



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 3-3920-00028/00003  
Effective Date: 03/29/2019 Expiration Date: 03/28/2029

Permit Issued To: TILCON NEW YORK INC  
9 Entin Rd  
Parsippany, NJ 07054

Contact: Bill Aspinall  
Tilcon New York, Inc.  
9 Entin Road  
Parsippany, NJ 07054  
(845) 494-0750

Facility: WEST NYACK ASPHALT PLANT  
1 CRUSHER RD  
WEST NYACK, NY 10960

Contact: KYLE MCLOONE  
Tilcon NY Inc  
1 Crusher Rd  
West Nyack, NY 10994  
(845) 494-0750

Description:

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: SCOTT BALLARD  
NYSDEC - REGION 3  
21 S PUTT CORNERS RD  
NEW PALTZ, NY 12561-1696

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

**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 the expiration of permits for Title V and State Facility Permits.

**Item 3.3**

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



**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

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

**New York State Department of Environmental Conservation**

Permit ID: 3-3920-00028/00003

Facility DEC ID: 3392000028



**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  
9 Entin Rd  
Parsippany, NJ 07054

Facility: WEST NYACK ASPHALT PLANT  
1 CRUSHER RD  
WEST NYACK, NY 10960

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

Permit Effective Date: 03/29/2019

Permit Expiration Date: 03/28/2029



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR 201-6.4 (e): Compliance Demonstration
- 2 6 NYCRR 200.7: Maintenance of Equipment
- 3 6 NYCRR 200.7: Compliance Demonstration
- 4 6 NYCRR 201-7.1: Facility Permissible Emissions
- \*5 6 NYCRR 201-7.1: Capping Monitoring Condition
- \*6 6 NYCRR 201-7.1: Capping Monitoring Condition
- 7 6 NYCRR 211.2: Visible Emissions Limited
- 8 6 NYCRR 212-1.6 (a): Compliance Demonstration
- 9 6 NYCRR 212-4.1 (a) (1): Compliance Demonstration
- 10 6 NYCRR 212-4.1 (a) (2): Compliance Demonstration
- 11 6 NYCRR 212-4.1 (b): Compliance Demonstration
- 12 40CFR 60.93(b), NSPS Subpart I: Compliance Demonstration
- 13 40CFR 60.93(b), NSPS Subpart I: Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 14 ECL 19-0301: Contaminant List
- 15 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 16 6 NYCRR Subpart 201-5: Emission Unit Definition
- 17 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 18 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 19 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 20 6 NYCRR 211.1: Air pollution prohibited
- 21 6 NYCRR 225-1.2 (d): Compliance Demonstration
- 22 6 NYCRR 225-1.2 (h): Compliance Demonstration

**Emission Unit Level**

- 23 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 24 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,







**Activities - 6 NYCRR 201-3.3 (a)**

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

**Item I: Required Emission Tests - 6 NYCRR 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item J: Open Fires Prohibitions - 6 NYCRR 215.2**

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item K: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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



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: Compliance Demonstration**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)**

**Item 1.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related record keeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in

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this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Air Compliance Branch  
USEPA Region 2 DECA/ACB  
290 Broadway, 21st Floor  
New York, NY 10007

The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer  
NYSDEC  
21 South Putt Corners Road  
New Paltz, NY 12561-1696

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2020.  
Subsequent reports are due on the same day each year



**Condition 2: Maintenance of Equipment**  
Effective between the dates of 03/29/2019 and 03/28/2029

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 2.1:**

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

**Condition 3: Compliance Demonstration**  
Effective between the dates of 03/29/2019 and 03/28/2029

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The fabric filter baghouse must be equipped with a pressure gauge to measure the pressure differential. Pressure readings shall be recorded daily when the plant is in operation and a log maintained on-site. The log book must be retained at the facility for 5 years after the date of the last entry.

Pressure drop across the fabric filter shall be kept within a range of 1" - 9" water column (w.c.). Deviations and corrective actions shall be recorded and maintained in the same log mentioned above.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 4: Facility Permissible Emissions**  
Effective between the dates of 03/29/2019 and 03/28/2029

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

**Item 4.1:**

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

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

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

PTE: 45,000 pounds per year

**Condition 5: Capping Monitoring Condition**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 5.1:**

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 5.2:**

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

**Item 5.3:**

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 5.4:**

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 5.5:**

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 5.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 5.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: MONITORING OF PROCESS OR CONTROL



DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The facility owner or operator shall ensure that emissions of carbon monoxide from all emission sources at the facility do not exceed 195,000 pounds during any 12-month period.

In order to demonstrate compliance with this requirement, carbon monoxide emissions from each emission source operated on site shall be tracked monthly and on a 12-month rolling total basis using the following formula:

$$(0.13 \text{ lb CO/tons of HMA}) \times (X \text{ tons HMA/12 month period}) = \text{or} < 195,000 \text{ lbs/12 month period}$$

Where, X is the total amount of hot mix asphalt produced.

The facility owner or operator shall maintain records of the monthly and 12 month rolling total emissions, and the calculations, production data, and all other information used to determine compliance with this condition at the facility for a period of at least five years.

The facility owner or operator shall submit a compliance certification to the Department on an annual basis that includes a summary of the calculations and data used to demonstrate compliance with this requirement.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 195000 pounds per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 04/27/2020 for the period 03/29/2019 through 03/28/2020

**Condition 6: Capping Monitoring Condition**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 6.1:**

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 6.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission



limits, terms, conditions and standards in this permit.

**Item 6.3:**

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 6.4:**

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 6.5:**

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 6.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 6.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The facility owner or operator shall ensure that emissions of oxides of nitrogen from all emission sources at the facility do not exceed 45,000 pounds during any 12-month period.

In order to demonstrate compliance with this requirement, oxides of nitrogen emissions from each emission source operated on site shall be tracked monthly and on a 12-month rolling total basis using the following formula:

$$(0.025 \text{ lb NOx/tons of HMA}) \times (\text{Xng ton HMA/12 month period}) \\ + (0.12 \text{ lb NOx/ton HMA}) \times (\text{Xfo tons HMA/12 month period}) = \\ \text{or} < 45,000 \text{ lbs/12 month period}$$

Where:



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Xng is the total HMA production in tons when fueled by natural gas.

Xfo is the total HMA production in tons when fueled by distillate or residual oil.

The facility owner or operator shall maintain records of the monthly and 12 month rolling total emissions, and the calculations, production data, and all other information used to determine compliance with this condition at the facility for a period of at least five years.

The facility owner or operator shall submit a compliance certification to the Department on an annual basis that includes a summary of the calculations and data used to demonstrate compliance with this requirement.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 45000 pounds per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

**Condition 7: Visible Emissions Limited**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 7.1:**

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 8: Compliance Demonstration**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL



DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20% or greater from any process source except only the emission of uncombined water. An EPA Method 9 certified operator shall perform a stack opacity observation each day of operation and record qualitative observations and corrective actions performed to rectify exceedances in a logbook. The log book must be retained at the facility for 5 years after the date of the last entry.

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: PARTICULATES

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 10: Compliance Demonstration**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 10.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 10.2:**



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The Compliance Demonstration applies to:

Emission Unit: U-0HMA1

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Opacity shall not exceed 20% in accordance to 40 CFR 60.92, NSPS Subpart I. Compliance will be demonstrated under 40 CFR 60.93(b) by conducting a performance test. A stack test protocol will be submitted to the Department at least 30 days prior to the test, which will be conducted no later than 180 days after the startup date of the plant. The performance test shall be conducted using the procedures specified in EPA method 9 for determining opacity. At the time of the performance test, the drum-dryer must be fueled with No. 2 fuel oil. The method 9 observations shall be done by an EPA method 9 certified operator.

The initial Method 9 performance test shall be done concurrently with the EPA Method 5 performance test.

The Department shall be granted access to witness the performance test.

Subsequent testing shall be done upon the request of the Department.

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: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 13: Compliance Demonstration**

**Effective between the dates of 03/29/2019 and 03/28/2029**

**Applicable Federal Requirement:40CFR 60.93(b), NSPS Subpart I**

**Item 13.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

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Emission Unit: U-0HMA1

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The permissible emission rate for solid particulate emissions is 0.040 grains/dscf under 40 CFR 60.92, NSPS Subpart I. Compliance will be demonstrated under 40 CFR 60.93(b) by conducting a performance test. A stack test protocol will be submitted to the Department at least 30 days prior to the test, which will be conducted no later than 180 days after the startup date of the plant. The performance test shall be conducted using the procedures specified in EPA method 5 for determining particulate matter concentration. At the time of the performance test, the drum-dryer must be fueled with No. 2 fuel oil.

This performance test shall be done concurrently with the initial Method 9 performance test.

Subsequent tests shall be done upon request by the department.

A representative of the Department will be granted access to witness the performance test.

Demonstrating compliance with this emissions limit satisfies 6 NYCRR Part 212 under 212-1.5(e).

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.040 grains per dscf

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

(1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;

(3) During the period of the emergency the facility owner 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 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 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 B: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records.



Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

**Item C: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 14: Contaminant List**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 14.1:**

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: 0NY210-00-0  
Name: OXIDES OF NITROGEN

**Condition 15: Malfunctions and start-up/shutdown activities**



Effective between the dates of 03/29/2019 and 03/28/2029

Applicable State Requirement:6 NYCRR 201-1.4

**Item 15.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 16: Emission Unit Definition**

Effective between the dates of 03/29/2019 and 03/28/2029

Applicable State Requirement:6 NYCRR Subpart 201-5

**Item 16.1:**

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

Emission Unit: U-OHMA1

Emission Unit Description:

This emission unit is an Astec Double Barrel drum plant,



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comprised of seventeen (17) areas and structures. The silos and slat conveyor will be the tallest structures at approximately 68 to 75 feet above grade. Most of the other structures are roughly 20 to 30 feet in height. The plant will include a new 68000 CFM Baghouse capable of processing 350 tons per hour.

Building(s): OUTDOORS

**Condition 17: Renewal deadlines for state facility permits  
Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 17.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 18: Compliance Demonstration  
Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Initial performance testing shall be conducted to establish NOx emission factors, which will be used to demonstrate compliance with the facility's 45,000 lbs annual emission cap. The test shall be performed within 180 days of the initial startup of the new drum asphalt plant. The performance test shall be conducted using procedures specified in EPA Method 7 for the determination of NOx emissions and pursuant to a department approved testing protocol. At the time of the test, the drum-dryer must be fueled with natural gas. The test protocol shall be submitted to the department at least 30 days before the performance test. A report of the test shall be submitted to the department within 60 day of its completion. Subsequent testing shall be done upon request by the department.



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**Item 21.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 21.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the firing of residual oil with a sulfur content of 0.37% sulfur.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

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: 0.37 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 22: Compliance Demonstration**

**Effective between the dates of 03/29/2019 and 03/28/2029**

**Applicable State Requirement:6 NYCRR 225-1.2 (h)**

**Item 22.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 22.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of a stationary combustion installations that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016. Compliance with this limit will be based on vendor certifications.

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Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 23: Emission Point Definition By Emission Unit**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 23.1:**

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

Emission Unit: U-0HMA1

Emission Point: 0HMA1

Height (ft.): 30

Diameter (in.): 56

NYTMN (km.): 4551.355 NYTME (km.): 587.563 Building: OUTDOORS

**Condition 24: Process Definition By Emission Unit**  
**Effective between the dates of 03/29/2019 and 03/28/2029**

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

**Item 24.1:**

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

Emission Unit: U-0HMA1

Process: 001

Source Classification Code: 3-05-002-05

Process Description:

Emission Unit U-0HMA1 is a drum mix plant that consists of five major components: the cold aggregate feeds, binder supply, combination drum mixer, surge or storage silos,



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Process Description:

Drum mix asphalt plant fired with residual (No. 4, 5 and/or 6) fuel oil.

Emission Source/Control: OHMA1 - Combustion

Emission Source/Control: OBAG1 - Control  
Control Type: FABRIC FILTER