

Facility DEC ID: 4382400131

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-3824-00131/00001  
Mod 0 Effective Date: 02/13/2018 Expiration Date: 02/12/2028  
Mod 1 Effective Date: 08/07/2019 Expiration Date: 02/12/2028

Permit Issued To: 19 Sun Oil Road LLC  
PO Box 271  
East Greenbush, NY 12061-0271

Contact: Lorne Browe  
PO Box 271  
East Greenbush, NY 12061  
(518) 857-1460

Facility: SUN OIL ROAD ASPHALT PLANT  
Sun Oil Rd  
East Greenbush, NY 12061

Description:  
This modification updates the process of how Hot Mix Asphalt (HMA) is to be manufactured at the facility. The plant will now produce asphalt by the batch mix method (originally it was going be drum plant) and use only natural gas. Total production is limited to 300,000 tons of asphalt per year.

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: KATE F KORNAK  
NYSDEC - REGION 4  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306-2014

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

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### 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.

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**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 the expiration of permits for Title V and 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**

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**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 4 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 4 Headquarters  
Division of Environmental Permits  
1130 North Westcott Rd.  
Schenectady, NY 12306-2014  
(518) 357-2069

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: 19 Sun Oil Road LLC  
PO Box 271  
East Greenbush, NY 12061-0271

Facility: SUN OIL ROAD ASPHALT PLANT  
Sun Oil Rd  
East Greenbush, NY 12061

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

Mod 0 Permit Effective Date: 02/13/2018

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Mod 1 Permit Effective Date: 08/07/2019

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- 7 3 6 NYCRR 212-4.1 (a) (2): Compliance Demonstration
- 7 4 6 NYCRR 212-4.1 (b): Compliance Demonstration
- 8 5 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration
- 9 6 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration

**EU=2-BROWE**

- 9 1-2 6 NYCRR 212-1.5 (d): Compliance Demonstration

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- 17 1-5 6 NYCRR 212-2.3 (b): Compliance Demonstration

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**FEDERALLY ENFORCEABLE CONDITIONS**

Mod 1/FINAL

\*\*\*\* 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.



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**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: 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 F: 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 G: 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 H: 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

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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 I: 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 J: 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 K: 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 L: 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

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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 13: Visible Emissions Limited**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 13.1:**

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 1-1: Compliance Demonstration**  
**Effective between the dates of 08/07/2019 and 02/12/2028**

**Applicable Federal Requirement:6 NYCRR 212-1.6 (a)**

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

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: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 2: Compliance Demonstration**  
Effective between the dates of 02/13/2018 and 02/12/2028

**Applicable Federal Requirement:6 NYCRR 212-4.1 (a) (1)**

**Item 2.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BROWE

**Item 2.2:**

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.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2018.

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

**Condition 3: Compliance Demonstration**  
Effective between the dates of 02/13/2018 and 02/12/2028

**Applicable Federal Requirement:6 NYCRR 212-4.1 (a) (2)**

**Item 3.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BROWE

**Item 3.2:**

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.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 4: Compliance Demonstration**  
Effective between the dates of 02/13/2018 and 02/12/2028

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**Applicable Federal Requirement:6 NYCRR 212-4.1 (b)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-BROWE

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(1) 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.

(2) 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.

(3) 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.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-BROWE

Process: N2O

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

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

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Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater. The owner or operator shall maintain records of the opacity tests on site and will provide those records to the Department upon request.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: EPA Method 9  
 Monitoring Frequency: ANNUALLY  
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
 Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 6: Compliance Demonstration**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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

**Item 6.1:**

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

Emission Unit: 1-BROWE  
 Process: N2O

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

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to 0.04 (90 mg/dscm) grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

Parameter Monitored: PARTICULATES  
 Upper Permit Limit: 0.04 grains per dscf  
 Reference Test Method: EPA Method 5  
 Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 1-2: Compliance Demonstration**  
**Effective between the dates of 08/07/2019 and 02/12/2028**

**Applicable Federal Requirement:6 NYCRR 212-1.5 (d)**

**Item 1-2.1:**

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The Compliance Demonstration activity will be performed for:

Emission Unit: 2-BROWE

Regulated Contaminant(s):

CAS No: 000050-00-0 FORMALDEHYDE

**Item 1-2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This emission point/emission source may emit formaldehyde, a High Toxicity Air Contaminant (HTAC). This contaminant is given an environmental rating of "A" per 6 NYCRR 212-1.3(e) Table 1 and required to have 90% control or greater per 6 NYCRR 212-2.3(b), Table 4, or Toxic - Best Available Control Technology (T-BACT).

Based on the annual HMA production cap and supporting documentation associated with submitted modification application, T-BACT is considered a formaldehyde emission rate of no greater than 0.238 pounds per tons asphalt produced. At the respective PTE's, ambient impacts are predicted to be below the Department's recommended SGCs/AGCs.

Per 6 NYCRR, Subpart 202-1, in order to determine compliance or non-compliance with this emission limit, the source owner may be required to submit an acceptable report of measured emissions within a stated time.

Upper Permit Limit: 0.238 pounds per ton

Reference Test Method: EPA Method 323

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

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

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department 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 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 and maintained;

(3) During the period of the emergency the facility owner 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 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 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 B: 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



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required to comply with the request within sixty working days of written notification by the Department.

Item C: **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 7: Contaminant List**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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

**Item 7.1:**

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

CAS No: 000050-00-0  
Name: FORMALDEHYDE

CAS No: 000630-08-0  
Name: CARBON MONOXIDE

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

**Condition 8: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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**Applicable State Requirement:6 NYCRR 201-1.4****Item 8.1:**

(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 9: Emission Unit Definition**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

**Applicable State Requirement:6 NYCRR Subpart 201-5****Item 9.1(From Mod 1):**

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

Emission Unit: 2-BROWE

Emission Unit Description:

A batch mix asphalt plant and associated control equipment used in the production of asphaltic concrete. The hot mix plant is fueled by natural gas. Power is supplied by grid power.

Permit ID: 4-3824-00131/00001

Facility DEC ID: 4382400131

The actual capacity of the plant is 300 tons per hour, but as per modeling, the allowable production rate is 275 tph.

Building(s): BH

**Condition 1-3: Compliance Demonstration**  
**Effective between the dates of 08/07/2019 and 02/12/2028**

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

**Item 1-3.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

As per modeling parameters, the batch plant is limited to producing only 275 tons per hour.

This limit is to be monitored and recorded whenever the plant is operating. Records shall be kept in a log and accessible to any of agency's representatives when requested.

All records shall be maintained on site and kept for a minimum of five years after the permit expires.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALTIC CONCRETE

Upper Permit Limit: 275 tons per hour

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
 SEE MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2020.

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

**Condition 1-4: Compliance Demonstration**  
**Effective between the dates of 08/07/2019 and 02/12/2028**

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

**Replaces Condition(s) 10**

**Item 1-4.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Permit ID: 4-3824-00131/00001

Facility DEC ID: 4382400131

**Item 1-4.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The proposed maximum emissions will be below the major threshold (100 tons or more per year) using AP-42 calculations for Carbon Monoxide (CO) for asphalt production. Additionally, the facility should be below the Synthetic Minor levels of 80 percent (SM-80) and considered a minor source of emissions for criteria contaminants.

In order to assure this, the facility shall maintain monthly records to document the production of asphalt on a rolling monthly average (a cumulative quantity reflecting the past twelve months) as well as any other emissions sources at the facility location. The facility has stated specifically the following is anticipated production based on fuel: 300,000 tons of asphalt per year to be produced using Natural Gas as a fuel source.

Using the following AP-42 emission factors (to be updated if the Clearinghouse is updated), the calculation will be as follows:

1. (tons of asphalt produced) x (emission of 0.40 pounds of CO per tons of asphalt produced using Natural Gas as a fuel source) = total CO emissions for the past twelve months
2. Any additional sources that are not exempt from 201-5 permitting.

Therefore: 1. (+) 2. < 79.5 tons of CO per year in order to be considered an a minor source of emissions.

These records shall be maintained on site for the length of permit term and ready for review when the agencies representatives arrive.

Parameter Monitored: CARBON MONOXIDE  
Upper Permit Limit: 79.5 tons per year  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2020.  
Subsequent reports are due every 12 calendar month(s).

**Condition 11: Renewal deadlines for state facility permits  
Effective between the dates of 02/13/2018 and 02/12/2028**

Permit ID: 4-3824-00131/00001

Facility DEC ID: 4382400131

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

**Item 11.1:**

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 12: Compliance Demonstration**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**

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  
NYS Dept. of Environmental Conservation  
Region 4  
1130 N. Westcott Rd.  
Schenectady, NY 12306

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2018.

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

**Condition 1: Air pollution prohibited**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 1.1:**

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.

Permit ID: 4-3824-00131/00001

Facility DEC ID: 4382400131

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

**Condition 16: Emission Point Definition By Emission Unit**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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

**Item 16.1(From Mod 1):**

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

Emission Unit: 2-BROWE

Emission Point: 00002

Height (ft.): 45                      Length (in.): 33                      Width (in.): 45  
 NYTMN (km.): 4718.483    NYTME (km.): 602.536    Building: BH

**Condition 17: Process Definition By Emission Unit**  
**Effective between the dates of 02/13/2018 and 02/12/2028**

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

**Item 17.1(From Mod 1):**

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

Emission Unit: 2-BROWE

Process: NG2

Source Classification Code: 3-05-002-45

Process Description:

A batch mix asphalt plant and associated control equipment used in the production of asphaltic concrete. The hot mix plant is fueled by natural gas. Power is supplied by grid power.

The actual capacity of the plant is 300 tons per hour but as per modeling, the plant shall be limited to 275 tons per hour.

Emission Source/Control: 00BH2 - Control

Control Type: FABRIC FILTER

Emission Source/Control: HMA02 - Process

Design Capacity: 300 tons per hour

**Condition 1-5: Compliance Demonstration**  
**Effective between the dates of 08/07/2019 and 02/12/2028**

**Applicable State Requirement:6 NYCRR 212-2.3 (b)**

**Replaces Condition(s) 18**

**Item 1-5.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-BROWE

Permit ID: 4-3824-00131/00001

Facility DEC ID: 4382400131

**Item 1-5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

An evaluation of air toxic contaminants for Benzene and Formaldehyde was conducted as part of the Renewal application. The evaluation focused on the emissions from the new 300 tph batch HMA plant operating at the projected production rates. The conservatively projected emissions were evaluated using AIRSCREEN model and determined to be below AGC/SGC values. No further monitoring or reporting required for these contaminants unless there is a change in the proposed method of operation.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Permit ID: 4-3824-00131/00001**

**Facility DEC ID: 4382400131**