

New York State Department of Environmental Conservation
Facility DEC ID: 4422000136



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 4-4220-00136/00003
Mod 0 Effective Date: 07/17/2002 Expiration Date: No expiration date.
Mod 1 Effective Date: 02/25/2005 Expiration Date: No expiration date.

Permit Issued To: CARVER SAND & GRAVEL LLC
494 WESTERN TPKE
ALTAMONT, NY 12009

Facility: CARVER STONE- ASPHALT PLANT
SETTLES HILL RD
DUANESBURG, NY

Contact: CARVER SAND & GRAVEL LLC
494 WESTERN TPKE
ALTAMONT, NY 12009
(518) 355-6034

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: MICHAEL T HIGGINS
DIVISION OF ENVIRONMENTAL PERMITS
1150 NORTH WESTCOTT RD
SCHENECTADY, NY 12306-2014

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 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 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 and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 4
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 and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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transfer of ownership.

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

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

****** Facility Level ******

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 4 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator
Region 4 Headquarters
Division of Environmental Permits
1150 North Westcott Rd.
Schenectady, NY 12306-2014
(518) 357-2069

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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494 WESTERN TPKE
ALTAMONT, NY 12009

Facility: CARVER STONE- ASPHALT PLANT
SETTLES HILL RD
DUANESBURG, NY

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

Mod 0 Permit Effective Date: 07/17/2002

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1-1 6NYCRR 211.4: VOC prohibited
- 1-2 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 1-3 6NYCRR 225-1.8(a): Compliance Demonstration
- 1-4 6NYCRR 225-1.8(d): Sampling, compositing, and analysis of fuel samples
- 1-5 6NYCRR 225-2.5(a): Permitting requirements.
- 1-6 6NYCRR 225-2.6(a): PCB Fuel Blending
- 1-7 6NYCRR 225-2.6(d): Purchase of waste fuel prohibitions.
- 1-8 6NYCRR 225-2.7(c): Maintaining Records of Delivered Waste Fuel
- 1-9 6NYCRR 225-2.7(d): Availability of records for Department inspection.
- 1-10 6NYCRR 225-2.7(e): Sampling and analysis requirements.
- 1-11 40CFR 50: Compliance Demonstration

Emission Unit Level

EU=1-00001

- 1-12 6NYCRR 212.5(e): Sources meeting Federal requirements, satisfy
Part 212 compliance for regulated contaminant
- 1-13 6NYCRR 212.6(a): Compliance Demonstration
- 1-14 6NYCRR 225-2.3(b)(3): Compliance Demonstration
- 1-15 6NYCRR 225-2.4(b): Compliance Demonstration
- 1-16 6NYCRR 225-2.4(b): Compliance Demonstration
- 1-17 6NYCRR 225-2.4(b): Compliance Demonstration
- 1-18 6NYCRR 225-2.4(b): Compliance Demonstration
- 1-19 40CFR 60, NSPS Subpart A: Applicability of General Provisions of
40 CFR 60 Subpart A
- 8 40CFR 60.92, NSPS Subpart I: Compliance Demonstration

EU=2-00002

- 1-20 6NYCRR 227-1.3(a): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 16 ECL 19-0301: Contaminant List
- 17 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 18 6NYCRR 201-5: Emission Unit Definition
- 1-21 6NYCRR 201-7.2: Facility Permissible Emissions
- 19 6NYCRR 211.2: Air pollution prohibited
- 1-22 6NYCRR 211.2: Fugitive Dust Control Plan
- 20 6NYCRR 211.2: Compliance Demonstration

Emission Unit Level

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



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1-23 6NYCRR 201-7.2: Emission Unit Permissible Emissions

EU=1-00001

*1-24 6NYCRR 201-7.2: Capping Monitoring Condition

EU=2-00002

*1-25 6NYCRR 201-7.2: Capping Monitoring Condition

NOTE: * preceding the condition number indicates capping.
Mod 1 Permit Effective Date: 02/25/2005 Permit Expiration Date: No expiration date.



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 - 6NYCRR Part 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 - 6NYCRR Part 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 - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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

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

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

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

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

Item E: Emergency Defense - 6NYCRR Part 201-1.5

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

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

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

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

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event



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occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

Item F: Recycling and Salvage - 6NYCRR Part 201-1.7

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

Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8

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

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

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

Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 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



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

Item J: Required Emission Tests - 6 NYCRR Part 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 6NYCRR Part 202-1.

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item L: Open Fires - 6 NYCRR Part 215

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

Item M: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not



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limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

FEDERAL APPLICABLE REQUIREMENTS

The following conditions are federally enforceable.

Condition 1-1: VOC prohibited

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.4

Item 1-1.1:

The use of Volatile Organic Compounds to liquefy asphalt used for paving is prohibited, except for:

- (1) asphalt used in the production of long-life stockpile material for pavement patching and repair;
- (2) asphalt applied at low ambient temperature from October 16th to May 1st; and
- (3) asphalt used as a penetrating prime coat for the purpose of preparing an untreated absorbent surface to receive an asphalt surface.

Condition 1-2: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

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

Item 1-2.1:



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The Compliance Demonstration activity will be performed for the Facility.

Item 1-2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-3: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-1.8(a)

Item 1-3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such certifications shall contain, as a minimum: supplier name, date of shipment, quantity shipped, heating value of the oil, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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Condition 1-4: Sampling, compositing, and analysis of fuel samples
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-1.8(d)

Item 1-4.1:

All sampling, compositing, and analysis of fuel samples, taken to determine compliance with 6 NYCRR Part 225-1, must be done in accordance with methods acceptable to the commissioner.

Condition 1-5: Permitting requirements.
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.5(a)

Item 1-5.1:

Except as provided in subdivision (b) of this section, no person may initiate construction of a new emission source, or modification, or operate an air contamination source in which waste fuel is to be burned until all applicable provisions of this Subpart have been met and the necessary permits to construct and/or certificates to operate may have been issued in accordance with Part 201 of this Title.

Condition 1-6: PCB Fuel Blending
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.6(a)

Item 1-6.1:

Fuel oil and waste oil, except such fuel containing 50 ppm or more by weight of polychlorinated biphenyls (PCB), may be blended to meet the limitations of Table 2-1 6 NYCRR Part 225-2.4. Blending must be performed prior to delivery of the fuel to a facility burning waste fuel A.

Condition 1-7: Purchase of waste fuel prohibitions.
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.6(d)

Item 1-7.1: No owner or operator of a facility proposing to burn waste fuel or transporter of waste fuel may purchase, accept delivery, pick up or accept in trade any waste fuel unless the facility is receiving or proposing to burn waste fuel that meets the applicable requirements of this Subpart and the regulations promulgated pursuant to article 27, titles 7 and 9 and article 23, title 23 of the ECL and the transporter of the waste fuel is permitted under 6 NYCRR Part 364.

Condition 1-8: Maintaining Records of Delivered Waste Fuel
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7(c)



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Item 1-8.1:

Any person delivering waste fuel A and/or B to a facility burning such waste fuel, must maintain records of the identification and quantity of all waste fuel A and/or B delivered to that facility and report such information to the owner of that facility.

Condition 1-9: Availability of records for Department inspection.
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7(d)

Item 1-9.1:

Any person required to maintain and retain records pursuant to this section must make such records available for inspection by the commissioner or his representative during normal business hours. Such person(s) must furnish copies of such records to the commissioner or his representative upon request.

Condition 1-10: Sampling and analysis requirements.
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7(e)

Item 1-10.1:

Sampling and analysis of waste fuel samples must be carried out in accordance with methods acceptable to the commissioner.

Condition 1-11: Compliance Demonstration
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 50

Item 1-11.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 007439-92-1	LEAD
CAS No: 0NY075-00-0	PARTICULATES
CAS No: 0NY075-00-5	PM-10
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 000630-08-0	CARBON MONOXIDE

Item 1-11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within 60 days of this permit issuance, the owner or operator of this facility shall demonstrate, to the



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satisfaction of the Department, that the facility's following listed contaminate emissions will not alone cause property line concentrations to exceed the National Ambient Air Quality Standards. Contaminates are Carbon Monoxide, Lead, Particulates, PM-10, Oxides of Nitrogen and Sulfur Dioxide.

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Condition 1-12: Sources meeting Federal requirements, satisfy Part 212 compliance for regulated contaminant Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.5(e)

Item 1-12.1:

This Condition applies to Emission Unit: 1-00001

Item 1-12.2:

A process emission source, subject to the Federal new source performance standards in 40 CFR Part 60, the national emission standards for hazardous air pollutants in 40 CFR Part 61, or to the polychlorinated biphenyl disposal criteria in 40 CFR part 761 satisfies the requirements of this Part for the contaminant regulated by the Federal standard if the source owner can demonstrate that the source is in compliance with the respective Federal regulation.

Condition 1-13: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 1-13.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Item 1-13.2:

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



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average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-14: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.3(b)(3)

Item 1-14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Item 1-14.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

At a minimum, this process must demonstrate to the Department, that it can operate at a combustion efficiency of at least 99 percent while burning waste fuel A.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA Method X

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED
VALUE AT ANY TIME

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-15: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

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Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 1-15.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Regulated Contaminant(s):

CAS No: 001336-36-3 POLYCHLORINATED BIPHENYL

Item 1-15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Concentration of PCBs not to exceed 49.99ppm by weight excluding water.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 49.99 parts per million by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-16: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 1-16.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Item 1-16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Fuel contaminant limitations of total halogens in waste fuels A and B.



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Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 1000 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL
CHANGE

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-17: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 1-17.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Item 1-17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Fuel heat content minimum requirement for waste fuels A &
B.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: HEAT CONTENT

Lower Permit Limit: 125000 British thermal units per
gallon

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL
CHANGE

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED
VALUE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-18: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 1-18.1:

The Compliance Demonstration activity will be performed for:

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Emission Unit: 1-00001

Regulated Contaminant(s):

CAS No: 007439-92-1 LEAD

Item 1-18.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Waste Fuel A and B Contaminant Limitations for Lead

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 250.0 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-19: Applicability of General Provisions of 40 CFR 60 Subpart A Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 1-19.1:

This Condition applies to Emission Unit: 1-00001

Item 1-19.2:

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

Condition 8: Compliance Demonstration Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.92, NSPS Subpart I

Item 8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001



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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:

The facility will install a pressure gauge to monitor the differential pressure across the baghouse. A log book will be maintained daily for the differential pressure readings, taken once at start up. Also, corrective actions taken and maintenance activities such as bag changes etc., need to be recorded when they occur. These records must remain on site for the most recent five year period and produced upon request.

Parameter Monitored: PRESSURE

Lower Permit Limit: 0.5 pounds per square inch gauge

Upper Permit Limit: 10 pounds per square inch gauge

Monitoring Frequency: DAILY

Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED
RANGE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-20: Compliance Demonstration

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 1-20.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-00002

Item 1-20.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall operate the installation in such a way to emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of

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40 CFR 60.

Parameter Monitored: OPACITY
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



STATE ONLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 16: Contaminant List

Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 16.1:

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: 007439-92-1
Name: LEAD

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

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

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

CAS No: 001336-36-3
Name: POLYCHLORINATED BIPHENYL

Condition 17: Unavoidable noncompliance and violations

Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 17.1:

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

- (a) The facility owner and/or operator shall compile and maintain records of all equipment



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

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

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

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

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

Condition 18: Emission Unit Definition

Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 18.1(From Mod 1):

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

Emission Unit: 1-00001

Emission Unit Description:

HOT MIX ASPHALT BATCH PLANT STACK THAT IS



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COMPRISED OF AN ASPHALT BATCH MIXING TOWER,
COLD FEED SYSTEM, DRYER, CYCLONE AND
BAGHOUSE FILTRATION POLLUTION CONTROL
EQUIPMENT AND ANCILLARY SUPPORT EQUIPMENT.

Building(s): 1

Item 18.2(From Mod 1):

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

Emission Unit: 2-00002

Emission Unit Description:

DIESEL FUELED GENERATOR TO PROVIDE
ELECTRIC TO ASPHALT PLANT.

Condition 1-21: Facility Permissible Emissions

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7.2

Item 1-21.1:

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

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

CAS No: 000630-08-0 (From Mod 1) PTE: 140,000 pounds per year
Name: CARBON MONOXIDE

Condition 19: Air pollution prohibited

Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 19.1:

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 1-22: Fugitive Dust Control Plan

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 1-22.1:



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The facility shall suppress fugitive dust in accordance with their Fugitive Dust Control Plan. A copy of the Fugitive Dust Control Plan shall be maintained with the permit for this facility at all times.

Condition 20: Compliance Demonstration

Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 20.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 20.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within 30 days of issuance of this permit the facility owner shall submit an acceptable fugitive dust control plan and implementation schedule. The facility wide fugitive dust plan should address: haul roads, storage piles, baghouse dust and anything which can cause fugitive dust. A copy of the fugitive dust control plan shall be maintained on site at all times.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 21: Emission Point Definition By Emission Unit

Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 21.1(From Mod 1):

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

Emission Unit: 1-00001

Emission Point: 00001



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Height (ft.): 35 Diameter (in.): 24
NYTMN (km.): 4733.5 NYTME (km.): 576.5

Item 21.2(From Mod 1):

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

Emission Unit: 2-00002

Emission Point: 00002
Height (ft.): 12 Diameter (in.): 8
NYTMN (km.): 4733.5 NYTME (km.): 576.5

Condition 22: Process Definition By Emission Unit
Effective between the dates of 07/17/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 22.1(From Mod 1):

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

Emission Unit: 1-00001
Process: 001 Source Classification Code: 3-05-002-99
Process Description:
 ASPHALT PLANT CMI MODEL # SC 12000 FOR THE
 PRODUCTION OF ASPHALTIC CONCRETE.

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

Emission Source/Control: 0002C - Process

Item 22.2(From Mod 1):

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

Emission Unit: 2-00002
Process: 002 Source Classification Code: 2-02-004-01
Process Description:
 CATERPILLAR DIESEL GENERATOR TO PROVIDE
 POWER TO THE ASPHALT PLANT.

Emission Source/Control: 00002 - Process
Design Capacity: 365 kilowatts

Condition 1-23: Emission Unit Permissible Emissions
Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7.2



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Item 1-23.1:

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

Emission Unit: 2-00002

CAS No: 000630080 (From Mod 1)

Name: CARBON MONOXIDE

PTE(s): 13,980 pounds per year
7 pounds per hour

Emission Unit: 1-00001

CAS No: 000630080 (From Mod 1)

Name: CARBON MONOXIDE

PTE(s): 120,000 pounds per year
144 pounds per hour

Condition 1-24: Capping Monitoring Condition

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7.2

Item 1-24.1:

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:

6NYCRR 201-6

Item 1-24.2:

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

Item 1-24.3:

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

Item 1-24.4:

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



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levels that would require compliance with an applicable requirement.

Item 1-24.5:

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

Item 1-24.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-24.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Records must be maintained on a daily basis tracking total tonnage of asphalt produced. This daily tonnage amount should be rolled monthly and not exceed 300,000 tons per any 12 months.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 300,000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 1-25: Capping Monitoring Condition

Effective between the dates of 02/25/2005 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7.2

Item 1-25.1:

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:

6NYCRR 201-6



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Item 1-25.2:

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

Item 1-25.3:

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

Item 1-25.4:

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

Item 1-25.5:

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

Item 1-25.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-00002

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-25.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Records must be maintained on a daily basis tracking total operating hours of the generator. The daily hours should be rolled monthly and not exceed 2000 hours per any 12 month period.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 2000 hours

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

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Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).