



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 3-3352-00291/00002
Mod 0 Effective Date: 04/02/2007 Expiration Date: No expiration date.
Mod 1 Effective Date: 10/13/2010 Expiration Date: No expiration date.

Permit Issued To: E TETZ & SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941

Contact: GARY TETZ
E TETZ AND SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941
(845) 692-4486

Facility: PHILLIPSBURG FACILITY
81 CEMETERY RD
WALLKILL, NY

Contact: GARY TETZ
E TETZ AND SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941
(845) 692-4486

Description:
Modification 1

Operation of additional portable aggregate processing equipment at the facility. Equipment is currently permitted for similar use at several different facilities located throughout Orange County.

Modification 0

This permit authorizes E Tetz & Sons Inc. to construct and operate a facility (Phillipsburg facility) located on Cemetery Road in the City of Middletown, Orange County, New York. The facility consists of a counterflow hot mix asphalt concrete plant (400 ton per hour), a portable aggregate crushing, screening and conveying plant, two exempt emergency diesel generators (Caterpillar 1005 hp and 1675 hp) and an exempt concrete batch plant.

The counterflow hot mix asphalt concrete plant and exempt concrete batch plant are designed to control particulate emissions with filter baghouses. The counterflow hot mix asphalt concrete plant drum dryer and liquid asphalt tank heaters will primarily fire natural gas with diesel fuel and waste fuel oil as a backup. The two exempt emergency diesel generators will be used to supply power during periods when utility service is unavailable.

New York State Department of Environmental Conservation
Facility DEC ID: 3335200291



The aggregate processing plant will supply material for onsite production and offsite commercial use.

Facility emissions have been capped below major stationary source threshold as defined by permit condition under 6NYCRR Part 201-7. The facility is subject to New Source Performance Standards 40 CFR Part 60 Subpart I - Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60 Subpart OOO - Standards of Performance for Nonmettalic Mineral Processing Plants. The facility is also subject to monitoring and reporting requirements under 6NYCRR Parts 201, 212, 225 and 227.

The Standard Industrial Classification representative of this facility is 2951 - Asphalt Paving Mixtures and blocks as well as 1422 - Crushed and Broken Limestone.

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
 - Permit modifications, suspensions or revocations by the Department

Facility Level

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

Item 3.3:

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



Condition 1-1: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 1-1.1:

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 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 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

New York State Department of Environmental Conservation

Permit ID: 3-3352-00291/00002

Facility DEC ID: 3335200291



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: E TETZ & SONS INC
130 CROTTY RD
MIDDLETOWN, NY 10941

Facility: PHILLIPSBURG FACILITY
81 CEMETERY RD
WALLKILL, NY

Authorized Activity By Standard Industrial Classification Code:
1422 - CRUSHED AND BROKEN LIMESTONE
2951 - PAVING MIXTURES AND BLOCKS

Mod 0 Permit Effective Date: 04/02/2007
date.

Permit Expiration Date: No expiration
date.

Mod 1 Permit Effective Date: 10/13/2010
date.

Permit Expiration Date: No expiration
date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 201-7.2: Facility Permissible Emissions
- *2 6 NYCRR 201-7.2: Capping Monitoring Condition
- *3 6 NYCRR 201-7.2: Capping Monitoring Condition
- *4 6 NYCRR 201-7.2: Capping Monitoring Condition
- 5 6 NYCRR 212.9 (e): Compliance Demonstration
- 6 6 NYCRR 212.11: Compliance Demonstration
- 7 6 NYCRR 225-1.2 (a) (2): Compliance Demonstration
- 8 6 NYCRR 225-2.3 (b): Compliance Demonstration
- 9 6 NYCRR 225-2.7: Compliance Demonstration
- 10 6 NYCRR 227-1.3: Compliance Demonstration
- 11 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 12 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration
- 13 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 1-1 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration
- 15 40CFR 60.672(h)(1), NSPS Subpart OOO: Compliance Demonstration

Emission Unit Level

EU=1-PHILL

- 16 40CFR 60.7(a), NSPS Subpart A: Date of construction notification -
If a COM is not used.
- 17 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 18 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 19 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and
Maintenance Requirements

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 20 ECL 19-0301: Contaminant List
- 1-2 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 21 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 22 6 NYCRR Subpart 201-5: Emission Unit Definition
- 1-3 6 NYCRR 211.2: Air pollution prohibited
- 23 6 NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 24 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 25 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: Facility Permissible Emissions
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 1.1:

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

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

per year	CAS No: 000630-08-0	(From Mod 1)	PTE: 158,000 pounds
	Name: CARBON MONOXIDE		
per year	CAS No: 0NY075-00-5	(From Mod 1)	PTE: 29,000 pounds
	Name: PM-10		
per year	CAS No: 0NY210-00-0	(From Mod 1)	PTE: 158,000 pounds
	Name: OXIDES OF NITROGEN		

Condition 2: Capping Monitoring Condition
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 2.1:

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

6 NYCRR Subpart 201-6

Item 2.2:

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

Item 2.3:

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart,



during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

Item 2.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 2.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 2.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 2.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility wide Carbon Monoxide emissions shall be limited to less than 79 tons (158,000 lbs) per year with a federally enforceable emissions cap. Compliance shall be demonstrated utilizing the mathematical relationship stated below.

Generator 1 hours x 5.53 lb CO per hour + Generator 2 hours x 9.21 lb CO per hour + tons of hot mix asphalt x 0.13 lb CO per ton of hot mix (oil/gas/wol) < 158,000 lbs CO annual maximum rolled monthly

Generator 1 - 1005 hp diesel fired Caterpillar model 3412 (emergency / exempt)

Generator 2 - 1675 hp diesel fired Caterpillar model 3412 (emergency / exempt)

Generators 1 and 2 shall be equipped with manufacturer installed hour meters (hrs) for verification of exempt status and use within empirical formula above.

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 1/30/2008.
Subsequent reports are due every 12 calendar month(s).

Condition 3: Capping Monitoring Condition
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

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
- 6 NYCRR Subpart 227-2
- 6 NYCRR Subpart 231-2

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: 0NY210-00-0 OXIDES OF NITROGEN

Item 3.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility wide Oxides of Nitrogen shall be limited to less than 79 tons (158,000 lbs) per year with a federally enforceable emissions cap. Compliance shall be demonstrated utilizing the mathematical relationship stated below.

Generator 1 hours x 24.12 lb NO_x per hour + Generator 2 hours x 40.20 lb NO_x per hour + tons of hot mix asphalt x 0.026 lb NO_x per ton of hot mix (gas) + tons of hot mix asphalt x 0.055 lb NO_x per ton of hot mix (oil/wol) < 158,000 lbs NO_x annual maximum rolled monthly

Generator 1 - 1005 hp diesel fired Caterpillar model 3412 (emergency / exempt)

Generator 2 - 1675 hp diesel fired Caterpillar model 3412 (emergency / exempt)

Generators 1 and 2 shall be equipped with manufacturer installed hour meters (hrs) for verification of exempt status and use within empirical formula above.

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 1/30/2008.

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

Condition 4: Capping Monitoring Condition
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 4.1:

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

6 NYCRR 201-5.3

Item 4.2:

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

Item 4.3:

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any



other state and federal air pollution control requirements, regulations or law.

Item 4.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 4.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 4.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 4.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility wide PM-10 emissions shall be limited to less than 14.5 tons per year (29,000 lbs) with a federally enforceable emissions cap based on NYSDEC Commissioners Policy - 33 which regulates particulate emissions from new or modified facilities. Compliance shall be demonstrated utilizing the mathematical relationship stated below.

Generator 1 hours x 0.70 lb PM per hour + Generator 2 hours x 1.17 lb PM per hour + tons of hot mix asphalt x 0.023 lb PM per ton of hot mix (oil/gas/wol) + tons of aggregate processed x 0.0049 lb PM per ton of aggregate (dry) + tons of concrete (exempt batch plant) x 0.005 lb PM per ton concrete < 29,000 lbs PM annual maximum rolled monthly

Generator 1 - 1005 hp diesel fired Caterpillar model 3412 (emergency / exempt)

Generator 2 - 1675 hp diesel fired Caterpillar model 3412 (emergency / exempt)

Generators 1 and 2 shall be equipped with manufacturer installed hour meters (hrs) for verification of exempt status and use within empirical formula above.



Concrete batch plant shall be equipped with a filter baghouse and maintained in accordance with manufacturer specification and good engineering practice. Maintenance records shall be made available to NYSDEC upon request to verify status as an exempt source.

Within two years of total facility startup, truck traffic access areas shall be paved to mitigate generation of fugitive dust. Facility shall also employ dust suppression techniques during periods of operation as appropriate.

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 1/30/2008.

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

Condition 5: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.9 (e)

Item 5.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-PHILL

Emission Point: DRUM1

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This limit applies to the hot mix drum asphalt plant.

The permissible emission rate for solid particulate emissions is 0.030 grains/dscf under 6NYCRR 212.9(e). A stack test protocol shall be submitted within 60 days of commencing facility construction. The performance test shall be conducted using the procedures specified in 40 CFR 60, Appendix A and shall be completed within 180 days after initiation of commercial production. A report documenting results shall be submitted to NYSDEC within 60 days after completing the performance test.

NYSDEC reserves the right to request future performance testing to verify compliance.

New York State Department of Environmental Conservation

Permit ID: 3-3352-00291/00002

Facility DEC ID: 3335200291



Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.030 grains per dscf
Reference Test Method: EPA Method 5
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 6: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.11

Item 6.1:

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

Emission Unit: 1-PHILL

Emission Point: DRUM1

Item 6.2:

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.

Operating parameters of the magnehelic gauge (or equivalent) shall be correlated with performance testing conducted under 6NYCRR 212.9(e)(a).

Facility shall monitor operations by recording pressure differential readings weekly. Records shall be maintained by the facility for five years and made available to NYSDEC upon request.

Monitoring Frequency: WEEKLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 7: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 225-1.2 (a) (2)

Item 7.1:

The Compliance Demonstration activity will be performed for the Facility.

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Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall use, purchase, sell, or offer for sale any residual fuel oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

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 8: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

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

Item 8.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-PHILL

Process: WOL

Item 8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Within 180 days after receiving waste fuel A, a performance test shall be conducted on the the hot mix drum asphalt plant to demonstrate a combustion efficiency of 99%. Combustion efficiency shall be measured by the relative concentration of CO₂ and CO in the flue gas in accordance with EPA Method 3A pursuant to 6NYCRR 225-2.

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.

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Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA Method 3A

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 9: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 225-2.7

Item 9.1:

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

Emission Unit: 1-PHILL

Process: WOL

Item 9.2:

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:

Polychlorinated Biphenyls (PCB)	< 50 ppm
Total Halogen	1,000 ppm maximum
Sulfur	1.5 % by weight
Lead	250 ppm maximum
Heat Content	125,000 BTU/gal minimum

Sampling shall be conducted per 7,000 gallon delivery.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

Condition 10: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 227-1.3

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Item 10.1:

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

Emission Unit: 1-PHILL

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

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person shall 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.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 11: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

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

Item 11.1:

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

Emission Unit: 1-PHILL Emission Point: DRUM1

Item 11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This limit applies to the hot mix drum asphalt plant.

The permissible emission rate for solid particulate emissions is 0.040 grains/dscf under 40 CFR 60.92, NSPS Subpart I. However, a more stringent limit of 0.030

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grains/dscf shall apply as defined by permit condition under 6NYCRR 212.9(e).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 12: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

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

Item 12.1:

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

Emission Unit: 1-PHILL

Emission Point: DRUM1

Item 12.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This limit applies to the hot mix drum asphalt plant.

The facility must perform a Method 9 opacity evaluation using the procedures outlined in 40 CFR, Appendix A. The opacity evaluation shall be conducted within 60 days after initiation of commercial production. A report documenting results shall be submitted to NYSDEC within 60 days after completing the Method 9 evaluation.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during future facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 13: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.672(b), NSPS Subpart OOO

Item 13.1:

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

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Emission Unit: 1-PHILL

Process: DRY

Emission Source: CONV1

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

E. Tetz & Sons, Inc. as the owner/ operator shall conduct a Method 9 opacity evaluation to determine compliance with the 10 percent opacity standard for each conveyor transfer point subject to 40 CFR 60 Subpart OOO. The Method 9 evaluation must be performed for at least 1 hour (ten 6-minute averages), unless there is a reading greater than 10 percent opacity, or 3 or more readings of 10 percent opacity. If either of these exceptions are tripped, a Method 9 evaluation must be conducted for 3 hours (thirty 6-minute averages) for that conveyor transfer point.

Method 9 evaluations must be completed within 180 days of initial startup. A report documenting results must be submitted to NYSDEC Region 3 within 30 days after completing the evaluations.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during future facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-1: Compliance Demonstration

Effective between the dates of 10/13/2010 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.672(c), NSPS Subpart OOO

Replaces Condition(s) 14

Item 1-1.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-PHILL

Process: DRY

Emission Source: CRS1

Emission Unit: 1-PHILL

Process: DRY

Emission Source: CRS2



Emission Unit: 1-PHILL Process: DRY	Emission Source: CRS3
Emission Unit: 1-PHILL Process: DRY	Emission Source: CRS4
Emission Unit: 1-PHILL Process: DRY	Emission Source: CRS5
Emission Unit: 1-PHILL Process: DRY	Emission Source: CRS6

Item 1-1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

E. Tetz & Sons, Inc. as the owner/ operator shall conduct a Method 9 opacity evaluation to determine compliance with the 15 percent opacity standard for each crusher subject to 40 CFR 60 Subpart OOO. The Method 9 evaluation must be performed for at least 1 hour (ten 6-minute averages), unless there is a reading greater than 15 percent opacity, or 3 or more readings of 15 percent opacity. If either of these exceptions are tripped, a Method 9 evaluation must be conducted for 3 hours (thirty 6-minute averages) for that crusher.

Method 9 evaluations must be completed within 180 days of initial startup. A report documenting results must be submitted to NYSDEC Region 3 within 30 days after completing the evaluations.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during future facility operation.

Parameter Monitored: OPACITY
Upper Permit Limit: 15 percent
Reference Test Method: Method 9
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 15: Compliance Demonstration
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.672(h)(1), NSPS Subpart OOO

Item 15.1:

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

Emission Unit: 1-PHILL
Process: WET

Item 15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No owner or operator shall cause to be discharged into the atmosphere from the wet screening operations subject to 40 CFR 60 Subpart OOO fugitive emissions which exhibit greater than 0 percent opacity.

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

Parameter Monitored: OPACITY

Upper Permit Limit: 0 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 16: Date of construction notification - If a COM is not used.
Effective between the dates of 04/02/2007 and Permit Expiration Date**

Applicable Federal Requirement:40CFR 60.7(a), NSPS Subpart A

Item 16.1:

This Condition applies to Emission Unit: 1-PHILL

Item 16.2:

Any owner or operator subject to this part shall furnish the Administrator with the following information:

1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;

3) a notification of the actual date of initial start up, post marked within 15 days after such date;



4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

Condition 17: Performance testing timeline.
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.8(a), NSPS Subpart A

Item 17.1:

This Condition applies to Emission Unit: 1-PHILL

Item 17.2:

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 18: Opacity standard compliance testing.
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.11, NSPS Subpart A

Item 18.1:

This Condition applies to Emission Unit: 1-PHILL

Item 18.2:

The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A or this Part 40 CFR 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.



Condition 19: Compliance with Standards and Maintenance Requirements
Effective between the dates of 04/02/2007 and Permit Expiration Date

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

Item 19.1:

This Condition applies to Emission Unit: 1-PHILL

Item 19.2:

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



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 20: Contaminant List

Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 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: 0NY075-00-0
Name: PARTICULATES

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

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

Condition 1-2: Unavoidable noncompliance and violations

Effective between the dates of 10/13/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 1-2.1:

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 21: Unavoidable noncompliance and violations
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 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 superseded 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 22: Emission Unit Definition
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 22.1(From Mod 1):

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

Emission Unit: 1-PHILL

Emission Unit Description:

This emission unit is composed of: a counterflow drum hot mix plant with associated control equipment; aggregate processing equipment consisting of crushers, screens and conveyors; emergency generators; exempt diesel engines used to power the portable plants; and an exempt portland cement concrete batch plant.

Condition 1-3: Air pollution prohibited
Effective between the dates of 10/13/2010 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 1-3.1:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

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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 23: Air pollution prohibited
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 23.1:

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 24: Emission Point Definition By Emission Unit
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 24.1(From Mod 0):

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

Emission Unit: 1-PHILL

Emission Point: DRUM1

Height (ft.): 30

Diameter (in.): 61

Condition 25: Process Definition By Emission Unit
Effective between the dates of 04/02/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 25.1(From Mod 1):

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

Emission Unit: 1-PHILL

Process: DRY

Process Description:

Processing of sand and gravel, recycled asphalt pavement and recycled concrete by means of crushing, screening and conveyance. Processed material is stockpiled onsite for later use offsite or used as a component of onsite asphalt and concrete production.

Emission Source/Control: SPRAY - Control

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Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: CONV1 - Process

Emission Source/Control: CRSH1 - Process
Design Capacity: 265 tons per hour

Emission Source/Control: CRSH2 - Process
Design Capacity: 140 tons per hour

Emission Source/Control: CRSH3 - Process
Design Capacity: 260 tons per hour

Emission Source/Control: CRSH4 - Process
Design Capacity: 496 tons per hour

Emission Source/Control: CRSH5 - Process
Design Capacity: 396 tons per hour

Emission Source/Control: CRSH6 - Process
Design Capacity: 253 tons per hour

Emission Source/Control: SCR01 - Process
Design Capacity: 96 square feet

Emission Source/Control: SCR02 - Process
Design Capacity: 96 square feet

Emission Source/Control: SCR03 - Process
Design Capacity: 50 square feet

Emission Source/Control: SCR04 - Process
Design Capacity: 90 square feet

Emission Source/Control: SCR05 - Process
Design Capacity: 55 square feet

Emission Source/Control: SCR06 - Process
Design Capacity: 50 square feet

Emission Source/Control: SCR07 - Process
Design Capacity: 100 square feet

Emission Source/Control: SCR08 - Process
Design Capacity: 32 square feet

Item 25.2(From Mod 0):

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

Emission Unit: 1-PHILL

Process: GAS

Process Description:

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Operation of counterflow hot mix drum asphalt plant
utilizing natural gas as fuel.

Emission Source/Control: BAG01 - Control
Control Type: FABRIC FILTER

Emission Source/Control: DRUM1 - Process
Design Capacity: 400 tons per hour

Item 25.3(From Mod 0):

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

Emission Unit: 1-PHILL

Process: NO2

Process Description:

Operation of counterflow hot mix drum asphalt plant
utilizing No. 2 oil as fuel.

Emission Source/Control: BAG01 - Control
Control Type: FABRIC FILTER

Emission Source/Control: DRUM1 - Process
Design Capacity: 400 tons per hour

Item 25.4(From Mod 0):

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

Emission Unit: 1-PHILL

Process: WET

Process Description:

Sand and gravel is sent through screens where it is
washed, sized and seperated. Processed material is
stockpiled onsite for later use offsite or used as a
component of onsite asphalt and concrete production.

Emission Source/Control: CONV1 - Process

Emission Source/Control: SCR02 - Process
Design Capacity: 96 square feet

Item 25.5(From Mod 0):

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

Emission Unit: 1-PHILL

Process: WOL

Process Description:

Operation of counterflow hot mix drum asphalt plant
utilizing waste oil as fuel.

Emission Source/Control: BAG01 - Control
Control Type: FABRIC FILTER



Emission Source/Control: DRUM1 - Process
Design Capacity: 400 tons per hour

