



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 5-1722-00177/00001
Effective Date: 03/30/2018 Expiration Date: 03/29/2028

Permit Issued To: Empire Paving LLC
Richard Longo
1900 Duanesburg Rd
Duanesburg, NY 12056

Contact: Richard Longo
1900 Duanesburg Rd
Duanesburg, NY 12056-4312
(518) 376-0417

Facility: EMPIRE PAVING ASPHALT PLANT
500 St Rte 29
Broadalbin, NY 12025

Description:
New drum mix asphalt plant in Broadalbin.

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: KEVIN R BLISS
NYSDEC - WARRENSBURG SUBOFFICE
232 GOLF COURSE RD
WARRENSBURG, NY 12885-1172

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 5 SUBOFFICE - WARRENSBURG



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
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 5
SUBOFFICE - WARRENSBURG
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 5 Sub-office
Division of Environmental Permits
232 Golf Course Road
Warrensburg, NY 12885-1172
(518) 623-1281

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: Empire Paving LLC
Richard Longo
1900 Duanesburg Rd
Duanesburg, NY 12056

Facility: EMPIRE PAVING ASPHALT PLANT
500 St Rte 29
Broadalbin, NY 12025

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

Permit Effective Date: 03/30/2018

Permit Expiration Date: 03/29/2028



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 212-1.3: Compliance Demonstration
- 5 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 6 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 7 ECL 19-0301: Contaminant List
- 8 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 9 6 NYCRR Subpart 201-5: Emission Unit Definition
- 10 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 11 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 12 6 NYCRR 211.2: Visible Emissions Limited
- 13 6 NYCRR 211.2: Compliance Demonstration
- 14 6 NYCRR 212-2.1: Compliance Demonstration

Emission Unit Level

- 15 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 16 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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



required to operate such device effectively.

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

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

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

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

Item E: 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 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 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 03/30/2018 and 03/29/2028

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: 000630-08-0 Name: CARBON MONOXIDE	PTE: 18,819.17 pounds per year
CAS No: 0NY075-00-5 Name: PM-10	PTE: 3,266 pounds per year
CAS No: 0NY100-00-0 Name: TOTAL HAP	PTE: 752.6 pounds per year
CAS No: 0NY210-00-0 Name: OXIDES OF NITROGEN	PTE: 3,692 pounds per year
CAS No: 0NY998-00-0 Name: VOC	PTE: 6,865.08 pounds per year

Condition 2: Capping Monitoring Condition
Effective between the dates of 03/30/2018 and 03/29/2028

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:

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



6 NYCRR 201-6.1 (a)
6 NYCRR 212-3.1 (a)
40 CFR 52.21 (i) (2)

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.

Regulated Contaminant(s):

CAS No: 0NY075-00-5	PM-10
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 0NY998-00-0	VOC
CAS No: 0NY100-00-0	TOTAL HAP
CAS No: 000630-08-0	CARBON MONOXIDE

Item 2.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall cap annual emissions by limiting asphalt production to no greater than 142,000 tons during any 12-month period. This production cap limits facility-wide potentials to emit (PTEs) for NO_x, CO, VOC, total HAPs, and PM-10 to below applicability threshold for title V, 6 NYCRR 212-3 (VOC RACT) and PSD. The PTEs for

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



all other criteria contaminants are below major source thresholds as well, based on the current AP-42 emission factors.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: ASPHALTIC CONCRETE
Upper Permit Limit: 142000 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 1/30/2019.
Subsequent reports are due every 12 calendar month(s).

Condition 3: Air pollution prohibited
Effective between the dates of 03/30/2018 and 03/29/2028

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 03/30/2018 and 03/29/2028

Applicable Federal Requirement:6 NYCRR 212-1.3

Item 4.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Process emission sources must be evaluated on an individual contaminant basis and assigned an environmental rating, with the exception of High Toxic Air Contaminants (HTACs) meeting the emission limits of Table 2 of 212-2.2 and non-HTACs emitted at a facility-wide annual rate of less than 100 pounds.

The first factor affecting a process emission source's environmental rating is the toxicity classification (H-high, M -medium, or L-low) as defined in Part 212-1.2

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



and listed in the DAR-1 AGC/SGC tables. The DAR-1 environmental rating process commences with initially assigning the toxicity classification as the environmental (H, M, L toxicity contaminants should be assigned an ER of "A", "B" and "C," respectively).

Based on the Potentials to Emit (PTE), emission rate potentials (ERP) and other supporting documentation associated with application ID. No. 5-1722-00177-0001, predicted maximum ambient impacts for the permitted contaminants are in compliance with SGCs/AGCs. In accordance with §212-1.3 - Determination of Environmental Rating, environmental ratings of A, B or C have been assigned to all permitted contaminants in accord with the toxicity classifications identified in AGC/SGC tables, unless otherwise noted in this permit.

Any increase in a contaminants ERP/PTE (including speciated VOCs and PM) from those contained in the most recent approved application is a modification and requires, at a minimum, a notification in accordance with 6 NYCRR 201-5.4.

Monitoring Frequency: UPON PERMIT RENEWAL

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 5: Compliance Demonstration
Effective between the dates of 03/30/2018 and 03/29/2028

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

Item 5.1:

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

Emission Unit: 0-00001

Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

On and after the date on which the performance test required to be conducted by §60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contains particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).

Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act (or the Department), the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

The owner or operator of an affected facility shall provide the Department at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Department the opportunity to have an observer present.

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 6: Compliance Demonstration
Effective between the dates of 03/30/2018 and 03/29/2028

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

Item 6.1:

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

Emission Unit: 0-00001

Item 6.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the date on which the (particulate)

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



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

Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial (particulate) performance test required, and at such other times as may be required by the Department. The opacity results shall be reported along with the results of the initial (particulate) performance test required under §60.8.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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

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

Item A: 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 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 03/30/2018 and 03/29/2028**

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: 000630-08-0
Name: CARBON MONOXIDE

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

CAS No: 0NY075-00-5
Name: PM-10

CAS No: 0NY100-00-0



Name: TOTAL HAP

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

Name: VOC

Condition 8: Malfunctions and start-up/shutdown activities
Effective between the dates of 03/30/2018 and 03/29/2028

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

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



Effective between the dates of 03/30/2018 and 03/29/2028

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 9.1:

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

Emission Unit: 0-00001

Emission Unit Description:

Drum Mix Asphalt Plant

Building(s): Dryer

Heater

Loadout

Silo

Condition 10: Renewal deadlines for state facility permits

Effective between the dates of 03/30/2018 and 03/29/2028

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

Item 10.1:

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 11: Compliance Demonstration

Effective between the dates of 03/30/2018 and 03/29/2028

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

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: 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 5
232 Golf Course Rd.
Warrensburg, NY 12885

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 12: Visible Emissions Limited



Effective between the dates of 03/30/2018 and 03/29/2028

Applicable State Requirement:6 NYCRR 211.2

Item 12.1:

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 13: Compliance Demonstration

Effective between the dates of 03/30/2018 and 03/29/2028

Applicable State Requirement:6 NYCRR 211.2

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 13.2:

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 which states:

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.

If complaints of excess dust are received, the facility must immediately apply corrective measures as necessary to comply with the requirements of 6 NYCRR 211.2 as noted above. A log of complaints must be kept in a 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.

These records must be retained at the facility for a period of three (3) years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 14: Compliance Demonstration
Effective between the dates of 03/30/2018 and 03/29/2028

Applicable State Requirement: 6 NYCRR 212-2.1

Item 14.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 14.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of air contaminants to the outdoor atmosphere from any process emission source or emission point are restricted as follows:

(a) for an air contaminant listed in Section 212-2.2 Table 2 - High Toxicity Air Contaminant List, of this Part, the facility owner or operator shall either limit the actual annual emissions from all process operations at the facility so as to not exceed the mass emission limit listed for the individual HTAC; or demonstrate compliance with the air cleaning requirements for the HTAC as specified in Subdivision 212-2.3(b), Table 4 - Degree of Air Cleaning Required for Non-Criteria Air Contaminants, of this Part for the environmental rating assigned to the contaminant by the department.

(b) for any air contaminant not listed on Table 2, unless it is a solid particulate described in subdivision (c) of this Section, the facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in Subdivision 212-2.3(a), Table 3 - Degree of Air Cleaning Required for Criteria Air Contaminants, or Subdivision 212-2.3(b), Table 4 - Degree of Air Cleaning Required for Non-Criteria Air Contaminants, as applicable, for the environmental rating assigned to the contaminant by the department.

(c) for a solid particulate assigned an environmental rating of B or C emitted from a process emission source, the facility owner or operator shall not allow emissions

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



of particulate to exceed the requirements specified in
Subpart 212-2.4 of this Part.

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL
CHANGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

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

Condition 15: Emission Point Definition By Emission Unit
Effective between the dates of 03/30/2018 and 03/29/2028

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 15.1:

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 28 Length (in.): 48 Width (in.): 33
NYTMN (km.): 4768.309 NYTME (km.): 569.009 Building: Dryer

Emission Point: 00003

Height (ft.): 30 Diameter (in.): 13
NYTMN (km.): 4768.011 NYTME (km.): 569.232 Building: Loadout

Emission Point: 00004

Height (ft.): 30 Diameter (in.): 34
NYTMN (km.): 4768.011 NYTME (km.): 569.232 Building: Silo

Condition 16: Process Definition By Emission Unit
Effective between the dates of 03/30/2018 and 03/29/2028

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 16.1:

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

Emission Unit: 0-00001

Process: 001 Source Classification Code: 3-05-002-55

Emission Source/Control: BAGHS - Control

Control Type: FABRIC FILTER

Emission Source/Control: DRYER - Process

Design Capacity: 225 tons per hour

Item 16.2:

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

New York State Department of Environmental Conservation

Permit ID: 5-1722-00177/00001

Facility DEC ID: 5172200177



Emission Unit: 0-00001

Process: 003

Source Classification Code: 3-05-002-14

Emission Source/Control: LOADO - Process

Design Capacity: 225 tons per hour

Item 16.3:

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

Emission Unit: 0-00001

Process: 004

Source Classification Code: 3-05-002-13

Emission Source/Control: SILOF - Process