



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 2-6302-00083/00005  
Mod 0 Effective Date: 01/08/2002 Expiration Date: No expiration date.  
Mod 1 Effective Date: 02/21/2003 Expiration Date: No expiration date.  
Mod 2 Effective Date: 03/22/2005 Expiration Date: No expiration date.

Permit Issued To: COLLEGE POINT ASPHALT LLC  
120-01 31ST AVE  
FLUSHING, NY 11354

Contact: GEORGE FARRAND  
MT HOPE ROCK PRODUCTS INC  
625 MOUNT HOPE RD  
WHARTON, NJ 07885  
(973) 366-7741

Facility: COLLEGE POINT ASPHALT  
120-01 31ST AVE  
FLUSHING, NY 11354

Contact: BRIAN MISSBACH  
COLLEGE POINT ASPHALT LLC  
120-01 31ST AVE  
FLUSHING, NY 11354  
(718) 861-8888

Description:

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: JOHN F CRYAN  
NYSDEC  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101-5407

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 and Modifications  
Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal-REGION 2  
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(a)**

**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.

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



The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 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 2 Headquarters  
Division of Environmental Permits  
1 Hunters Point Plaza, 4740 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4997



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: COLLEGE POINT ASPHALT LLC  
120-01 31ST AVE  
FLUSHING, NY 11354

Facility: COLLEGE POINT ASPHALT  
120-01 31ST AVE  
FLUSHING, NY 11354

Authorized Activity By Standard Industrial Classification Code:  
None Listed On Application

Mod 0 Permit Effective Date: 01/08/2002  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 02/21/2003  
date.

Permit Expiration Date: No expiration

Mod 2 Permit Effective Date: 03/22/2005  
date.

Permit Expiration Date: No expiration



## 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 2  
HEADQUARTERS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 3 6NYCRR 200.7: Maintenance of equipment
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.5: Emergency Defense
- 6 6NYCRR 201-1.7: Recycling and Salvage
- 7 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected  
Contaminants to the Air
- 8 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 9 6NYCRR 201-3.2(a): Proof of Eligibility
- 10 6NYCRR 201-3.3(a): Proof of Eligibility
- 11 6NYCRR 201-7.2: Facility Permissible Emissions
- \*12 6NYCRR 201-7.2: Compliance Demonstration
- 13 6NYCRR 202-1.1: Required emissions tests
- 14 6NYCRR 211.3: Visible emissions limited.
- 15 6NYCRR 212.10: Facility Permissible Emissions
- \*16 6NYCRR 212.10: Compliance Demonstration
- 17 6NYCRR 212.11(a): Sampling and Monitoring
- 18 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 19 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 20 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

#### Emission Unit Level

- 21 6NYCRR 201-7.2: Emission Unit Permissible Emissions
- 22 6NYCRR 201-7.2: Process Permissible Emissions
- 23 6NYCRR 212.10: Emission Unit Permissible Emissions
- 24 6NYCRR 212.10: Process Permissible Emissions

#### EU=U-00AP1,Proc=AP1

- 26 6NYCRR 212.5(e): Sources meeting Federal requirements, satisfy Part  
212 compliance for regulated contaminant

#### EU=U-00AP1,Proc=AP1,ES=00AP1

- 25 6NYCRR 212.6(a): 212.6(a) - Opacity standard

#### EU=U-00AP1,EP=00AP1



27 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

28 6NYCRR 201-1.4: Unavoidable noncompliance and violations

29 6NYCRR 201-5: General Provisions

30 6NYCRR 201-5: Permit Exclusion Provisions

31 6NYCRR 201-5: Emission Unit Definition

32 6NYCRR 201-5.1(a)(1): General Conditions - Synthetic Minor

Facilities Obtaining State Facility Permits

33 6NYCRR 201-5.3(b): Contaminant List

34 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

35 6NYCRR 201-5: Emission Point Definition By Emission Unit

36 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.





**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

Any person who owns or operates an air contamination 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 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 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 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: Sealing**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 200.5**

**Item 1.1:**

(a) 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 labelling 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.

(b) 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.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

**Condition 2: Acceptable ambient air quality**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 200.6**

**Item 2.1:**

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.

**Condition 3: Maintenance of equipment**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 200.7**

**Item 3.1:**

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.



**Condition 4: Unpermitted Emission Sources**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-1.2**

**Item 4.1:**

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.

**Condition 5: Emergency Defense**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-1.5**

**Item 5.1:**

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.

**Condition 6: Recycling and Salvage**



**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-1.7**

**Item 6.1:**

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.

**Condition 7: Prohibition of Reintroduction of Collected Contaminants to the Air**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-1.8**

**Item 7.1:**

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.

**Condition 8: Public Access to Recordkeeping**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-1.10(a)**

**Item 8.1:**

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.

**Condition 9: Proof of Eligibility**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-3.2(a)**

**Item 9.1:**

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.

**Condition 10: Proof of Eligibility**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**



**Applicable Federal Requirement:6NYCRR 201-3.3(a)**

**Item 10.1:**

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.

**Condition 11: Facility Permissible Emissions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

Applicaton Specific Data

**Condition 12: Compliance Demonstration**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS  
Monitoring Description:  
Production of bituminous concrete limited to a maximum of 550,000 tons per calendar year to avoid applicability to Title V & NOx RACT plan.

Work Practice Type: PROCESS MATERIAL THRUPUT  
Process Material: ASPHALT  
Upper Permit Limit: 550,000 tons per year  
Monitoring Frequency: DAILY  
Averaging Method: ANNUAL MAXIMUM ROLLED DAILY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2003.  
Subsequent reports are due every 12 calendar month(s).

**Condition 13: Required emissions tests**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**





**Applicable Federal Requirement:6NYCRR 202-1.1**

**Item 13.1:**

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.

**Condition 14: Visible emissions limited.**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 211.3**

**Item 14.1:**

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

**Condition 15: Facility Permissible Emissions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.10**

Applicaton Specific Data

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.10**

**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS  
Monitoring Description:  
Production of bituminous concrete limited to a maximum of 550,000 tons per calendar year to avoid applicability to Title V & NOx RACT plan.

Work Practice Type: PROCESS MATERIAL THRUPUT



Process Material: ASPHALT  
Upper Permit Limit: 550,000 tons per year  
Monitoring Frequency: DAILY  
Averaging Method: ANNUAL MAXIMUM ROLLED DAILY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2003.  
Subsequent reports are due every 12 calendar month(s).

**Condition 17: Sampling and Monitoring**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.11(a)**

**Item 17.1:**

The owner and/or operator of this facility, if required by the department to conduct stack testing to demonstrate compliance with 6 NYCRR Part 212, must comply with notification requirements and conduct capture efficiency and/or stack testing using acceptable procedures pursuant to 6 NYCRR Part 202.

**Condition 18: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 215**

**Item 18.1:**

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.

**Condition 19: Compliance Demonstration**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 19.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 19.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT



Upper Permit Limit: 0.2 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 20: Compliance Demonstration**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 20.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

STACK TEST HAS BEEN PERFORMED AS  
REQUIRED BY 40 CFR 60 SUBPART I.  
FACILITY WILL MAINTAIN RECORDS OF  
PRODUCTION AND MAINTAIN PRODUCTION  
EQUIPMENT TO MAINTAIN THE PARTICULATE  
MATTER AT OR BELOW 0.04 GR/DSCF AND  
OPACITY BELOW 20 PERCENT.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 21: Emission Unit Permissible Emissions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 21.1:**

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: U-00AP1

CAS No: 0NY210000 (From Mod 0)

Name: OXIDES OF NITROGEN

PTE(s): 12.9 pounds per hour

49,900 pounds per year



**Condition 22: Process Permissible Emissions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 22.1:**

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: U-00AP1 Process: AP1  
CAS No: 0NY210-00-0 (From Mod 0)  
Name: OXIDES OF NITROGEN  
PTE(s): 12.9 pounds per hour  
49,900 pounds per year

**Condition 23: Emission Unit Permissible Emissions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.10**

**Item 23.1:**

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: U-00AP1  
CAS No: 0NY210000 (From Mod 0)  
Name: OXIDES OF NITROGEN  
PTE(s): 12.9 pounds per hour  
49,900 pounds per year

**Condition 24: Process Permissible Emissions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.10**

**Item 24.1:**

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: U-00AP1 Process: AP1  
CAS No: 0NY210-00-0 (From Mod 0)  
Name: OXIDES OF NITROGEN  
PTE(s): 12.9 pounds per hour  
49,900 pounds per year

**Condition 26: Sources meeting Federal requirements, satisfy Part 212**



**compliance for regulated contaminant**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.5(e)**

**Item 26.1:**

This Condition applies to Emission Unit: U-00AP1  
Process: AP1

**Item 26.2:**

A process emission source, subject to the Federal new source performance standards in 40 CFR Part 60, the national emission standards for hazardous air pollutants in 40 CFR Part 61, or to the polychlorinated biphenyl disposal criteria in 40 CFR part 761 satisfies the requirements of this Part for the contaminant regulated by the Federal standard if the source owner can demonstrate that the source is in compliance with the respective Federal regulation.

**Condition 25: 212.6(a) - Opacity standard**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 212.6(a)**

**Item 25.1:**

This Condition applies to Emission Unit: U-00AP1  
Process: AP1 Emission Source: 00AP1

**Item 25.2:**

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.

**Condition 27: Compliance Demonstration**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 27.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00AP1 Emission Point: 00AP1

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

**Item 27.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

STACK TEST HAS BEEN PERFORMED AS  
REQUIRED BY 40 CFR PART 60 SUBPART I.  
FACILITY WILL MAINTAIN CONTROL EQUIPMENT  
TO MAINTAIN THE PARTICULATE MATTER AT OR



BELOW 0.04 GR/DSCF AND OPACITY BELOW 20  
PERCENT.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**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 law.

**STATE ONLY APPLICABLE REQUIREMENTS**

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



**Condition 28: Unavoidable noncompliance and violations**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

Item 28.1:

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 superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

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

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





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

**Condition 29: General Provisions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 29.1:**

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

**Item 29.2:**

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.

**Item 29.3:**

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.

**Condition 30: Permit Exclusion Provisions**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 30.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless



specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

**Condition 31: Emission Unit Definition**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 31.1(From Mod 0):**

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

Emission Unit: U-00AP1

Emission Unit Description:

THE EMISSION UNIT IS AN ASPHALT PLANT WITH  
BAGHOUSE AS A CONTROL DEVICE.

Building(s): YARD

**Condition 32: General Conditions - Synthetic Minor Facilities Obtaining**  
**State Facility Permits**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable State Requirement:6NYCRR 201-5.1(a)(1)**

**Item 32.1:**

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

**Item 32.2:**

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 32.3:**

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 that would require the submission of an application for a Title V facility permit, or compliance with an applicable requirement.

**Item 32.4:**

The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility permit or other applicable requirements constitutes a violation of Part 201 and of the Act.

**Condition 33: Contaminant List**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable State Requirement:6NYCRR 201-5.3(b)**

**Item 33.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

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

**Condition 34: Air pollution prohibited**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

**Applicable State Requirement:6NYCRR 211.2**

**Item 34.1:**

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 35: Emission Point Definition By Emission Unit**  
**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 35.1(From Mod 0):**

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

Emission Unit: U-00AP1



Emission Point: 00AP1

Height (ft.): 25

Length (in.): 72

Width (in.): 42

NYTMN (km.): 4513.823

NYTME (km.): 597.233

Building: YARD

**Condition 36: Process Definition By Emission Unit**

**Effective between the dates of 01/08/2002 and Permit Expiration Date**

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

**Item 36.1(From Mod 0):**

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

Emission Unit: U-00AP1

Process: AP1

Source Classification Code: 3-05-002-05

Process Description:

THE ASPHALT PLANT CONSISTS OF COLD FEED BINS, SCREENS, CONVEYORS, AND DRYER/BURNER WITH A RATING OF 125 MMBTU/HR, ASPHALT OIL STORAGE TANKS, BURNERS TO KEEP ASPHALT OIL HOT, ASPHALT MIX STORAGE SILOS AND ASSOCIATED BURNERS TO KEEP THE MIX HOT. PLEASE SEE DWG. 82166-00AP1 FOR THE PROCESS FLOW. ALL MATERIALS ARE STORED IN BINS OR STORAGE CONTAINERS SPECIFICALLY MADE FOR THAT PRODUCT, AND EACH ONE IS KEPT SEPARATE. THE STONE IS FED WITH A PAYLOADER INTO COLD FEED BINS, WHICH FEED ONTO THE AGGREGATE FEED BELT INTO THE PLANT. THE ASPHALT IS FED INTO THE DRUM OF THE PLANT THROUGH PIPING BY A PUMP, WHERE IT IS COMBINED WITH THE STONE AND SAND, WHICH HAD BEEN HEATED BY THE BURNER USING THE FUEL THAT WAS DELIVERED INTO AN APPROVED FUEL TANK AND FED THROUGH PERMANENT PIPING BY A FUEL PUMP. WHEN PROCESSED, THE MATERIAL IS FED ONTO THE DRAG SLAT CONVEYOR AND STORED IN ONE OF FIVE HOT STORAGE BINS FROM WHICH TRUCKS ARE LOADED AND SENT TO A SCALEHOUSE TO BE WEIGHED AND TICKETED.

Emission Source/Control: 00AP1 - Process

Design Capacity: 400 tons per hour

New York State Department of Environmental Conservation

Permit ID: 2-6302-00083/00005

Facility DEC ID: 2630200083

