14.1:

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

6NYCRR 201-6.1(a)

6NYCRR 231-2

Item 14.2:

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

Item 14.3:

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 14.4:

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 14.5:

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 14.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-04058

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

CAS No: 000630-08-0 CARBON MONOXIDE

Item 14.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

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Monitoring Description:

- 1.) Asphaltic concrete production shall be limited to 450,000 tons during every 12 month period. Such a limitation will limit pollutant emissions below the Title V and Part 231-2, non-attainment NSR, applicability thresholds. Limiting carbon monoxide emissions to 58,500 pounds per year and VOC emissions to 14400 pounds per year respectively.
- 2.) Records of asphalt production shall be kept on a daily basis and to verify compliance with the production limit in item 1 above, the total production for the previous 12 months shall be computed monthly. This 12 month period ends on the last day of the month and the 12 month totals shall be computed by the 15th day of each month.
- 3.) The owner or operator of this facility shall maintain all required records on-site for a period of five years. These records shall be available to representatives of the department upon request. Department representatives must be granted access to any facility, 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.
- 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: 450000 tons per year

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 10/26/2005 for the period 09/27/2004 through 09/26/2005