



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 3-1346-00219/00007
Mod 0 Effective Date: 01/02/2002 Expiration Date: No expiration date.
Mod 1 Effective Date: 06/10/2010 Expiration Date: No expiration date.

Permit Issued To: TILCON NEW YORK INC
162 OLD MILL RD
WEST NYACK, NY 10994

Contact: JOHN VAN ZETTA
TILCON NY INC
380 LANDMARK DRIVE
CONGERS, NY 10920
(845) 634-3298

Facility: TILCON-POUGHKEEPSIE ASPHALT PLANT
295 SHEAFE RD
WAPPINGERS FALLS, NY 12590

Contact: JERRY FLETCHER
TILCON NEW YORK INC
295 SHEAFE RD
WAPPINGERS FALLS, NY 12590
(845) 462-4910

Description:
The Tilcon - Poughkeepsie asphalt plant, located in the Town of Poughkeepsie (Dutchess County), consists of a hot mix asphalt batch plant. Ancillary equipment supporting the operation include: liquid asphalt and petroleum storage tanks, aggregate storage facilities, hot asphalt storage silos, tank heaters, and load out equipment.

Emission unit U-00001 identifies the 360 ton per hour hot mix asphalt batch plant. Hot mix asphalt is produced by combining liquid asphalt cement, various sizes of aggregate and reclaimed asphalt pavement (rap). The liquid asphalt cement is stored in heated above ground tanks. Aggregate and rap are stored in various stockpiles on site. The aggregate is heated in a rotary dryer and then blended with the other materials in a mixing tower to produce hot mix asphalt. The rotary dryer is vented to a baghouse filter. The hot mix is either transferred to storage silos or batch loaded directly into trucks and driven off site. Various fuels used for the process include: No. 2 or No. 4 distillate fuel oil, No. 6 residual fuel oil, and specification waste fuel A. There are no natural gas combustion capabilities at this time onsite, but future modifications may include this addition.

Tilcon-Poughkeepsie utilizes online power to operate. There are no generators onsite.



The facility is limiting annual asphalt production to maximum 470,000 tons per year, thereby capping emissions below major stationary source thresholds as defined by 6 NYCRR part 201. Applicable requirements include: annual compliance certification reporting under 6 NYCRR part 201-7.2, sulfur in fuel limit under 6 NYCRR Subpart 225-1, particulate emissions standards and opacity evaluation under 40 CFR Subpart I and 6 NYCRR Subpart 227, analytical sampling and recordkeeping requirements for waste fuel under 6 NYCRR part 225-2, and operational requirement for control devices under 6 NYCRR part 212.11.

Modification 1

This modification is to remove the drum mix asphalt plant (emissions unit U-00002 with associated emissions points, processes, sources/controls). In addition, various existing conditions have been revised for further clarity.

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: KENNETH R GRZYB
 NYSDEC REGION 3
 21 S PUTT CORNERS RD
 NEW PALTZ, NY 12561

Authorized Signature: _____ Date: ___ / ___ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
 - Applications for permit renewals, modifications and transfers
 - Permit modifications, suspensions or revocations by the Department
 - Applications for Permit Renewals and Modifications
 - Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

- Submission of Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS
- Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS



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 1-1: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 1-1.1:

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 1-1.2:

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 1-1.3:

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.



Department

Applicable State Requirement: 6 NYCRR 621.13

Item 1-2.1:

The Department reserves the right 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.

Condition 3: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6 NYCRR 621.13 (a)

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 expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Condition 4: Permit Modifications, Suspensions, and Revocations by the Department

Applicable State Requirement: 6 NYCRR 621.14

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**** Facility Level ****

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.5 (a)



Expired by Mod No: 1

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

Condition 1-3: Submission of application for permit modification or renewal-REGION 3

HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 1-3.1:

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

New York State Department of Environmental Conservation

Permit ID: 3-1346-00219/00007

Facility DEC ID: 3134600219



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: TILCON NEW YORK INC
162 OLD MILL RD
WEST NYACK, NY 10994

Facility: TILCON-POUGHKEEPSIE ASPHALT PLANT
295 SHEAFE RD
WAPPINGERS FALLS, NY 12590

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

Mod 0 Permit Effective Date: 01/02/2002
date.

Permit Expiration Date: No expiration
date.

Mod 1 Permit Effective Date: 06/10/2010
date.

Permit Expiration Date: No expiration
date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1-1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 16 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 1-2 6 NYCRR 200.7: Maintenance of Equipment
- 1-3 6 NYCRR 201-1.7: Recycling and Salvage
- 1-4 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 1-5 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 1-6 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 1-7 6 NYCRR 202-1.1: Required Emissions Tests
- 1-8 6 NYCRR 211.3: Visible Emissions Limited
- 1 6 NYCRR 200.5: Sealing
- 4 6 NYCRR 201-1.2: Unpermitted Emission Sources
- 8 6 NYCRR 201-1.10 (a): Public Access to Recordkeeping
- 1-9 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- *1-10 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 1-11 6 NYCRR 212.9 (e): Compliance Demonstration
- 1-12 6 NYCRR 212.11: Compliance Demonstration
- 1-13 6 NYCRR 225-1.2 (d): Compliance Demonstration
- 1-14 6 NYCRR 225-2.3 (b): Compliance Demonstration
- 1-15 6 NYCRR 225-2.6: Compliance Demonstration
- 1-16 6 NYCRR 225-2.7: Compliance Demonstration
- 1-17 6 NYCRR 227-1.3: Compliance Demonstration
- 1-18 40CFR 60.11(d), NSPS Subpart A: Compliance Demonstration
- 1-19 40CFR 60.92(a), NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 1-20 ECL 19-0301: Contaminant List
- 1-21 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 27 6 NYCRR Subpart 201-5: General Provisions
- 28 6 NYCRR Subpart 201-5: Permit Exclusion Provisions
- 29 6 NYCRR Subpart 201-5: Emission Unit Definition
- 1-22 6 NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 32 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 33 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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



required to operate such device effectively.

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

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Item E: Emergency Defense - 6 NYCRR 201-1.5

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.



(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Item F: 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 G: 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 H: 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 I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Item J: 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 K: Visible Emissions Limited - 6 NYCRR 211.3

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.

Item L: 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 M: 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 N: Federally Enforceable Requirements - 40 CFR 70.6 (b)

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state



regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1-1: Acceptable Ambient Air Quality
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.6

Replaces Condition(s) 2

Item 1-1.1:

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 16: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Part 215

Item 16.1:

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

Condition 1-2: Maintenance of Equipment
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.7

Replaces Condition(s) 3

Item 1-2.1:

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 1-3: Recycling and Salvage
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.7

Replaces Condition(s) 6

Item 1-3.1:

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 the ECL.

Condition 1-4: Prohibition of Reintroduction of Collected Contaminants to the air

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.8

Replaces Condition(s) 7

Item 1-4.1:

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.

Condition 1-5: Exempt Sources - Proof of Eligibility

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Replaces Condition(s) 9

Item 1-5.1:

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 this Subpart. 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 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.

Condition 1-6: Trivial Sources - Proof of Eligibility

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Replaces Condition(s) 10

Item 1-6.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. 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 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.

Condition 1-7: Required Emissions Tests

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1



Replaces Condition(s) 14

Item 1-7.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 1-8: Visible Emissions Limited
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 211.3

Replaces Condition(s) 15

Item 1-8.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Condition 1: Sealing
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.5

Item 1.1:

(a) 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 labelling 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.

(b) 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.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 4: Unpermitted Emission Sources
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.2

Item 4.1:

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

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



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

Condition 8: Public Access to Recordkeeping
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.10 (a)

Item 8.1:

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Condition 1-9: Facility Permissible Emissions
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 1-9.1:

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 (From Mod 1) PTE: 190,000 pounds
per year

Name: CARBON MONOXIDE

Condition 1-10: Capping Monitoring Condition
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 1-10.1:

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 1-10.2:

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

Item 1-10.3:



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 1-10.4:

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 1-10.5:

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 1-10.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-10.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility-wide CO emissions are capped below 95 tpy per rolling twelve months. This enables the facility to avoid Title V applicability. Records of asphalt production serve as the compliance certification for the facility. As a result of CO emissions capping, NO_x, PM, VOC/ HAP and SO₂ emissions also fall below major stationary threshold limits.

Using a CO emission factor of 0.4 (The units for this value are pounds emitted per ton of asphalt produced and are based on USEPA AP-42 factors), the total maximum allowable facility annual asphalt production is limited to no more than 470,000 tons per rolling twelve months.

Current records on a monthly basis (Rolled annually) of asphalt production shall be maintained.

The site executive will provide a certification that the facility is in compliance with the asphalt production cap

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to the Department annually, due by Jan 30th. Detailed documents and calculations used to create the summary report will be made available to the Department upon request.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: ASPHALT
Upper Permit Limit: 470000 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2011.
Subsequent reports are due every 12 calendar month(s).

Condition 1-11: Compliance Demonstration
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.9 (e)

Item 1-11.1:

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

Emission Unit: U-00001	Emission Point: 00001
Process: P02	Emission Source: FF001

Emission Unit: U-00001	Emission Point: 00001
Process: P03	Emission Source: FF001

Emission Unit: U-00001	Emission Point: 00001
Process: P04	Emission Source: FF001

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

Item 1-11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The permissible emission rate for solid particulates is 0.030 grains/dscf. The facility conducted EPA Method 5 performance testing 10/2/2002, resulting in particulate emissions less than the maximum allowable limit. The Department reserves the right to request future performance testing to verify compliance. Standard testing procedures (EPA Method 5) shall be followed.

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Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.03 grains per dscf
Reference Test Method: EPA Method 5
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-12: Compliance Demonstration
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.11

Replaces Condition(s) 21, 25

Item 1-12.1:

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

- Emission Unit: U-00001 Emission Point: 00001
Process: P02 Emission Source: FF001
Emission Unit: U-00001 Emission Point: 00001
Process: P03 Emission Source: FF001
Emission Unit: U-00001 Emission Point: 00001
Process: P04 Emission Source: FF001

Item 1-12.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall operate and maintain a magnehelic gauge (or equivalent) to measure pressure differential of the hot mix asphalt baghouse. Maintenance and or replacement of filter media shall be conducted in accordance with good engineering practice and manufacturer specification.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-13: Compliance Demonstration
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 225-1.2 (d)

Item 1-13.1:

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

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Emission Unit: U-00001

Process: P02

Emission Source: ES001

Emission Unit: U-00001

Process: P03

Emission Source: ES001

Emission Unit: U-00001

Process: P04

Emission Source: ES001

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

Item 1-13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall not use, purchase, sell, or offer for sale any residual, distillate or waste oil A which has a sulfur content greater than the limit presented below. A log of the sulfur in fuel content per delivery shall be maintained on site for a minimum of five years and be made available to the Department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-14: Compliance Demonstration

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 225-2.3 (b)

Item 1-14.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

Process: P04

Emission Point: 00001

Emission Source: ES001

Emission Unit: U-00001

Process: P04

Emission Point: 00001

Emission Source: FF001

Item 1-14.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility conducted performance testing 10/2/2002 on the hot mix batch asphalt plant to demonstrate a combustion efficiency of no less than 99% when burning waste fuel A. Combustion efficiency was measured by the relative concentration of CO₂ and CO in the flue gas pursuant to EPA methods required under 6NYCRR 225-2. Test results were greater than 99%.

The Department reserves the right to request additional performance testing for compliance purposes. In the event, a protocol shall be submitted to the Department 60 days prior to conducting the performance test. Within 60 days after completing the performance test, a report documenting results shall be submitted to NYSDEC Region 3.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA Method 3A & 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-15: Compliance Demonstration

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 225-2.6

Item 1-15.1:

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

Emission Unit: U-00001

Process: P04

Emission Source: ES001

Emission Unit: U-00001

Process: P04

Emission Source: FF001

Item 1-15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Waste fuel A must meet the definition specified in 6NYCRR Part 225-2.2(b)(9) which states;

Any waste oil, fuel oil or mixture of these to be burned



which contains between 25 and 250 parts per million (by weight) lead and which meets the limitations of Table 2-1 of section 225-2.4 of this Subpart and does not contain chemical waste.

Blending of waste fuel A with other fuel oils may not be performed and must be stored separately.

Recordkeeping requirements for waste fuel A are specified in conditions contained elsewhere in this permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-16: Compliance Demonstration
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 225-2.7

Replaces Condition(s) 18, 22

Item 1-16.1:

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

Emission Unit: U-00001
Process: P04

Emission Source: ES001

Emission Unit: U-00001
Process: P04

Emission Source: FF001

Item 1-16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must maintain analytical sampling results for waste fuel received and fired in accordance with 6NYCRR Part 225-2. The following parameters and allowable limits apply:

1. Source owner shall comply with all New York State and Federal regulatory requirements concerning the combustion of waste oil.
2. To ensure that the waste oil burned meets the definition of Waste Fuel A, as set forth in paragraph 225-2.2(b)(9) of 6NYCRR 225-2, source owner shall maintain a record of the analyses, certified by the supplier, of all waste oil burned. Each analysis shall include the following parameters:



- a. Concentration of total halogens [in ppm, by weight (water free basis) of fuel];
- b. Concentration of PCBs [in ppm, by weight (water free basis) of fuel];
- c. Concentration of lead [in ppm, by weight (water free basis) of fuel];
- d. Sulfur Content (in % by weight);
- e. Gross Heat Content (in Btu/gallon).

3. The above parameters, for all waste oil burned, shall meet the following criteria:

- a. total halogens content shall not exceed 1,000 ppm;
- b. PCB content shall not exceed 50 ppm;
- c. lead content shall not exceed 250 ppm;
- d. Sulfur content shall not exceed 1.5% by weight;
- e. heat content shall be at least 125,000 Btu/gallon.

These records shall be kept on site for a period of at least three (3) years to be submitted upon request to the Department.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-17: Compliance Demonstration

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 227-1.3

Item 1-17.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility shall not operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one six minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 evaluation.



Facility shall also employ dust suppression techniques during periods of operation as appropriate.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-18: Compliance Demonstration

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.11(d), NSPS Subpart A

Item 1-18.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

Item 1-18.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-19: Compliance Demonstration

Effective between the dates of 06/10/2010 and Permit Expiration Date

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

Item 1-19.1:

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

Emission Unit: U-00001

Emission Point: 00001

Item 1-19.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The facility shall not discharge or cause the discharge
into the atmosphere;

1. Particulate matter in excess of 90 mg/dscm (0.04
gr/dscf). However, a more stringent limit of 0.03
grains/dscf shall apply as defined by permit condition
under 6NYCRR 212.9(e).

2. Opacity 20 percent or greater.

The Department reserves the right to request the facility
conduct performance testing to verify compliance with the
stipulated limits. EPA Methods shall be
followed.

Facility shall also employ dust suppression techniques
during periods of operation as appropriate.

Parameter Monitored: ASPHALT

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Item B: 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 1-20: Contaminant List

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 1-20.1:

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

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

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

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

Condition 1-21: Unavoidable noncompliance and violations

Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Replaces Condition(s) 26

Item 1-21.1:

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a



written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 27: General Provisions

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 27.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 27.2:

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.

Item 27.3:

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.

Condition 28: Permit Exclusion Provisions

Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5



Item 28.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 29: Emission Unit Definition
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 29.1(From Mod 1):

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

Emission Unit: U-00001

Emission Unit Description:

Hot asphalt batch plant with a max rated capacity of 360 tph. Liquid asphalt cement, various sizes of aggregate, and reclaimed asphalt pavement (rap) are combined to produce hot mix asphalt on site. The liquid asphalt cement is stored in heated above ground tanks. Aggregate and rap are stored in various stockpiles on site. The aggregate is heated in a rotary dryer and then blended with the liquid asphalt cement in a mixing tower. The rotary dryer is vented to a baghouse filter. The hot mix is either transferred to storage silos or batch loaded directly into trucks and driven off site. The batch plant fires the following fuels: No. 2 or No. 4 distillate fuel oil, No. 6 residual fuel oil, and specification waste oil (waste fuel A).

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Condition 1-22: Air pollution prohibited
Effective between the dates of 06/10/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Replaces Condition(s) 31

Item 1-22.1:

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 32: Emission Point Definition By Emission Unit
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 32.1(From Mod 1):

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 37 Length (in.): 60 Width (in.): 41
NYTMN (km.): 4608.067 NYTME (km.): 588.531

Condition 33: Process Definition By Emission Unit
Effective between the dates of 01/02/2002 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 33.1(From Mod 1):

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

Emission Unit: U-00001

Process: P02

Process Description:

HOT MIX ASPHALT BATCH PLANT FIRED WITH
DISTILLATE (NO. 2 OR NO. 4) FUEL OIL.

Emission Source/Control: ES001 - Combustion

Design Capacity: 360 tons per hour

Emission Source/Control: FF001 - Control

Control Type: FABRIC FILTER



Item 33.2(From Mod 1):

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

Emission Unit: U-00001
Process: P03
Process Description:
HOT MIX ASPHALT BATCH PLANT FIRED WITH
RESIDUAL (NO. 6) FUEL OIL.

Emission Source/Control: ES001 - Combustion
Design Capacity: 360 tons per hour

Emission Source/Control: FF001 - Control
Control Type: FABRIC FILTER

Item 33.3(From Mod 1):

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

Emission Unit: U-00001
Process: P04
Process Description:
HOT MIX ASPHALT BATCH PLANT FIRED WITH
SPECIFICATION WASTE OIL (WASTE FUEL A).

Emission Source/Control: ES001 - Combustion
Design Capacity: 360 tons per hour

Emission Source/Control: FF001 - Control
Control Type: FABRIC FILTER

Item 33.4(From Mod 0):

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

Emission Unit: U-00001
Process: P01
Process Description:
HOT MIX ASPHALT BATCH PLANT FIRED WITH
NATURAL GAS.

Emission Source/Control: ES001 - Combustion
Design Capacity: 360 tons per hour

Emission Source/Control: FF001 - Control
Control Type: FABRIC FILTER

