



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 3-3724-00018/00007  
Effective Date: 09/02/2014 Expiration Date: 09/01/2024

Permit Issued To: PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603-2223

Contact: ROBERT J YAREMKO  
PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603  
(914) 949-2000

Facility: PECKHAM-BURDICK ROAD ASPHALT PLANT  
BURDICK RD  
PATTERSON, NY 12563

Description:  
Peckham Materials Corp. operates a 240 ton/hour asphalt batch plant in Patterson, NY. Crushed stone is conveyed to a rotating stone dryer which dries and heats aggregate. Aggregate is then screened into storage bins, fed to a weight hopper and transferred to a pug mill and mixed with asphaltic concrete.

Ren 1

Department initiated Renewal for the Peckham Materials Asphalt Plant, located in Patterson, Putnam County. This renewal addresses regulations that have been updated after this permit was first issued. New sulfur content limits for distillate, residual and waste oil have been added under 225. Annual tune-ups for the dryer burner, a stockpile maintenance plan and low NOx burner replacement requirements have been added under 212. Reporting frequencies for certain conditions have also been changed. Renewal expiration, under 201-5.2(c), applies ten years from the issuance date.

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 3372400018**



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:           GEORGE A SWEIKERT  
  NYSDEC - REGION 3  
  21 S PUTT CORNERS RD  
  NEW PALTZ, NY 12561-1696

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for permit renewals, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS



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

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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



**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
Region 3 Headquarters  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3054



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603-2223

Facility: PECKHAM-BURDICK ROAD ASPHALT PLANT  
BURDICK RD  
PATTERSON, NY 12563

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

Permit Effective Date: 09/02/2014

Permit Expiration Date: 09/01/2024



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- \*2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 3 6 NYCRR 211.1: Air pollution prohibited
- 4 6 NYCRR 212.6 (a): Compliance Demonstration
- 5 6 NYCRR 212.11: Compliance Demonstration
- 6 6 NYCRR 212.12 (a) (1): Compliance Demonstration
- 7 6 NYCRR 212.12 (a) (2): Compliance Demonstration
- 8 6 NYCRR 212.12 (b): Compliance Demonstration
- 9 6 NYCRR 225-1.2 (d): Compliance Demonstration
- 10 6 NYCRR 225-1.2 (f): Compliance Demonstration
- 11 6 NYCRR 225-1.2 (h): Compliance Demonstration
- 12 6 NYCRR 225-1.2 (i): Compliance Demonstration
- 13 6 NYCRR 225-2.3 (b): Compliance Demonstration
- 14 6 NYCRR 225-2.7: Compliance Demonstration
- 15 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 16 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 17 ECL 19-0301: Contaminant List
- 18 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 19 6 NYCRR Subpart 201-5: Emission Unit Definition
- 20 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 21 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 22 6 NYCRR 211.2: Visible Emissions Limited
- 23 6 NYCRR 211.2: Compliance Demonstration

#### Emission Unit Level

- 24 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.





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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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



required to operate such device effectively.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

**Item K: Open Fires Prohibitions - 6 NYCRR 215.2**  
Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item L: 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 M: Federally Enforceable Requirements - 40 CFR 70.6 (b)**  
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 1: Facility Permissible Emissions**



Effective between the dates of 09/02/2014 and 09/01/2024

Applicable Federal Requirement:6 NYCRR Subpart 201-7

**Item 1.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0

PTE: 190,000 pounds per year

Name: OXIDES OF NITROGEN

**Condition 2: Capping Monitoring Condition**

Effective between the dates of 09/02/2014 and 09/01/2024

Applicable Federal Requirement:6 NYCRR Subpart 201-7

**Item 2.1:**

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

6 NYCRR Subpart 201-6

**Item 2.2:**

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

**Item 2.3:**

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

**Item 2.4:**

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 2.5:**

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 2.6:**

The Compliance Demonstration activity will be performed for the Facility.

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Regulated Contaminant(s):

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

**Item 2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility wide oxides of nitrogen (NOx) emissions will be limited to less than 95 tons per year with a federally enforceable emissions cap. This cap will be met by limiting the quantity of hot mix asphalt produced to 1,500,000 tons per year based on a rolling consecutive twelve month period. An emission factor of 0.12 lb NOx per ton of HMA produced is used to reach this production limit. Records shall be maintained on site and made available to the Department upon request. Annual reporting required.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 1500000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

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

**Condition 3: Air pollution prohibited**

**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 3.1:**

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

**Condition 4: Compliance Demonstration**

**Effective between the dates of 09/02/2014 and 09/01/2024**

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

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**Item 4.1:**

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

Emission Unit: 0-BATCH

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

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits great than 20 percent opacity (six minute average), except for one six minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 evaluation.

Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: 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 5: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable Federal Requirement:6 NYCRR 212.11**

**Item 5.1:**

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

Emission Unit: 0-BATCH      Emission Point: BATCH

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The facility shall operate and maintain a magnehelic gauge (or equivalent) to measure pressure differential of the hot mix asphalt baghouse. Maintenance and or replacement

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of filter media shall be conducted in accordance with good engineering practice and manufacturer specification.

Facility shall monitor operations by recording pressure differential readings weekly. Records shall be maintained by the facility for five years and made available to the Department upon request.

Monitoring Frequency: WEEKLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 6: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable Federal Requirement:6 NYCRR 212.12 (a) (1)**

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A tune-up must be performed on the dryer burner on an annual basis at any hot mix asphalt production plant that is in operation during that calendar year. Records must be kept that contain the date of the tune-up, the company conducting the tune-up, and maintenance procedures performed during the tune-up. Annual reporting required.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

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

**Condition 7: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable Federal Requirement:6 NYCRR 212.12 (a) (2)**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES





Monitoring Description:

The facility must have a plan which details the introduction or continuation of methods by which to reduce the moisture content of the aggregate stockpile(s). The facility shall perform self-inspections to monitor compliance with the plan. Details of this plan must be kept on site and made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 8: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable Federal Requirement: 6 NYCRR 212.12 (b)**

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

When the burner is to be replaced, and a low NOx burner is not the unit of choice, the owner or operator of a hot mix asphalt plant must provide the Department with an economic feasibility analysis that justifies their decision. The economic analysis must follow an approach acceptable to the Department.

By January 1, 2020, all owners or operators of active plants which have not installed a low NOx burner must have submitted an economic feasibility analysis. A low NOx burner must be installed for that operating year in all instances in which it proves feasible.

Hot mix asphalt production plants which are in a state of inactivity on January 1, 2020, and have not otherwise complied with the requirements of this subdivision by that date must do so prior to continued operation.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**



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

**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the firing of residual oil with a sulfur content of 0.37% on or after July 1, 2014. Facilities shall maintain records that contain the sulfur content and oil supplier for every delivery. Records must be kept on site and made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.37 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 10: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 10.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall not purchase No. 2 fuel oil containing sulfur exceeding 0.0015% by weight, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that contain the sulfur content and oil supplier for every delivery. These records shall be maintained on site and available for Department review upon request.

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Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 11: Compliance Demonstration**  
Effective between the dates of 07/01/2016 and 09/01/2024

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

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The facility shall not fire distillate fuel containing sulfur exceeding 0.0015% by weight, after July 1, 2016, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that contain the sulfur content and oil supplier for every delivery. These records shall be maintained on site and made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 12: Compliance Demonstration**  
Effective between the dates of 09/02/2014 and 09/01/2024

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

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

**New York State Department of Environmental Conservation**

Permit ID: 3-3724-00018/00007

Facility DEC ID: 3372400018



Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall not fire waste fuel containing sulfur exceeding 0.75% by weight, after July 1, 2014, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that contain the sulfur content and oil supplier for every delivery. These records shall be maintained on site and made available for the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.75 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 13: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 13.1:**

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

Emission Unit: 0-BATCH

Process: 003

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Patterson-Burdick Road Asphalt Plant shall operate the batch mix asphalt plant at a combustion efficiency of at least 99% while firing waste fired oil. Results from a Combustion Efficiency Test performed on 10/16/1997 show the average combustion efficiency over 99% with an average of 99.26%. NYSDEC reserves the right to request future performance testing to verify compliance.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA Method 3A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

New York State Department of Environmental Conservation

Permit ID: 3-3724-00018/00007

Facility DEC ID: 3372400018



DESCRIPTION  
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 14: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 14.1:**

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

Emission Unit: 0-BATCH  
Process: 003

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The facility must maintain analytical sampling results for waste fuel received and fired in accordance with 6NYCRR Part 225-2. These records must be kept on site and made available to the Department upon request. The following parameters and allowable limits apply:

Polychlorinated Biphenyls (PCB)	< 50 ppm
Total Halogen	1,000 ppm maximum
Sulfur	Less than 0.75 % by weight
Lead	250 ppm maximum
Heat Content	125,000 BTU/gal minimum

Sampling shall be conducted per 7,000 gallon delivery.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 3-3724-00018/00007

Facility DEC ID: 3372400018



Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

On and after the date on which the performance test required to be conducted is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.04 gr/dscf. Monitoring shall be conducted during plant operation. All records shall be kept on site and provided to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ASPHALT

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 16: Compliance Demonstration**

**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

On and after the date on which the performance test required to be conducted 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% opacity, or greater. The Department reserves the right to perform or require the performance of a Method 9 evaluation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ASPHALT

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



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

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

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

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

**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 17: Contaminant List**  
**Effective between the dates of 09/02/2014 and 09/01/2024**





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

**Item 17.1:**

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 18: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 18.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that



such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 19: Emission Unit Definition**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 19.1:**

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

Emission Unit: 0-BATCH

Emission Unit Description:

Hot mix asphalt (HMA) batch plant. Liquid asphalt, various sizes of aggregate, sand and recycled asphalt pavement (RAP) are combined to produce HMA. Liquid asphalt is stored in heated above-ground tanks. Aggregate, sand, and RAP are stored in stockpiles on site. The aggregate, sand, RAP and liquid asphalt are heated and blended in a rotary dryer to produce HMA. The dryer is vented to a baghouse. The plant's dryer burner can run on either natural gas or #2 fuel oil or specification waste oil (waste fuel A).

**Condition 20: Renewal deadlines for state facility permits**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 20.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 21: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 21.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 21.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources

New York State Department of Environmental Conservation

Permit ID: 3-3724-00018/00007

Facility DEC ID: 3372400018



NYS Dept. of Environmental Conservation  
Region 3  
21 South Putt Corners Rd.  
New Paltz, NY 12561

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2015.  
Subsequent reports are due every 12 calendar month(s).

**Condition 22: Visible Emissions Limited**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 22.1:**

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 23: Compliance Demonstration**  
**Effective between the dates of 09/02/2014 and 09/01/2024**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 23.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 23.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No waste oil is to be used for fugitive dust control.  
Plant roadways and stockpiles must be watered and/or treated with an approved dust suppressant, as appropriate, and speed limited to preclude emissions of dust which is determined to be in violation of 6 NYCRR 211.2.

If complaints of current excess dust are received, then the facility must immediately apply corrective measure, as necessary to comply with the requirements of 6 NYCRR 211.2. A log of any complaints received must be kept in a logbook or other format acceptable to the Department.

The following data must be recorded for each observation:

The date and time of the complaint,



The name, address and phone # of the complainant (if given),  
The complainant's description of the complaint,  
The facility's evaluation of the complaint, and  
The corrective measures taken.

This logbook must be retained at the facility for five (5) years after the date of the last entry.

All records must be kept on site and made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 24: Emission Point Definition By Emission Unit  
Effective between the dates of 09/02/2014 and 09/01/2024**

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

**Item 24.1:**

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

Emission Unit: 0-BATCH

Emission Point: BATCH

Height (ft.): 45

Diameter (in.): 58

NYTMN (km.): 4597.413 NYTME (km.): 616.531

