

Facility DEC ID: 9293000059

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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
 Permit ID: 9-2930-00059/00001
 Effective Date: _____ Expiration Date: _____

Permit Issued To: 4660 Witmer Rd LLC
 4660 Witmer Rd
 Niagara Falls, NY 14305

Contact: Rosanne Dipizio
 100 Stradtman St
 Cheektowaga, NY 14206
 (716) 462-7198

Facility: 4660 Witmer Rd LLC
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 Niagara Falls, NY 14305

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 Cheektowaga, NY 14206
 (716) 462-7198

Description:
 This new Air State Facility permit (ASF) will allow 4660 Witmer Road, LLC (Facility) to provide up to 150,000 tons of hot mix asphaltic cement (HMA) per every 12-months rolling total period. The asphalt will be used in roads, parking lots and highways throughout the greater Western New York area. The process will include storage of different size aggregates, storage of asphalt oil in an above ground storage tank heated by propane, a rotary drum dryer heated by propane, and silos for storage of the HMA product. During the review of the permit application, natural gas emission factors were used for the burning of propane. Presently, there are no emission factors for propane in USEPA AP-42. Based on the design of the HMA plant, the majority of emissions from the process are from the drum dryer, where propane is combusted to heat and dry the aggregate prior to mixing with hot asphalt oil. Exhaust from the drum dryer is ducted to a baghouse which removes particulate matter from the air stream prior to exhausting to the atmosphere. Due to winter weather conditions preventing placement or use of asphalt, the facility will typically only operate between May and November of any given year. In order to maintain carbon monoxide and VOC emissions below the major source thresholds of 100 tons per year (tpy) and 50 tpy, respectively, the facility has accepted an annual production limit of 150,000 tons per year of asphalt. The facility will accept this annual production limit as a federally enforceable permit condition in order to restrict operation and total potential emissions from the facility.

The Hot Mix Asphalt (HMA) rotary drum dryer utilizes a Tarmac, counterflow drum mixer, 8.5' in diameter and 45' long. The dryer is fired by a Hauck Eco-Star II model 75 liquid propane burner with a maximum capacity of 83 MMBtu/hr. The mixer is used to dry aggregate prior to mixing with liquid asphalt to produce hot mix asphalt. Primary emissions from the dryer are particulates from drying the aggregate, which are controlled by a BMG 68,000 acfm baghouse with 13,050 square feet of cloth filters and designed for greater than 99% particulate capture

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efficiency. Particulates captured in the baghouse are dropped out of the airstream, and criteria pollutants (byproducts) from propane combustion (carbon monoxide, oxides of nitrogen, etc.) pass through the baghouse and are exhausted to atmosphere. Emissions from the drum dryer and baghouse are exhausted from the baghouse through a 48" x 48" vertical exhaust, 31-feet above grade. This is emission point, EP001. The drum dryer is rated at production of 300 tons per hour of hot mix asphalt, and hourly emissions are based on 300 tons per hour multiplied by the associated AP-42 emission factors. The drag slat conveyor from the dryer to the storage silos will be covered to keep the material hot and protected from the elements.

Material is transported by conveyor to either silo for storage prior to loading trucks. The HMA process will utilize the two silos for storage of final product in periods when trucks are not being loaded. The emission factors provided in AP-42 Section 11, Table 11.1-14 are based on the tons of material produced/transported by the conveyor. These emissions are presented and counted in the emission inventory for determination of regulatory and permitting thresholds.

Condition 6 NYCRR Part 212-1.5(d) documents that a 6 NYCRR Part 212 Air Toxics evaluation was performed for the proposed asphalt plant following the procedures in DEC Policy DAR-1: Guidelines for the Evaluation and Control of Ambient Air Contaminants under Part 212 (DAR-1). Emission estimates are based on an asphalt paving material (asphalt) production rate of 150,000 tons per year (tpy) which is a federally enforceable production cap.

There are no controls that can be added to reduce formaldehyde so a Toxic-Best Available Control Technology (T-BACT) evaluation was conducted per 212-1.5(d). The August 19, 2020 application included a T-BACT analysis and concluded that T-BACT would require formaldehyde from the dryer to meet the Short-term Guidance Concentrations (SGC) and Annual Guidance Concentrations (AGC) in DAR-1. Formaldehyde emissions were modeled by DEC using EPA's AERSCREEN and the maximum off-site ambient concentration was 31% of the SGC and 92% of the AGC. Formaldehyde emissions from the dryer are considered in compliance with Part 212. As part of T-BACT, the burner must be tuned up annually and that is already required by 6NYCRR 212-4(a)(1) (The tune up requirement is in a separate permit condition).

The ERP of formaldehyde emissions from truck load out and the asphalt storage silos are each less than 0.1 lb/hr. The ERP of PAH's from the aggregate dryer, truck load out and asphalt storage silos are each less than 0.1 lb/hr. Table 4 requires emissions less than 0.1 lb/hr to comply with the applicable SGC and AGC. Emissions from each source were modeled using AERSCREEN and the predicted ambient concentrations for each were below the applicable SGC and AGC. This demonstrates compliance with Part 212.

Since the facility does not engage in any stone crushing or mineral processing activities, it is not subject to 40 CFR 60 Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plants.

Permit exempt sources include the 25,000 gallon liquid asphalt storage tank (The storage tank itself is exempt from permitting under 6 NYCRR Part 201-3.2(c)(21)) and heater, the aboveground propane tank, and the aggregate piles. Fugitive sources include the aggregate piles, cold aggregate bins, and truck load-out.

The proposed project was required to evaluate conformity with the goals of the Climate Leadership and Community Protection Act (CLCPA). The proposed project includes measures that inherently reduce its greenhouse gas (GHG) footprint and includes flexible operating scenarios that can also reduce its GHG footprint. These characteristics are summarized as follows:

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- The facility will use a propane-fired drum mix plant, which is anticipated to result in 10% fewer GHG emissions than a propane-fired batch mix plant. (EPA AP-42 natural gas emission factors were used to estimate emissions from propane combustion.)
- The facility includes the capability to produce warm mix asphalt (WMA), which would require less fuel and could reduce GHG emissions by 20%.
- The facility has limited its annual hot mix asphalt production to 150,000 tpy. This restriction on plant operations will have an enormous impact, reducing GHG emissions by 94%.
- Burner maintenance and annual tune-ups are anticipated to reduce fuel usage and GHG emissions by approximately 20%.
- Managing aggregate moisture by following the moisture mitigation plan is anticipated to reduce GHG emissions from reduced fuel usage by approximately 34%.
- Use of Reclaimed Asphalt Pavement (RAP) in place of virgin aggregate will reduce aggregate drying time and fuel usage, which has the potential to reduce GHG emissions by 30%.

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

Permit Administrator: DAVID S DENK
 DIVISION OF ENVIRONMENTAL PERMITS
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2915

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

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- 6 2 Relationship of this Permit to Other Department Orders and Determinations
- 6 3 Applications for permit renewals, modifications and transfers
- 7 4 Permit modifications, suspensions or revocations by the Department

Facility Level

- 7 5 Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

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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 9 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 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7165

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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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Niagara Falls, NY 14305

Facility: 4660 Witmer Rd LLC
4660 Witmer Rd
Niagara Falls, NY 14305

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

Permit Effective Date:

Permit Expiration Date:

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FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 6 1 6 NYCRR 201-7.1: Facility Permissible Emissions
- 6 *2 6 NYCRR 201-7.1: Capping Monitoring Condition
- 8 3 6 NYCRR 211.2: Visible Emissions Limited
- 8 4 6 NYCRR 212-1.5 (d): Compliance Demonstration
- 9 5 6 NYCRR 212-4.1 (a) (1): Compliance Demonstration
- 10 6 6 NYCRR 212-4.1 (a) (2): Compliance Demonstration

Emission Unit Level

EU=1-DRYER,EP=EP001

- 11 7 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

EU=1-DRYER,EP=EP001,Proc=DRY

- 11 8 6 NYCRR 212-1.6 (a): Compliance Demonstration
- 12 9 6 NYCRR 212-2.5 (b): Compliance Demonstration

EU=1-DRYER,EP=EP001,Proc=DRY,ES=BAGH1

- 13 10 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 14 11 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 18 12 ECL 19-0301: Contaminant List
- 18 13 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 19 14 6 NYCRR Subpart 201-5: Emission Unit Definition
- 20 15 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 20 16 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 20 17 6 NYCRR 211.1: Air pollution prohibited

Emission Unit Level

- 21 18 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 21 19 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.

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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

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 1: Facility Permissible Emissions
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 201-7.1

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

PTE: 19,500 pounds per year

Name: CARBON MONOXIDE

Condition 2: Capping Monitoring Condition
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 201-7.1

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 201-6.1 (a)

40 CFR 52.21

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:

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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: 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:

- 1.) Asphaltic concrete production shall be limited to 150,000 tons per every 12 month period which will keep emissions below the thresholds for Title V permitting applicability and the thresholds of the Prevention of Significant Deterioration (PSD) of air quality with respect to carbon monoxide (CO). This asphalt limit keeps the facility's actual tons of CO at 6.4 tons per year (tpy), compared to the Title V threshold of 100 tpy and the PSD threshold of 250 tpy.
- 2.) Records of asphalt production will be kept on a daily basis and to verify compliance with the production limit in item 1 above, the total production for each 12 month period shall be computed monthly. The 12 month period ends on the last day of the month.
- 3.) The owner or operator of this facility shall 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.
- 4.) All records and corresponding emission calculations shall be kept on site for a minimum of five (5) years.

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This information shall be made available to the department upon request. A capping certification shall be submitted annually, by January 30th each year. It shall include monthly and rolling 12-month asphalt production for the drum plant, monthly and rolling 12-month propane consumption for the hot oil furnace, and monthly and rolling 12-month CO emissions.

Work Practice Type: PROCESS MATERIAL THRUPUT
 Process Material: ASPHALTIC CONCRETE
 Upper Permit Limit: 150,000 tons per year
 Monitoring Frequency: DAILY
 Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 Subsequent reports are due every 12 calendar month(s).

Condition 3: Visible Emissions Limited
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 211.2

Item 3.1:

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 4: Compliance Demonstration
Effective for entire length of Permit

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

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:

This condition documents the 6 NYCRR Part 212 Air Toxics evaluation performed for the proposed asphalt plant following the procedures in DEC Policy DAR-1: Guidelines for the Evaluation and Control of Ambient Air Contaminants under Part 212 (DAR-1). Emission estimates are based on an asphalt paving material (asphalt) production rate of 150,000 tons per year (tpy) which is a the federally enforceable production cap.

Producing 150,000 tpy of asphalt, the facility will emit 480 pounds per year (lb/yr) of formaldehyde, which is greater than the 100 lb/yr Mass Emission Limit (MEL) in

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Part 212-2.2 Table 2 – high toxicity air contaminant list (Table 2). The facility will also emit 38.8 lb/yr of polycyclic aromatic hydrocarbons (PAH's), which are a subset of polycyclic organic matter (POM), and greater than the 1 lb/yr MEL for POM in 212-2.2 Table 2. Since both formaldehyde and PAH's exceed the applicable MEL's in 212-2.2 Table 2, the emissions from each emission source will need to comply with 212-2.3(b) Table 4 – Degree of Air Cleaning Required for Non-Criteria Air Contaminates (Table 4). Both contaminants were assigned an Environmental Rating of A.

The Emission Rate Potential (ERP) of formaldehyde from the aggregate dryer is 0.93 lb/hr so it must comply with the 90% control requirement in Table 4. There are no controls that can be added to reduce formaldehyde so a Toxic-Best Available Control Technology (T-BACT) evaluation was conducted per 212-1.5(d). The August 19, 2020 application included a T-BACT analysis and concluded that T-BACT would require formaldehyde from the dryer to meet the Short-term Guidance Concentrations (SGC) and Annual Guidance Concentrations (AGC) in DAR-1. Formaldehyde emissions were modeled by DEC using EPA's AERSCREEN and the maximum off-site ambient concentration was 31% of the SGC and 92% of the AGC. Formaldehyde emissions from the dryer are considered in compliance with Part 212. As part of T-BACT, the burner must be tuned up annually and that is already required by 6 NYCRR 212-4(a)(1) (The tune up requirement is in a separate permit condition).

The Emission Rate Potential (ERP) of formaldehyde emissions from truck load out and the asphalt storage silos are each less than 0.1 lb/hr. The ERP of PAH's from the aggregate dryer, truck load out and asphalt storage silos are each less than 0.1 lb/hr. Table 4 requires emissions less than 0.1 lb/hr to comply with the applicable SGC and AGC. Emissions from each source were modeled using AERSCREEN and the predicted ambient concentrations for each were below the applicable SGC and AGC. This demonstrates compliance with Part 212.

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Compliance Demonstration
Effective for entire length of Permit

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

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 5.2:

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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.

The tune-up records must be submitted annually to the RAPCE at the following address:

NYSDEC
270 Michigan Avenue
Buffalo, New York 14203

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 6: Compliance Demonstration
Effective for entire length of Permit

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

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:

The facility submitted a plan which details the methods by which to reduce the moisture content of the aggregate stockpile(s). The moisture plan, which was submitted on August 24, 2020, has been approved by DEC. The facility shall perform self-inspections to monitor compliance with the plan.

No further reporting is required unless requested by the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**** Emission Unit Level ****

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Condition 7: Compliance Demonstration
Effective for entire length of Permit

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

Item 7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DRYER Emission Point: EP001

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

Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- (1) 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 opacity in excess of 20 percent.
- (2) Method 9 shall be used to determine the opacity. 40 CFR Part 60.93(b)(2).
- (3) A Method 9 opacity test for the new plant shall commence no later than 180 days after start up and no later than 60 days after reaching maximum production rate.
- (4) A stack test protocol shall be submitted to the Department for approval at least thirty days in advance of the performance test.
- (5) Submit the emission test report within 60 days after the completion of the performance test.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Reference Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 8: Compliance Demonstration
Effective for entire length of Permit

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

Item 8.1:

The Compliance Demonstration activity will be performed for:

Permit ID: 9-2930-00059/00001

Facility DEC ID: 9293000059

Emission Unit: 1-DRYER
 Process: DRY

Emission Point: EP001

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

Item 8.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Facility owner or operator shall not cause or allow emissions having an average opacity of 20 percent or greater for any consecutive six minute period from any emission source into the outdoor atmosphere.

In order to demonstrate compliance with this requirement, the facility owner or operator shall check for visible emissions during daylight hours and while the facility is in operation, except during periods of extreme weather (fog, snow, rain). Should any visible emissions appear, the facility owner or operator shall determine the cause and immediately make the necessary correction(s). If after corrections are made and any emissions continue to be observed, the facility owner or operator will conduct a Method 9 assessment to determine the degree of opacity. The facility owner or operator will notify the DEC immediately if the Method 9 test indicates that the opacity standard is not met.

The visible emission observations and opacity will be recorded in a log book at the facility and shall be made available to the Department upon request. Records shall be maintained at the facility for a minimum of 5 years.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation to determine compliance with the above opacity limit.

Parameter Monitored: OPACITY
 Upper Permit Limit: 20 percent
 Reference Test Method: EPA Reference Method 9
 Monitoring Frequency: WHEN THE SOURCE IS OPERATING
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 9: Compliance Demonstration
Effective for entire length of Permit

Permit ID: 9-2930-00059/00001

Facility DEC ID: 9293000059

Applicable Federal Requirement:6 NYCRR 212-2.5 (b)

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DRYER Emission Point: EP001
Process: DRY

Item 9.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

To ensure particulate emissions from the hot-mix asphalt plants meet the grain loading standard under 6 NYCRR 212-2.5(b), the pressure drop across the baghouse must be maintained at or between 1.5 and 8.5 inches of water. To demonstrate compliance with this limit, the facility must monitor the pressure drop across the baghouse on a daily basis while the plant is operating. Any records showing a pressure drop outside of the allowable range must be investigated to determine the cause of the deviation. The facility must document their findings and any corrective actions taken. Records of daily pressure drop readings, observed deviations, and corrective actions must be kept on site for at least five years and be made available to the Department upon request.

Parameter Monitored: PRESSURE DROP
Lower Permit Limit: 1.5 inches of water
Upper Permit Limit: 8.5 inches of water
Monitoring Frequency: DAILY
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED
RANGE AT ANY TIME
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 10: Compliance Demonstration
Effective for entire length of Permit**

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

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DRYER Emission Point: EP001
Process: DRY Emission Source: BAGH1

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

Permit ID: 9-2930-00059/00001

Facility DEC ID: 9293000059

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

(1) No owner or operator 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.

(2) EPA Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf), per 40 CFR Part 60.93(b)(1).

(3) A particulate stack test for the new plant shall commence no later than 180 days after start up and no later than 60 days after reaching maximum production rate.

(4) A stack test protocol shall be submitted to the Department for approval at least thirty days in advance of the performance test.

(5) Submit the emission test report within 60 days after the completion of the performance test.

Compliance with this particulate limit also satisfies the particulate matter limit requirement found in 6 NYCRR Part 212-2.5(b) as described in 6 NYCRR Part 212-1.5(e)(1).

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 11: Compliance Demonstration
Effective for entire length of Permit**

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

Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-DRYER
Process: DRY

Emission Point: EP001
Emission Source: BAGH1

Regulated Contaminant(s):

Permit ID: 9-2930-00059/00001

Facility DEC ID: 9293000059

CAS No: 0NY075-00-0 PARTICULATES

Item 11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

At all times, the permittee shall maintain the fabric collector control device for the hot mix asphalt drum plant in a manner consistent with good air pollution control practice for minimizing emissions and demonstrating continued compliance with the particulate emissions limit of 0.04 gr/dscf. The permittee has submitted a baghouse Inspection and Maintenance (I & M) plan as follows:

1. On a daily basis, the permittee will monitor the condition and performance of critical plant elements that have the potential to affect particulate emissions on an on-going basis during material production and operation.
2. On a monthly basis, a visual inspection of the baghouse will be conducted and the condition of each bag documented. Faulty bags will be promptly serviced. The visual inspection will also be conducted at the conclusion of the production season to address winter maintenance elements as necessary.
3. A black light test will be conducted on a semi-annual basis. The test will be conducted prior to seasonal production and halfway into the production period. An additional test may be necessary if the results of monthly visual baghouse inspections indicate the need to evaluate fabric collector performance. Corrective action to address faulty bags and/or loose collars will be promptly implemented.

As part of the facility maintenance plan, the permittee must develop and implement corrective action procedures to be followed in the case of the observation of visible emissions from the baghouse, or the indication through the periodic baghouse system inspections that the system is not operating properly. The permittee must initiate corrective action as soon as practicable after the occurrence of the observation or event indicating a problem.

Additionally, the permittee will investigate, in a timely manner, any instance where there is cause to believe that particulate emissions in excess of the particulate limit are occurring or have occurred. These instances include

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but are not limited to process upsets, control device malfunctions or problems, abnormal visible emissions, complaints, etc. The permittee shall determine the cause of any exceedance, make the necessary correction, and verify that the excess emissions problem has been corrected. The permittee will confirm that during source operation all pertinent parameters are within ranges that ensure compliance with the particulate emission rate.

Records of these verifications, investigations and corrective actions will be kept on-site for a period of 5 years and made available to Department representatives on request. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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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 in 6 NYCRR 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 demonstrate, 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 facility was being properly operated and maintained;

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the 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 any 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 malfunction 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.

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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 12: Contaminant List
Effective for entire length of Permit**

Applicable State Requirement: ECL 19-0301

Item 12.1:

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

**Condition 13: Malfunctions and Start-up/Shutdown Activities
Effective for entire length of Permit**

Applicable State Requirement: 6 NYCRR 201-1.4

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Item 13.1:

(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 maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, 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 monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall 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. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. 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, the air contaminants emitted, and the resulting emission rates and/or opacity.

(d) The department may also require the facility 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 14: Emission Unit Definition
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 14.1:**

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

Emission Unit: 1-DRYER

Emission Unit Description:

This emission unit includes the 2009 Tarmac counter-flow drum dryer rated at 300-tons asphalt per hour. The dryer is fired by a Hauck Eco-Star II natural gas burner with a burner heat input rating of 0.25-MMBtu/ton aggregate (75-MMBtu/hr). Particulate emissions from the dryer are

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controlled by a fabric filter baghouse with a 98+% PM-10 removal efficiency. Emissions of other criteria and non-criteria contaminants are also ducted through the baghouse and vent to atmosphere via 48-inch square vertical stack 31-feet above grade. The unit is operated only during the paving season, typically May through November, and will be limited to 150,000-tons hot mix asphalt (HMA) per 12-month period. The purpose of this limit is to maintain carbon monoxide and volatile organic compound emissions to less than the respective major source thresholds.

**Condition 15: Renewal deadlines for state facility permits
Effective for entire length of Permit**

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

Item 15.1:

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 16: Compliance Demonstration
Effective for entire length of Permit**

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

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: 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 9
270 Michigan Ave.
Buffalo, NY 14203

Monitoring Frequency: ANNUALLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 17: Air pollution prohibited
Effective for entire length of Permit**

Applicable State Requirement:6 NYCRR 211.1

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Item 17.1:

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

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

**Condition 18: Emission Point Definition By Emission Unit
Effective for entire length of Permit**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 18.1:

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

Emission Unit: 1-DRYER

Emission Point: EP001

Height (ft.): 31	Length (in.): 18	Width (in.): 49
NYTMN (km.): 4777.	NYTME (km.): 660.3	

**Condition 19: Process Definition By Emission Unit
Effective for entire length of Permit**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 19.1:

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

Emission Unit: 1-DRYER

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

Process Description:

Aggregate is dried in the propane-fired counter-flow drum dryer. The dried aggregate is then combined with asphalt oil to produce asphaltic cement. The asphaltic cement is then conveyed to either of two 300 ton storage silos for load-out.

Emission Source/Control: DRYER - Combustion
Design Capacity: 300 tons per hour

Emission Source/Control: BAGH1 - Control
Control Type: FABRIC FILTER

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