

Facility DEC ID: 436120007

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-3612-00007/00012  
Effective Date: 04/06/2020 Expiration Date: 04/05/2030

Permit Issued To: COBLESKILL STONE PRODUCTS INC  
PO BOX 220  
COBLESKILL, NY 12043-0220

Contact: DAN KLEESCHULTE  
COBLESKILL STONE PRODUCTS INC  
PO BOX 220  
COBLESKILL, NY 12043  
(607) 432-8321

Facility: COBLESKILL STONE PRODUCTS CEPERLY AVE  
59-61 CEPERLEY AVE  
ONEONTA, NY 13820

Description:  
This project includes the renewal of the facility's air state facility permit for the operation of two hot mix asphalt plants. The existing Astec batch plant will be converted to an Astec drum plant and its burner will be replaced with a low NOx burner.

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: NANCY M BAKER  
NYSDEC - REGION 4  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306-2014

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

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### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

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**Facility Level**

- 5 5 Submission of application for permit modification or renewal-REGION 4 SUBOFFICE - STAMFORD

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**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 4**  
**SUBOFFICE - STAMFORD**  
**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 4 Sub-office  
Division of Environmental Permits  
65561 State Highway 10, Suite 1  
Stamford, NY 12167-9503  
(607) 652-7364

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: COBLESKILL STONE PRODUCTS INC  
PO BOX 220  
COBLESKILL, NY 12043-0220

Facility: COBLESKILL STONE PRODUCTS CEPERLY AVE  
59-61 CEPERLEY AVE  
ONEONTA, NY 13820

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

Permit Effective Date: 04/06/2020

Permit Expiration Date: 04/05/2030

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**FEDERALLY ENFORCEABLE CONDITIONS**

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- 8 \*3 6 NYCRR 201-7.1: Capping Monitoring Condition
- 11 4 6 NYCRR 211.2: Visible Emissions Limited
- 11 5 6 NYCRR 212-4.1 (a) (1): Compliance Demonstration
- 11 6 6 NYCRR 212-4.1 (a) (2): Compliance Demonstration
- 12 7 6 NYCRR 212-4.1 (b): Compliance Demonstration
- 13 8 6 NYCRR 225-1.2 (h): Compliance Demonstration
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- 14 10 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
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**STATE ONLY ENFORCEABLE CONDITIONS**

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- 19 13 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 20 14 6 NYCRR Subpart 201-5: Emission Unit Definition
- 20 15 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 20 16 6 NYCRR 201-5.3 (c): CLCPA Applicability
- 20 17 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 21 18 6 NYCRR 211.1: Air pollution prohibited
- 21 19 6 NYCRR 211.1: Compliance Demonstration
- 22 20 6 NYCRR 212-2.3 (b): Compliance Demonstration

**Emission Unit Level**

- 23 21 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 24 22 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 1/FINAL

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

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

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

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



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required to operate such device effectively.

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

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: Recycling and Salvage - 6 NYCRR 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item F: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item G: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item H: Proof of Eligibility for Sources Defined as Trivial**

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

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

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

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

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

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

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

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

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





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C = Monthly production of hot mix asphalt in emission source STAN1 while firing natural gas, in tons

D = Most recent NOx emission factor for emission source STAN1 based on facility stack testing while firing natural gas, or if none is available, the most recent NOx emission factor from AP-42 for a batch plant firing natural gas.

E = Monthly production of hot mix asphalt in emission source ASTC1 while firing No. 2 fuel oil, in tons

F = Most recent NOx emission factor for emission source ASTC1 based on facility stack testing while firing No. 2 oil, or if none is available, the most recent NOx emission factor from AP-42 for a drum plant firing No. 2 oil.

G = Monthly production of hot mix asphalt in emission source ASTC1 while firing natural gas, in tons

H = Most recent NOx emission factor for emission source ASTC1 based on facility stack testing while firing natural gas, or if none is available, the most recent NOx emission factor from AP-42 for a drum plant firing natural gas.

The facility owner or operator shall maintain a record of each calculation made pursuant to this condition and all supporting information at the facility for a period of at least five years. Records kept pursuant to this condition shall be made available to the Department upon request.

The facility owner or operator shall prepare an annual capping certification report indicating the monthly and rolling 12-month period emissions of NOx and submit it to the Department on an annual basis.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 139512 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 1/30/2021.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 3: Capping Monitoring Condition**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

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**Item 3.1:**

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

6 NYCRR Subpart 201-6

**Item 3.2:**

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

**Item 3.3:**

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

**Item 3.4:**

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

**Item 3.5:**

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

**Item 3.6:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 3.7:**

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 (CO) do not exceed 195,897 pounds during any 12-month period. The facility owner or operator shall demonstrate compliance with this limitation by calculating monthly and rolling 12-month total emissions of CO using the following formula:

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$$Z = (A \times B) + (C \times D) + (E \times F) + (G \times H)$$

Where:

Z = Total monthly CO emissions

A = Monthly production of hot mix asphalt in emission source STAN1 while firing No. 2 fuel oil, in tons

B = Most recent CO emission factor for emission source STAN1 based on facility stack testing while firing No. 2 oil, or if none is available, the most recent CO emission factor from AP-42 for a batch plant firing No. 2 oil.

C = Monthly production of hot mix asphalt in emission source STAN1 while firing natural gas, in tons

D = Most recent CO emission factor for emission source STAN1 based on facility stack testing while firing natural gas, or if none is available, the most recent CO emission factor from AP-42 for a batch plant firing natural gas.

E = Monthly production of hot mix asphalt in emission source ASTC1 while firing No. 2 fuel oil, in tons

F = Most recent CO emission factor for emission source ASTC1 based on facility stack testing while firing No. 2 oil, or if none is available, the most recent CO emission factor from AP-42 for a drum plant firing No. 2 oil.

G = Monthly production of hot mix asphalt in emission source ASTC1 while firing natural gas, in tons

H = Most recent CO emission factor for emission source ASTC1 based on facility stack testing while firing natural gas, or if none is available, the most recent CO emission factor from AP-42 for a drum plant firing natural gas.

The facility owner or operator shall maintain a record of each calculation made pursuant to this condition and all supporting information at the facility for a period of at least five years. Records kept pursuant to this condition shall be made available to the Department upon request.

The facility owner or operator shall prepare an annual capping certification report indicating the monthly and rolling 12-month period emissions of CO and submit it to the Department on an annual basis.

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Parameter Monitored: CARBON MONOXIDE  
 Upper Permit Limit: 195897 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 1/30/2021.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 4: Visible Emissions Limited**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 4.1:**  
 Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 5.1:**  
 The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**  
 Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
 Monitoring Description:

The owner or operator of a hot mix asphalt plant must perform an annual tune-up of each burner on each plant that was operated during each calendar year.

The facility owner or operator shall maintain a record of the date each such tune-up was completed, including a summary of the work that was performed. Such records shall be maintained on site for a period of at least five years from the date of the record, and must be made available to the Department upon request.

Monitoring Frequency: ANNUALLY  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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



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**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a hot mix asphalt plant shall prepare, maintain, and implement a plan that details the introduction or continuation of methods to reduce the moisture content of the aggregate stockpile(s) at the facility.

A copy of the plan shall be maintained on site, and must be provided to the Department upon request.

The facility owner or operator shall promptly notify the Department in writing of any changes to the plan prior to implementing them.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 7: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Prior to the replacement of each aggregate dryer burner, the owner or operator of a hot mix asphalt plant shall submit documentation to the Department for approval indicating that each replacement burner is designed to reduce emissions of Oxides of Nitrogen (NOx). Such documentation shall include a vendor certification or guarantee that the unit is a low NOx burner and the emission rate of NOx for each fuel combusted by the facility.

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The facility owner or operator may not commence replacement of the burner until approval has been received from the Department.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 8: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: 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.

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

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 9.1:**

The Compliance Demonstration activity will be performed for the facility:



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

**Item 10.1:**

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

Emission Unit: 1-OAC01

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:

The owner or operator of an asphalt plant subject to the requirements of 40 CFR 60 Subpart I shall not cause or allow emissions of particulate matter to the outdoor atmosphere in excess of 0.04 grains per dry standard cubic foot of exhaust gas.

Compliance testing shall be conducted upon request by the Department. When testing is conducted, USEPA Reference Test Method 5 shall be used to determine the particulate matter concentration in the exhaust gas. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf). Compliance shall be verified based on the arithmetic average of at least three samples.

Compliance with this particulate matter limit also satisfies the particulate matter limit requirement found in 6 NYCRR Part 212-2.5(b), as described in 6 NYCRR Part 212-1.5(e)(1).

Parameter Monitored: PARTICULATES  
Upper Permit Limit: 0.04 grains per dscf  
Reference Test Method: USEPA Reference Test Method 5  
Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY  
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
SEE MONITORING DESCRIPTION  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 11: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, excluding the emission of uncombined water.

In order to demonstrate compliance with this requirement, the facility owner or operator shall conduct a visible emissions observation (determining the presence or absence of visible emissions above those that are normal and in compliance) of all emission points and/or emission sources once per day, during daylight hours and while the facility is in operation, except during periods of extreme weather (fog, snow, rain).

If visible emissions above those that are in compliance are detected, the facility owner or operator shall determine the cause, make the necessary corrections, and verify that the problem has been corrected.

The facility owner or operator shall maintain a record of each observation that includes the date, time, emission point or emission source identifier, the visible emissions noted (if any), and a description of any corrective action taken. If no reading is taken due to weather conditions, the facility owner or operator shall note the weather condition in the log. Records shall be maintained at the facility for a period of at least five years, and must be made available to the Department upon request.

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

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: EPA Reference Test Method 9  
 Monitoring Frequency: DAILY  
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

An emergency, as defined 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.

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

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

The following conditions are state only enforceable.

**Condition 12: Contaminant List**

Effective between the dates of 04/06/2020 and 04/05/2030

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

**Item 12.1:**

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

CAS No: 000050-00-0  
Name: FORMALDEHYDE

CAS No: 000071-43-2  
Name: BENZENE

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

CAS No: 007440-02-0

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Name: NICKEL METAL AND INSOLUBLE COMPOUNDS

CAS No: 018540-29-9

Name: CHROMIUM(VI)

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 13: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 13.1:**

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

(b) The facility owner or operator shall compile and maintain records of all equipment 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.



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**Condition 14: Emission Unit Definition**  
Effective between the dates of 04/06/2020 and 04/05/2030

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

**Item 14.1:**

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

Emission Unit: 1-OAC01

Emission Unit Description:

This emission unit includes all activities related to the production of hot mix asphalt. Hot mix asphalt is produced in a 240 ton per hour batch and a 400 ton per hour drum asphaltic concrete plants. The plants are fired by either natural gas or No. 2 fuel oil and are powered by line power.

**Condition 15: Renewal deadlines for state facility permits**  
Effective between the dates of 04/06/2020 and 04/05/2030

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

**Item 15.1:**

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

**Condition 16: CLCPA Applicability**  
Effective between the dates of 04/06/2020 and 04/05/2030

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

**Item 16.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 17: Compliance Demonstration**  
Effective between the dates of 04/06/2020 and 04/05/2030

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

**Item 17.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 4  
1130 N. Westcott Rd.  
Schenectady, NY 12306

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2021.

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

**Condition 18: Air pollution prohibited**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 18.1:**

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.

**Condition 19: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 19.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 19.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall develop, implement, and periodically review and update a fugitive dust control plan. The plan shall address potential fugitive dust generated by: loading, hauling, and dumping stone, transfer points, storage piles, haul roads, conveying, spillage, baghouse dust removal, emptying asphalt hot

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bins, and any other activity which could cause fugitive dust to be created.

The facility owner or operator shall suppress fugitive dust at all times in a manner that is consistent with the fugitive dust plan for the facility. A copy of the fugitive dust control plan shall be maintained on site, and must be provided to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 20: Compliance Demonstration**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

**Applicable State Requirement: 6 NYCRR 212-2.3 (b)**

**Item 20.1:**

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

Emission Unit: 1-OAC01                      Emission Point: 10002

Emission Unit: 1-OAC01                      Emission Point: 10003

Regulated Contaminant(s):  
 CAS No: 000050-00-0                      FORMALDEHYDE  
 CAS No: 007440-02-0                      NICKEL METAL AND INSOLUBLE  
 COMPOUNDS  
 CAS No: 018540-29-9                      CHROMIUM(VI)  
 CAS No: 000071-43-2                      BENZENE

**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The asphaltic concrete production processes at this facility emit benzene, formaldehyde, nickel, and hexavalent chromium in excess of the mass emission thresholds listed in Table 2 of 6 NYCRR Part 212-2.2. These emissions have been assigned the following environmental ratings by the Department:

- Benzene - A
- Formaldehyde - A
- Nickel - A
- Chromium (VI) - A

The facility owner or operator is required to demonstrate

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compliance with the degree of control specified in Table 4 of Subdivision 212-2.3(b) for each of these contaminants. Since the emission rate potential of benzene and formaldehyde is between 0.1 and 1 pounds per hour, 90% control is required for these contaminants. However, it was determined that control of these emission sources was not technically feasible at this time. The emission rate of nickel and chromium (VI) is less than 0.1 pounds per hour, so the facility owner or operator must demonstrate compliance with the annual guideline concentration specified in the Department's DAR-1 guidance document for these contaminants.

To demonstrate compliance with this requirement, the facility completed a dispersion modeling analysis which demonstrated that the maximum ambient impacts from these pollutants was below the short term and annual guideline concentrations.

The ambient impact modeling analysis discussed above was based on a maximum production limit of 475,000 tons of asphaltic concrete per year at the facility. Accordingly, the production of asphaltic concrete at the facility is limited to 475,000 tons on a 12-month rolling total basis.

The facility owner or operator shall maintain records on site for a period of at least five years that indicate the amount of asphaltic concrete produced at the facility on a monthly and rolling 12-month total basis. Such records shall include all information necessary to determine compliance with this condition, and must be made available to the Department upon request.

The facility owner or operator shall conduct an updated dispersion modeling analysis or stack test upon request by the Department.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALTIC CONCRETE

Upper Permit Limit: 475000 tons per year

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 21: Emission Point Definition By Emission Unit**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 21.1:**

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

Emission Unit: 1-OAC01

Emission Point: 10002

Height (ft.): 32                      Length (in.): 64                      Width (in.): 32  
 NYTMN (km.): 4699.705      NYTME (km.): 492.352

Emission Point: 10003

Height (ft.): 35                      Diameter (in.): 56  
 NYTMN (km.): 4699.686      NYTME (km.): 492.414

**Condition 22: Process Definition By Emission Unit**  
**Effective between the dates of 04/06/2020 and 04/05/2030**

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

**Item 22.1:**

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

Emission Unit: 1-OAC01

Process: BC1                                      Source Classification Code: 3-05-002-52

Process Description:

This process consists of the production of asphaltic concrete at the Stansteel hot mix asphalt batch plant using Number 2 fuel oil as fuel. Production starts with the metering and conveying of aggregate to the rotary dryer. The heated and dried aggregate is classified and emptied into a pug mil to be mixed with hot asphalt cement. Emissions from the rotary dryer, elevators, hot screens, hot bins and pug mill are ducted to a baghouse.

Emission Source/Control: 00001 - Control  
 Control Type: FABRIC FILTER

Emission Source/Control: STAN1 - Process

**Item 22.2:**

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

Emission Unit: 1-OAC01

Process: BC2                                      Source Classification Code: 3-05-002-51

Process Description:

This process consists of the production of asphaltic concrete at the Stansteel hot mix asphalt batch plant using natural gas as fuel. Production starts with the metering and conveying of aggregate to the rotary dryer. The heated and dried aggregate is classified and emptied

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into a pug mil to be mixed with hot asphalt cement.  
Emissions from the rotary dryer, elevators, hot screens,  
hot bins and pug mill are ducted to a baghouse.

Emission Source/Control: 00001 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: STAN1 - Process

**Item 22.3:**

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

Emission Unit: 1-OAC01

Process: BC3

Source Classification Code: 3-05-002-58

Process Description:

This process consists of the production of asphaltic concrete at the Astec hot mix asphalt drum plant using Number 2 fuel oil as fuel. Production starts with the metering and conveying of aggregate to the rotary dryer. The heated and dried aggregate is classified and emptied into a pug mil to be mixed with hot asphalt cement. Emissions from the rotary dryer, elevators, hot screens, hot bins and pug mill are ducted to a baghouse.

Emission Source/Control: 00002 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: ASTC1 - Process

**Item 22.4:**

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

Emission Unit: 1-OAC01

Process: BC4

Source Classification Code: 3-05-002-55

Process Description:

This process consists of the production of asphaltic concrete at the Astec hot mix asphalt batch plant using natural gas as fuel. Production starts with the metering and conveying of aggregate to the rotary dryer. The heated and dried aggregate is classified and emptied into a pug mil to be mixed with hot asphalt cement. Emissions from the rotary dryer, elevators, hot screens, hot bins and pug mill are ducted to a baghouse.

Emission Source/Control: 00002 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: ASTC1 - Process

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