

Facility DEC ID: 1472201183

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility

Permit ID: 1-4722-01183/00007

Effective Date:

Expiration Date:

Permit Issued To: ASPHALT SUPPLY OF LONG ISLAND LLC  
56 COMSEWOGUE RD  
EAST SETAUKET, NY 11733

Contact: LOUIS VECCHIA  
56 COMSEWOGUE RD  
EAST SETAUKET, NY 11733  
(631) 473-0200

Facility: ASPHALT SUPPLY OF LONG ISLAND LLC  
56 COMSEWOGUE RD|SCTM #0200-134-4-5.1  
E SETAUKET, NY 11733

Contact: SCOTT KUBIK  
Asphalt Supply of Long Island  
56 Comsewogue Rd  
East Setauket, NY 11733  
(631) 473-0200

Description:

Renewal of an Air State Facility permit for the facility's asphalt manufacture.

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 A KISPERT  
SUNY @ STONY BROOK  
50 CIRCLE RD  
STONY BROOK, NY 11790

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

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**Notification of Other State Permittee Obligations****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

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

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

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

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

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

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

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**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.****Condition 1: Facility Inspection by the Department****Applicable State Requirement: ECL 19-0305****Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations****Applicable State Requirement: ECL 3-0301 (2) (m)****Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers****Applicable State Requirement: 6 NYCRR 621.11****Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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

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**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 1 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Applications for permit modification or renewal are to be submitted to:  
 NYSDEC Regional Permit Administrator  
 Region 1 Headquarters  
 Division of Environmental Permits  
 Stony Brook University  
 50 Circle Road  
 Stony Brook, NY 11790-3409  
 (631) 444-0365

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: ASPHALT SUPPLY OF LONG ISLAND LLC  
56 COMSEWOGUE RD  
EAST SETAUKET, NY 11733

Facility: ASPHALT SUPPLY OF LONG ISLAND LLC  
56 COMSEWOGUE RD|SCTM #0200-134-4-5.1  
E SETAUKET, NY 11733

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**

Renewal 1/DRAFT

\*\*\*\* 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,



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required to operate such device effectively.

**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**

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**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)**

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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: Acceptable Ambient Air Quality  
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 200.6****Item 1.1:**

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

**Condition 2: Maintenance of Equipment  
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 200.7****Item 2.1:**

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

**Condition 3: Facility Permissible Emissions  
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 201-7.1****Item 3.1:**

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:

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CAS No: 0NY210-00-0

PTE: 49,000 pounds per year

Name: OXIDES OF NITROGEN

**Condition 4: Capping Monitoring Condition**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 4.1:**

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

6 NYCRR Subpart 201-6

6 NYCRR Subpart 231-2

**Item 4.2:**

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

**Item 4.3:**

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 4.4:**

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 4.5:**

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 4.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 4.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Emissions of NO<sub>x</sub> from the Facility are limited to 24.5  
tpy on an annual total rolled monthly basis. To  
demonstrate continuous compliance with this limit, the  
facility owner or operator shall limit the asphalt  
production to an annual maximum of 400,000 tons.

Manufacturer Name/Model Number: Astec Model SDB-8437

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 24.5 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL 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 5: Visible Emissions Limited**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 211.2**

**Item 5.1:**

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

**Applicable Federal Requirement: 6 NYCRR 220-3.3 (a)**

**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:

Owners or operators of an Asphalt Mixture Manufacturing  
Plant shall record the following information once daily,  
as applicable, for each Asphalt Mixture Processing Unit  
during operation in a calendar year:

- (1) Tons produced of asphalt mixture;
- (2) RAP used in tons of material;
- (3) Recorded hours of burner operation;
- (4) Baghouse differential pressure;

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- (5) Warm mix tons produced;
- (6) Amount of fuel consumed;
- (7) Type of fuel consumed;
- (8) Instantaneous visual stack opacity reading by a trained employee that fulfills the requirements of 40 CFR Part 60, Appendix A-4, Method 9;
- (9) Typical stack temperature during operations;
- (10) RAP moisture content; and
- (11) Maintain annual records of Visible Emissions (Opacity) Training.

These records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 7: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.3 (b)**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As of the effective date of this Subpart, an annual service must be performed by a qualified employee or vendor on the dryer burner of any Asphalt Mixture Processing Unit that is in operation during that calendar year.

All annual service records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 8: Compliance Demonstration**  
**Effective for entire length of Permit**

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**Applicable Federal Requirement:6 NYCRR 220-3.3 (b)**

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall:

(i) perform an annual visual inspection of baghouse tubesheet and internal structure. Record findings and any corrective actions.

(ii) replacement bags for the baghouse shall be kept on site with the minimum capability of at least a 20% bag change out. Record changed bag locations on baghouse tube map.

The owner or operator shall inspect all ductwork for leaks and perform needed maintenance prior to operating during the asphalt production season.

The owner or operator shall maintain annual records of baghouse and ductwork inspections.

All of these records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 9: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 220-3.3 (b)**

**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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As of the effective date of this Subpart, an annual tune-up must be performed by a qualified employee or vendor on the hot oil heater located at any Asphalt Manufacturing Plant that is in operation during that calendar year.

All annual tune-up records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 10: Filling of Asphalt Cement Storage Tanks.  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.4**

**Item 10.1: The filling of asphalt cement storage tanks should be observed to prevent or mitigate** potential spills by the delivery company and/or asphalt mixture manufacturing plant personnel.

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

**Applicable Federal Requirement: 6 NYCRR 220-3.5 (b)**

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of any existing aggregate dryer must submit, at least thirty (30) calendar days prior to commencing an emission test, a test protocol to the department for review and approval. The owner or operator must submit a complete test report to the department no later than sixty (60) calendar days after completion of the on-site testing.

Monitoring records stating the following information shall be maintained on site for at least two years after



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issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the department.

Parameter Monitored: PARTICULATES  
Upper Permit Limit: 0.03 grains per dscf  
Reference Test Method: Method 5 and Method 202  
Monitoring Frequency: ONCE EVERY TEN YEARS  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 12: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.5 (b)**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of any existing natural gas/propane fired aggregate dryer must submit, at least thirty (30) calendar days prior to commencing an emission test, a test protocol to the department for review and approval. The owner or operator must submit a complete test report to the department no later than sixty (60) calendar days after completion of the on-site testing.

Monitoring records stating the following information shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the department.

Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 0.096 pounds per million Btus  
Reference Test Method: Method 7  
Monitoring Frequency: ONCE EVERY TEN YEARS  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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**Condition 13: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.8**

**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: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No facility owner or operator shall cause or allow emissions to exceed an average opacity of 20 percent or greater during any six consecutive minutes from any process emission source or emission point.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 14: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.9 (c)**

**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:

The owner or operator shall conduct a burner tuning procedure in accordance with the manufacturer's specifications to minimize NO<sub>x</sub> and carbon monoxide (CO) emissions each calendar year.

The following information shall be monitored and recorded:

- (i) the date of the tuning procedure;
- (ii) the name of the servicing company/qualified internal staff/technician;
- (iii) the production rate (tons/hr) or load before and after tuning;

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- (iv) the NO<sub>x</sub> and CO concentrations (ppmvd @ 3% O<sub>2</sub>) before and after tuning; and
- (v) the percent O<sub>2</sub> before and after tuning.

Records of this information shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 15: Minimization of Fugitive Dust Emissions.  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.10**

**Item 15.1:**

(a) Site Roadways and Plant Property:

- (1) Dust on the site roadways and plant property shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compound. Application of dust suppressants shall be completed often enough to prevent dust emissions from leaving the plant property.
- (2) All paved areas shall be swept and treated with water, as needed, to reduce dust.
- (3) Any aggregate, RAP, or other materials used to manufacture asphalt mixture that is spilled on site roads shall be cleaned up to avoid tracking onto public roadways.
- (4) The potential for dust to be tracked out to public roadways shall be minimized by implementing the procedures cited in paragraph (1) of this subdivision, along with any other reasonable procedure(s).

(b) Asphalt Mixture Processing Units:

- (1) The drop distance at each location where asphalt is exposed to the air must be reduced to the minimum that the equipment can achieve and allow for proper operation to comply with the opacity requirements in section 220-3.8 of this Subpart.
- (2) The transfer point where the belt feeder transfers aggregate or RAP from its bin onto a belt conveyor to the aggregate dryer shall be equipped, where it does not unreasonably interfere with production, with an enclosed chute, within 1 year of the effective date of this Subpart.

(c) Storage Piles. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

(d) Vehicles:

- (1) Vehicles shall be loaded to prevent their contents from dropping, leaking, blowing or otherwise escaping.
- (2) Trucks shall always be tarped unless loading and unloading.

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(3) A speed limit sign of 15 miles-per-hour or lower shall apply to onsite traffic and be posted so that it is visible to truck operators.

(e) Fugitive Dust Corrective Actions. When corrective action needs to be taken, the permittee shall consider and use one or more of the following options: adjust the watering and/or sweeping frequencies, reduce drop distances, increase coverings, and/or take other appropriate actions to reduce fugitive dust emissions.

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

**Applicable Federal Requirement: 40CFR 60, NSPS Subpart I**

**Item 16.1:**

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

Emission Unit: 0-00001  
Process: 002

Emission Point: 00001

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

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 17: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 60, NSPS Subpart I**

**Item 17.1:**

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

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Emission Unit: 0-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater.

Performance testing to demonstrate the compliance status of this emission source shall be performed at the monitoring frequency shown below.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: MINIMUM - ONCE PER CALENDAR YEAR

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

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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

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

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

**Item 18.1:**

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

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

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

**Condition 19: Malfunctions and Start-up/Shutdown Activities**  
**Effective for entire length of Permit**

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**Applicable State Requirement:6 NYCRR 201-1.4****Item 19.1:**

(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 20: Notification of malfunction**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 201-1.4 (c)****Item 20.1:**

In the event that emissions of air contaminants in excess of any emission standard occur due to a malfunction, the facility owner or operator shall compile and maintain records of the



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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 emission rates.

**Condition 21: Emission Unit Definition**  
**Effective for entire length of Permit**

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

**Item 21.1:**

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

Emission Unit: 0-00001

Emission Unit Description:

This emission unit is a double barrel dryer/drum mixer.

The drum unit is a Astec Model SDB-8437 Stationary 7' dia X 38' Double Barrel Drum Mixer with a Phoenix Talon II Combination oil/gas burner - nominal 100 MMBTU/hr capacity. Particulate control is achieved with a Astec Model RBH-55-13 (bag-house); with a designed airflow of 107,000 acfm @240 degrees F. There is a 9' diameter vertical cyclone used as a precollector.

The plant is rated at 300 tons per hour and burns natural gas.

Building(s): OPEN

**Condition 22: Renewal deadlines for state facility permits**  
**Effective for entire length of Permit**

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

**Item 22.1:**

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

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

**Item 23.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 23.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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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 1  
SUNY at Stony Brook  
Building 40  
Stony Brook, NY 11790-2356

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 24: Air pollution prohibited**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 24.1:**

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

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

**Item 25.1:**

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 50 Diameter (in.): 56  
NYTMN (km.): 4533.151 NYTME (km.): 661.005 Building: OPEN

**Condition 26: Process Definition By Emission Unit**  
**Effective for entire length of Permit**

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

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**Item 26.1:**

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

Emission Unit: 0-00001

Process: 002

Source Classification Code: 3-05-002-55

Process Description:

Astec Model SDB-8437 double barrel drum mixer powered by  
a Phoenix Talon II PT-100-0 combination oil/gas burner  
running on natural gas.

Emission Source/Control: 00005 - Combustion

Design Capacity: 100 million Btu per hour

Emission Source/Control: 00003 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 00002 - Process

Design Capacity: 300 tons per hour

**Item 26.2:**

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

Emission Unit: 0-00001

Process: 003

Source Classification Code: 3-05-002-06

Process Description:

Hot oil heater rated at less than 10 million BTU/hr heat  
input. The heater keeps the asphalt cement at the  
required temperatures for use in the manufacturing  
process.

Emission Source/Control: 00004 - Combustion

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