

Facility DEC ID: 3133400336

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 3-1334-00336/00001
Effective Date: _____ Expiration Date: _____

Permit Issued To: MID-HUDSON MATERIALS LLC
27 COMMERCE ST
POUGHKEEPSIE, NY 12603

Facility: MID HUDSON MATERIALS
27 COMMERCE ST
POUGHKEEPSIE, NY 12603

Contact: STEWART D PETROVITS
27 Commerce St
Poughkeepsie, NY 12603
(845) 471-8700

Description:
This is a hot mix asphalt production facility with a 150 ton per hour skid mounted Model 76 Uniflow Drum Mixer of counterflow design, a baghouse, and return dust system. Also included are an ALmix Model VCT-20 20,000 gallon liquid asphalt storage tank, a 1.5 million Btu/hr helical coil heater, an ALmix computer control system, and two 100 ton capacity silos. The plant will be powered by natural gas.

This facility has accepted a cap of 1,280 hours of operation per year to ensure emissions of criteria pollutants remains below majors source threshold.

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: REBECCA S CRIST
21 S PUTT CORNERS RD
NEW PALTZ, NY 12561

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 3 HEADQUARTERS
Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 3 Headquarters
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 256-3054

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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: MID-HUDSON MATERIALS LLC
27 COMMERCE ST
POUGHKEEPSIE, NY 12603

Facility: MID HUDSON MATERIALS
27 COMMERCE ST
POUGHKEEPSIE, NY 12603

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

Permit Effective Date:

Permit Expiration Date:

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- 21 23 6 NYCRR 212-4.1 (a) (1): Compliance Demonstration
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NOTE: * preceding the condition number indicates capping.

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FEDERALLY ENFORCEABLE CONDITIONS

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**** 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: Maintenance of Equipment
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 200.7

Item 1.1:

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 2: Facility Permissible Emissions
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 2.1:

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

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

CAS No: 000630-08-0 Name: CARBON MONOXIDE	PTE: 24,960 pounds per year
CAS No: 0NY075-00-5 Name: PM-10	PTE: 4,420 pounds per year
CAS No: 0NY075-02-5 Name: PM 2.5	PTE: 560 pounds per year
CAS No: 0NY210-00-0 Name: OXIDES OF NITROGEN	PTE: 5,000 pounds per year

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**Condition 3: Capping Monitoring Condition
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 3.1:

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

6 NYCRR Subpart 201-6

Item 3.2:

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

Item 3.3:

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 3.4:

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 3.5:

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 3.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5	SULFUR DIOXIDE
CAS No: 0NY075-00-5	PM-10
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 0NY998-00-0	VOC
CAS No: 0NY075-02-5	PM 2.5
CAS No: 000630-08-0	CARBON MONOXIDE

Item 3.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

To keep annual emissions below major source thresholds and to minimize impact, Mid-Hudson Materials shall limit the hours of yearly asphalt production. Asphalt production is limited to 1,280 hours per rolling 12-month period. Additionally, there shall be no production during the winter months starting on December 1st and ending on March 31st.

Records of monthly hours of asphalt production shall be maintained and kept onsite for a minimum of 5 years.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 1280 hours

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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 4: Visible Emissions Limited
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 211.2

Item 4.1:

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 5: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 212-1.3

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY059-28-0	NICKEL (NI 059)
CAS No: 0NY075-00-0	PARTICULATES
CAS No: 000050-00-0	FORMALDEHYDE

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Process source emissions were evaluated on an individual contaminant basis and each contaminant was assigned an environmental rating, except for High Toxic Air Contaminants (HTACs) meeting the emission limits of Table 2 of 212-2.2 and non-HTACs emitted at a facility-wide annual rate of less than 100 pounds.

The first factor affecting a process emission source contaminant’s environmental rating (ER) is the toxicity classification (H-high, M-medium, or L-low) as defined in Part 212-1.2 and listed in the DAR-1 AGC/SGC tables. The DAR-1 environmental rating process commences with initially assigning the toxicity classification as the ER (H, M, L toxicity contaminants should be assigned an ER of “A”, “B” and “C,” respectively).

Based on the Potentials to Emit (PTE), emission rate potentials (ERP) and other supporting documentation associated with application ID. No. 3-1334-00336/00001, predicted maximum ambient impacts for the permitted contaminants are in compliance with SGCs/AGCs. In accordance with §212-1.3 - Determination of Environmental Rating, environmental ratings of A, B or C have been assigned to all permitted contaminants in accordance with the toxicity classifications identified in AGC/SGC tables, unless otherwise noted in this permit.

Monitoring Frequency: CONTINUOUS
 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 212-2.5 (b)

Item 6.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Owners of process emission sources listed in Table 5 of 6 NYCRR 212-2.5(a) shall limit particulate emissions based on process weight throughput according to Table 6 of 6

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NYCRR 212-2.(b).

Particulate emissions from new and modified processes listed in Table 5 with a process weight throughput of 250,000 lb/hr or greater for which an application was received by the department after July 1, 1973 shall be limited to 0.030 grains per cubic foot of undiluted exhaust gas, expressed at standard conditions on a dry gas basis.

Parameter Monitored: PARTICULATES
 Upper Permit Limit: 0.030 grains per dscf
 Reference Test Method: EPA Method 5
 Averaging Method: Arithmetic average of stack test runs
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 7: Applicability of Subpart A General Provisions
 Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 7.1:

This emission source is subject to the applicable general provisions of 40 CFR 60. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

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

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

Item 8.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to 0.04 grains of particulates per cubic foot of exhaust gas (90 mg/dscm), expressed at standard conditions on a dry gas basis. The facility owner or operator must submit a test protocol to the Department for approval at least 30 days prior to the proposed compliance test. The facility owner or operator must submit the compliance test results to the Department for approval within 60 days of the completion of the compliance test.

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All records associated with this condition must be maintained at the facility or at a Department approved alternative location for a minimum of 10 years.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.04 grains per dscf
Reference Test Method: Method 5
Monitoring Frequency: ONCE EVERY TEN YEARS
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 9: Compliance Demonstration
Effective for entire length of Permit

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

Item 9.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 9.2:

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 a six minute average opacity of 20 percent or greater except for one six minute period not to exceed 27 percent. The owner or operator must maintain records of the opacity tests on site or at an alternative location approved by the Department for a minimum of 10 years.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: ANNUALLY
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**** Emission Unit Level ****

Condition 10: Emission Unit Permissible Emissions
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 10.1:

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The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: U-00HMA

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 19.5 pounds per hour

24,960 pounds per year

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 3.45 pounds per hour

4,416 pounds per year

CAS No: 0NY075-02-5

Name: PM 2.5

PTE(s): 0.44 pounds per hour

557 pounds per year

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 3.9 pounds per hour

4,992 pounds per year

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

Applicable Federal Requirement: 6 NYCRR 200.7

Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00HMA

Regulated Contaminant(s):

CAS No: 0NY075-02-5 PM 2.5

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

Item 11.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The facility shall monitor the differential pressure across the asphalt plant baghouse. The differential pressure shall be recorded daily if the plant is operating. The operator will ensure that the differential pressure remains between 0.5 and 10.0 inches of water. If the differential pressure falls outside of this range, the

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baghouse must be inspected and the appropriate corrective action taken. All corrective actions associated with the baghouse must be documented.

Parameter Monitored: PRESSURE CHANGE

Lower Permit Limit: 0.5 inches of water

Upper Permit Limit: 10 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

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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 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: 000050-00-0
Name: FORMALDEHYDE

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

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

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CAS No: 0NY059-28-0
Name: NICKEL (NI 059)

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

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

CAS No: 0NY075-02-5
Name: PM 2.5

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

CAS No: 0NY998-00-0
Name: VOC

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

Applicable State Requirement: 6 NYCRR 201-1.4

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

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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: U-00HMA

Emission Unit Description:

150 ton per hour skid mounted Model 76 Uniflow Drum Mixer of counterflow design, a baghouse, and return dust system.

Also included are an AL mix Model VCT-20 20,000 gallon liquid asphalt storage tank, a 1.5 millioBtu/hr helical coil heater, an ALmix computer control system, and two 100 ton capacity silos. The plant will be powered by natural gas.

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

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Monitoring Description:

Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:

1. Have a complaint phone line available 24 hours a day, 7 days a week.
2. Investigate any possible causes of any complaint received.
3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
4. Fully document the complaint, results of investigation, and any action taken.
5. Report in a format acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

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

Item 17.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 17.2:

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 3
 21 South Putt Corners Rd.
 New Paltz, NY 12561

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 18: Air pollution prohibited
Effective for entire length of Permit**

Applicable State Requirement:6 NYCRR 211.1

Item 18.1:

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

**Condition 19: Compliance Demonstration
Effective for entire length of Permit**

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

Item 19.1:

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

Emission Unit: U-00HMA
Process: PNG

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

Item 19.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Mid-Hudson Materials shall test the Megastar burner to confirm adherence to the manufacturer specifications. The test shall be done within 180 days of initial facility startup. The protocol for the test shall be submitted to the Department at least 30 days before testing. A report of the stack testing results shall be submitted to the Department no more than 60 days after the test is completed.

Upper Permit Limit: 80 parts per million by volume (dry,
corrected to 3% oxygen)

Reference Test Method: EPA Method 7C

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER
OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 20: Compliance Demonstration
Effective for entire length of Permit**

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

Item 20.1:

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The Compliance Demonstration activity will be performed for the Facility.

Item 20.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must have a plan which details the introduction or continuation of methods by which to reduce the moisture content of the aggregate stockpile(s). The facility shall perform self-inspections to monitor compliance with the plan.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

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

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 21.1:

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

Emission Unit: U-00HMA

Emission Point: HMA01
Height (ft.): 29 Diameter (in.): 37
NYTMN (km.): 4615.053 NYTME (km.): 595.163

**Condition 22: Process Definition By Emission Unit
Effective for entire length of Permit**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 22.1:

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

Emission Unit: U-00HMA
Process: PNG Source Classification Code: 3-05-002-55
Process Description:

Production of hot mix asphalt pavement utilizing a counterflow drum mix plant. Aggregate is dried in a rotary dryer fueled by natural gas. Dried aggregate is mixed with hot liquid asphalt cement in the dryer and is discharged to a closed slat conveyor. The slat conveyor carries the hot mix asphalt to closed top storage silos for later load out.

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Emission Source/Control: BURNR - Combustion
Design Capacity: 250,000 British thermal units per ton

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

Condition 23: Compliance Demonstration
Effective for entire length of Permit

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

Item 23.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00HMA

Item 23.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A tune-up must be performed on the dryer burner on an annual basis at any hot mix asphalt production plant that is in operation during that calendar year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 24: Compliance Demonstration
Effective for entire length of Permit

Applicable State Requirement:6 NYCRR 212-4.1 (b)

Item 24.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00HMA

Item 24.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

(2) By January 1, 2020, all owners or operators of active plants which have not installed a low NO_x burner must

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submit an economic feasibility analysis. A low NO_x burner must be installed for that operating year in all instances in which it proves feasible.

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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