

Facility DEC ID: 516280003

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 5-1628-00003/00006
Effective Date: _____ Expiration Date: _____

Permit Issued To:UPSTONE MATERIALS INC.
111 Quarry Rd
Plattsburgh, NY 12901

Facility: MALONE QUARRY
QUARRY RD|(Formerly Tuttle Rd)
Brandon, NY 12966

Contact: NEIL DICOB
Upstone Materials Inc
111 Quarry Rd
Plattsburgh, NY 12901
(518) 561-5321

Description:
This facility produces crushed stone and asphalt. Manufacturing processes include quarry operations, asphalt production, and concrete production. The quarry operations processes consist of overburden stripping, bedrock drilling and blasting, loading, conveying and transport of shot rock, a stone crushing plants and screens. The crushing operations involve dropping pit rock at the primary crusher, primary, secondary, tertiary crushing, controlled transfer points, screening, loading crushed stone for onsite use, dropping crushed stone on site, loading crushed stone for off-site use, and hauling crushed stone off-site. The crushing operations production equipment consists of crushers, conveyors, dry and wet screens, loaders, and transport trucks. Asphalt operations include loading stone, drying stone, mixing asphalt, loading finished asphalt and transporting asphalt off-site. Asphalt operations equipment includes asphalt dryers and each asphalt plant, loading equipment, mixers, asphalt dispensing equipment, and transport trucks.

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: ERIN M DONHAUSER
NYSDEC - REGION 5
PO BOX 296
RAY BROOK, NY 12977-0296

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

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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.

Condition 4: Permit modifications, suspensions or revocations by the Department

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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 5
SUBOFFICE - WARRENSBURG**

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 5 Sub-office
Division of Environmental Permits
232 Golf Course Road
Warrensburg, NY 12885-1172
(518) 623-1281

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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111 Quarry Rd
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Facility: MALONE QUARRY
QUARRY RD|(Formerly Tuttle Rd)
Brandon, NY 12966

Authorized Activity By Standard Industrial Classification Code:
2951 - PAVING MIXTURES AND BLOCKS
1423 - CRUSHED AND BROKEN GRANITE
1429 - CRUSHED AND BROKEN STONE NEC

Permit Effective Date:

Permit Expiration Date:

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EU=0-CRUSH,Proc=CR2

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NOTE: * preceding the condition number indicates capping.

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FEDERALLY ENFORCEABLE CONDITIONS

Renewal 2/DRAFT

**** Facility Level ****

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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

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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

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 Activities - 6 NYCRR 201-3.3 (a)

The owner and/or operator of an emission source or unit

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

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

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

Item J: Open Fires Prohibitions - 6 NYCRR 215.2

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

Item K: Permit Exclusion - ECL 19-0305

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

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

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to

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emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Facility Permissible Emissions
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 1.1:

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

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

CAS No: 000630-08-0 Name: CARBON MONOXIDE	PTE: 189,902 pounds per year
CAS No: 007446-09-5 Name: SULFUR DIOXIDE	PTE: 2,185 pounds per year
CAS No: 0NY075-00-0 Name: PARTICULATES	PTE: 25,981.2175 pounds per year
CAS No: 0NY075-00-5 Name: PM-10	PTE: 15,874.5 pounds per year
CAS No: 0NY210-00-0 Name: OXIDES OF NITROGEN	PTE: 131,863 pounds per year

Condition 2: Capping Monitoring Condition
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 2.1:

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

6 NYCRR Subpart 201-6

Item 2.2:

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

Item 2.3:

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

Item 2.4:

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

Item 2.5:

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

Item 2.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 2.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility-wide emissions of PM-10 will be capped below the major source threshold by limiting crushed stone production to 750,000 tons per consecutive twelve (12) month period, rolled monthly.

The source owner or operator shall use the most accurate emission factors available (e.g., latest published AP-42 factor, manufactures guarantee, stack test data, etc.), for each emission source, to determine compliance with the emission cap.

Should the Department determine that the permittee's emission factor(s) is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 30 days to revise its respective records and emission factor(s) in a manner acceptable to the

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Department.

This compliance activity caps the facility out of the Title V permitting requirements contained in 6 NYCRR Subpart 201-6.

The facility owner or operator shall maintain records of monthly and 12 month rolling total of crushed stone production, as well as a copy of all data used to calculate monthly and rolling 12-month total emissions at the facility. All of the records required to document compliance with the facility-wide emission cap above shall be maintained on-site for a period of at least five (5) years and shall make the records available to the Department upon request.

In addition, the facility owner or operator shall prepare and submit an annual capping certification report summarizing the monthly and 12-month total emissions, along with a summary of the data used when preparing it.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: STONE
Upper Permit Limit: 750000 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
Subsequent reports are due every 12 calendar month(s).

Condition 3: Capping Monitoring Condition
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 3.1:

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

6 NYCRR Subpart 201-6
6 NYCRR Subpart 220-3

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

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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
CAS No: 007446-09-5	SULFUR DIOXIDE
CAS No: 0NY075-00-0	PARTICULATES
CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 3.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility-wide emissions of CO, NO_x, SO₂, and PM-10 will be capped below the major source threshold by limiting asphalt production to 74,950 tons per consecutive twelve (12) month period, rolled monthly.

The source owner or operator shall use the most accurate emission factors available (e.g., latest published AP-42 factor, manufactures guarantee, stack test data, etc.), for each emission source, to determine compliance with the emission cap.

Should the Department determine that the permittee's emission factor(s) is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 30 days to revise its respective records and emission factor(s) in a manner acceptable to the Department.

This compliance activity caps the facility out of the Title V permitting requirements contained in 6 NYCRR Subpart 201-6, as well as 6 NYCRR Subpart 220-3. Subpart

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220-3 is a new regulation that requires installation of blue smoke control, and if this emission cap is broken at any time the regulation will go into effect.

The facility owner or operator shall maintain records of monthly and 12 month rolling total of asphalt production, as well as a copy of all data used to calculate monthly and rolling 12-month total emissions at the facility. All of the records required to document compliance with the facility-wide emission cap above shall be maintained on-site for a period of at least five (5) years and shall make the records available to the Department upon request.

In addition, the facility owner or operator shall prepare and submit an annual capping certification report summarizing the monthly and 12-month total emissions, along with a summary of the data used when preparing it.

Work Practice Type: PROCESS MATERIAL THRUPUT
 Process Material: ASPHALTIC CONCRETE
 Upper Permit Limit: 74950 tons per year
 Monitoring Frequency: MONTHLY
 Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 Subsequent reports are due every 12 calendar month(s).

Condition 4: Visible Emissions Limited
Effective for entire length of Permit

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 for entire length of Permit

Applicable Federal Requirement:6 NYCRR 211.2

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:

No waste oil is to be used for fugitive dust control.

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Plant roadways and stockpiles must be watered and/or treated with an approved dust suppressant, as appropriate, and speed limited to preclude emissions of dust which is determined to be in violation of 6 NYCRR 211.2 which states:

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.

If complaints of current excess dust are received, then the facility must immediately apply corrective measure, as necessary to comply with the requirements of 6 NYCRR 211.2 as noted above. A log of any complaints received must be kept in a bound logbook or other format acceptable to the Department.

The following data must be recorded for each observation:

- The date and time of the complaint,
- The name, address and phone # of the complainant (if given),
- The complainants description of the complaint,
- The facility's evaluation of the complaint, and
- The corrective measures taken.

This logbook must be retained at the facility for five (5) years after the date of the last entry.

If complaints are received on more than one day per seven day period, then the owner or facility representative shall notify the Department by the next business day (Monday thru Friday) of these complaints.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 6: Compliance Demonstration
Effective for entire length of Permit

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

Item 6.1:

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

Emission Unit: 0-CRUSH
 Process: CR1

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Item 6.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA RM 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 7: Compliance Demonstration
Effective for entire length of Permit**

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

Item 7.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire waste oil are limited to a 0.25 percent sulfur content by weight of the fuel on or after July 1, 2023. Compliance with the sulfur-in-fuel limitation is based on fuel vendor receipts. All fuel vendor receipts must be maintained on site or at a Department approved alternative location for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.25 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 8: Compliance Demonstration
Effective for entire length of Permit**

Permit ID: 5-1628-00003/00006

Facility DEC ID: 516280003

Applicable Federal Requirement: 6 NYCRR 227-1.4 (a)**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: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operators of oil firing emission sources subject to 6 NYCRR Subpart 227-1 which do not employ a continuous opacity monitor for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack for each emission source which is operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
 - date and time of day
 - observer's name
 - identity of the emission point
 - weather conditions
 - was a plume observed?

Inclement weather conditions shall be recorded for those days when observations are prohibited. This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) for two consecutive days while firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

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**** NOTE **** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 9: Applicability of Subpart A General Provisions
Effective for entire length of Permit**

Applicable Federal Requirement:40CFR 60, NSPS Subpart A

Item 9.1:

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

**Condition 10: Compliance Demonstration
Effective for entire length of Permit**

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: 0-ASP01

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:

Emissions of solid particulates are limited to 0.04 grains of particulates per cubic foot of exhaust gas (90 mg/dscm), expressed at standard conditions on a dry gas basis. The facility owner or operator must submit a test protocol to the Department for approval at least 30 days prior to the proposed compliance test. The facility owner or operator must submit the compliance test results to the Department for approval within 60 days of the completion of the compliance test.

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All records associated with this condition must be maintained at the facility or at a Department approved alternative location for a minimum of 10 years.

Parameter Monitored: PARTICULATES
 Upper Permit Limit: 0.04 grains per dscf
 Reference Test Method: Method 5
 Monitoring Frequency: ONCE EVERY TEN YEARS
 Averaging Method: 1-HOUR AVERAGE
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 11: Compliance Demonstration
Effective for entire length of Permit

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

Item 11.1:

The Compliance Demonstration activity will be performed for the Facility.

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 a six minute average opacity of 20 percent or greater except for one six minute period not to exceed 27 percent. The owner or operator must maintain records of the opacity tests on site or at an alternative location approved by the Department for a minimum of 10 years.

Parameter Monitored: OPACITY
 Upper Permit Limit: 20 percent
 Reference Test Method: Method 9
 Monitoring Frequency: ANNUALLY
 Averaging Method: 6 MINUTE AVERAGE
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 12: Exemption for equipment replacement when equipment does not increase emissions
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 60.670(d)(1), NSPS Subpart OOO

Item 12.1:

When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions in §60.672, 60.674, and

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60.675 except the owner/operator is not exempt if all existing equipment is replaced as described in §60.670(d)(3).

An owner/operator complying with this condition must submit the information required in §60.676(a).

**Condition 13: applicability of subpart A
Effective for entire length of Permit**

Applicable Federal Requirement:40CFR 60.670(f), NSPS Subpart OOO

Item 13.1:

Table 1 of 40 CFR 60, Subpart OOO specifies the provisions of Subpart A of Part 60 that do not apply to owners/operators of affected facilities that are subject to the provisions of subpart OOO. All other provisions of Subpart A apply to this facility, as applicable.

**Condition 14: Compliance Demonstration
Effective for entire length of Permit**

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

Item 14.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 14.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Fugitive emissions from crushers subject to the requirements of Table 3 to Subpart OOO at which a capture system is not used that commenced construction, modification or reconstruction after April 22, 2008 shall be limited to 12 percent opacity. In determining compliance with this opacity limit, Method 9 of Appendix A-4 to 40 CFR Part 60 and the procedures of 40 CFR 60.11 shall be used to determine opacity, with the additions specified in 40 CFR 63.675(c). The duration of the Method 9 observations must be 30 minutes (five 6-minute averages). Compliance must be based on the average of the five 6-minute averages.

The facility owner or operator shall conduct a visible emissions observation of all sources applicable to this condition once per day while the process is in operation. In any instance where observation indicates that the opacity limit may have been exceeded, the operator shall identify the cause and correct the issue in a timely

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manner.

Where visible emissions persist after corrective actions have been attempted, the operator shall conduct a Method 9 observation of the source and notify DEC if the opacity standard is not met. The Method 9 assessment should be conducted within 24 hours of the original observation of visible emissions.

The facility owner or operator must conduct a Method 9 observation of sources without either water sprays or water carryover from upstream water sprays a minimum of once every 5 years.

Daily records of the visible emissions observations and any Method 9 observations, investigations, and corrective actions are to be maintained on site for a period of at least 5 years from the date of the record. Such records shall include the date and time of each observation, weather conditions, results of the observation, corrective actions taken, and explanations for days when weather conditions were prohibitive.

Parameter Monitored: OPACITY

Upper Permit Limit: 12 percent

Reference Test Method: EPA Method 9 per 40 CFR 63.675(c)

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Compliance Demonstration
Effective for entire length of Permit**

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

Item 15.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 0-CRUSH

Process: CR2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 15.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

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Facility DEC ID: 516280003

Fugitive emissions from crushers subject to the requirements of Table 3 to Subpart OOO at which a capture system is not used that commenced construction, modification or reconstruction after August 31, 1983 but before April 22, 2008 shall be limited to 15 percent opacity. In determining compliance with this opacity limit, Method 9 of Appendix A-4 to 40 CFR Part 60 and the procedures of 40 CFR 60.11 shall be used to determine opacity, with the additions specified in 40 CFR 63.675(c). The duration of the Method 9 observations must be 30 minutes (five 6-minute averages). Compliance must be based on the average of the five 6-minute averages.

The facility owner or operator shall conduct a visible emissions observation of all sources applicable to this condition once per day while the process is in operation. In any instance where observation indicates that the opacity limit may have been exceeded, the operator shall identify the cause and correct the issue in a timely manner.

Where visible emissions persist after corrective actions have been attempted, the operator shall conduct a Method 9 observation of the source and notify DEC if the opacity standard is not met. The Method 9 assessment should be conducted within 24 hours of the original observation of visible emissions.

The facility owner or operator must conduct a Method 9 observation of sources without either water sprays or water carryover from upstream water sprays a minimum of once every 5 years.

Daily records of the visible emissions observations and any Method 9 observations, investigations, and corrective actions are to be maintained on site for a period of at least 5 years from the date of the record. Such records shall include the date and time of each observation, weather conditions, results of the observation, corrective actions taken, and explanations for days when weather conditions were prohibitive.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: EPA Method 9 per 40 CFR 63.675(c)

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 16: Compliance Demonstration
Effective for entire length of Permit**

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Facility DEC ID: 5162800003

Applicable Federal Requirement: 40 CFR 60.672(b), NSPS Subpart OOO**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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Item 16.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Fugitive emissions from sources subject to the requirements of Table 3 to Subpart OOO that commenced construction, modification or reconstruction after April 22, 2008 shall be limited to 7 percent opacity. In determining compliance with this opacity limit, Method 9 of Appendix A-4 to 40 CFR Part 60 and the procedures of 40 CFR 60.11 shall be used to determine opacity, with the additions specified in 40 CFR 63.675(c). The duration of the Method 9 observations must be 30 minutes (five 6-minute averages). Compliance must be based on the average of the five 6-minute averages.

The facility owner or operator shall conduct a visible emissions observation of all sources applicable to this condition once per day while the process is in operation. In any instance where observation indicates that the opacity limit may have been exceeded, the operator shall identify the cause and correct the issue in a timely manner.

Where visible emissions persist after corrective actions have been attempted, the operator shall conduct a Method 9 observation of the source and notify DEC if the opacity standard is not met. The Method 9 assessment should be conducted within 24 hours of the original observation of visible emissions.

The facility owner or operator must conduct a Method 9 observation of sources without either water sprays or water carryover from upstream water sprays a minimum of once every 5 years.

Daily records of the visible emissions observations and any Method 9 observations, investigations, and corrective actions are to be maintained on site for a period of at least 5 years from the date of the record. Such records shall include the date and time of each observation, weather conditions, results of the observation, corrective

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actions taken, and explanations for days when weather conditions were prohibitive.

Parameter Monitored: OPACITY

Upper Permit Limit: 7 percent

Reference Test Method: EPA Method 9 per 40 CFR 63.675(c)

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 17: Compliance Demonstration
Effective for entire length of Permit**

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

Item 17.1:

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

Emission Unit: 0-CRUSH
Process: CR2

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

Item 17.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Fugitive emissions from sources subject to the requirements of Table 3 to Subpart OOO that commenced construction, modification or reconstruction after August 31, 1983 but before April 22, 2008 shall be limited to 10 percent opacity. In determining compliance with this opacity limit, Method 9 of Appendix A-4 to 40 CFR Part 60 and the procedures of 40 CFR 60.11 shall be used to determine opacity, with the additions specified in 40 CFR 63.675(c). The duration of the Method 9 observations must be 30 minutes (five 6-minute averages). Compliance must be based on the average of the five 6-minute averages.

The facility owner or operator shall conduct a visible emissions observation of all sources applicable to this condition once per day while the process is in operation. In any instance where observation indicates that the opacity limit may have been exceeded, the operator shall identify the cause and correct the issue in a timely manner.

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Where visible emissions persist after corrective actions have been attempted, the operator shall conduct a Method 9 observation of the source and notify DEC if the opacity standard is not met. The Method 9 assessment should be conducted within 24 hours of the original observation of visible emissions.

The facility owner or operator must conduct a Method 9 observation of sources without either water sprays or water carryover from upstream water sprays a minimum of once every 5 years.

Daily records of the visible emissions observations and any Method 9 observations, investigations, and corrective actions are to be maintained on site for a period of at least 5 years from the date of the record. Such records shall include the date and time of each observation, weather conditions, results of the observation, corrective actions taken, and explanations for days when weather conditions were prohibitive.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: EPA Method 9 per 40 CFR 63.675(c)

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 18: Opacity Procedures - Method 9 with Following Additions Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 60.675(c)(1), NSPS Subpart OOO

Item 18.1:

In determining compliance with the particulate matter standards in 40 CFR 60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in 40CFR 60.11, with the following additions:

- (i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
- (ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
- (iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be

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made at a point in the plume where the mist is no longer visible.

**Condition 19: Method 9 Opacity Observation Time
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60.675(c)(3), NSPS Subpart OOO

Item 19.1:

When determining compliance with the fugitive emissions standard for any affected facility described under 40 CFR Part 60.672(b) or 60.672(e)(1), the duration of the Method 9 (40 CFR Part 60, appendix A-4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits in Table 3 of 40 CFR Part 60 Subpart OOO must be based on the average of the five 6-minute averages.

**Condition 20: Alternative Test Procedures for Two or More Interfering Sources
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60.675(e)(1), NSPS Subpart OOO

Item 20.1:

The owner or operator may use the following as alternatives to the reference methods and procedures specified in this 40 CFR 60.675 (c), if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:

- (i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
- (ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.

**Condition 21: Reporting and Recordkeeping for Replacement of Equipment
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60.676(a), NSPS Subpart OOO

Item 21.1:

This Condition applies to:

Emission Unit: 0CRUSH

Item 21.2:

Each owner or operator seeking to comply with 40 CFR Part 60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

- (1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

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- (i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and
- (ii) The rated capacity in tons per hour of the replacement equipment.
- (2) For a screening operation:
 - (i) The total surface area of the top screen of the existing screening operation being replaced and
 - (ii) The total surface area of the top screen of the replacement screening operation.
- (3) For a conveyor belt:
 - (i) The width of the existing belt being replaced and
 - (ii) The width of the replacement conveyor belt.
- (4) For a storage bin:
 - (i) The rated capacity in megagrams or tons of the existing storage bin being replaced and
 - (ii) The rated capacity in megagrams or tons of replacement storage bins.

Condition 22: Applicability
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

Item 22.1:

Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 Subpart ZZZZ.

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

Condition 23: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 60.674(b), NSPS Subpart OOO

Item 23.1:

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

Emission Unit: 0-CRUSH
Process: CR3

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

Item 23.2:

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Facility DEC ID: 516280003

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner/operator of any affected facility which began construction or modification on or after April 22, 2008, that uses wet suppression to control dust from any affected sources must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system.

The owner/operator must initiate corrective action within 24 hours and complete the corrective action as expediently as practical if the owner/operator finds that water is not flowing properly during an inspection of the water spray nozzles.

The owner/operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).

If the facility ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than the water sprays during the monthly inspections (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays.

Monitoring Frequency: MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 24: Compliance Demonstration
Effective for entire length of Permit**

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

Item 24.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-CRUSH

Process: CR2

Item 24.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used. The owner or operator must demonstrate compliance with this limit by conducting an initial

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performance test according to § 60.11 of this part and § 60.675 of this subpart.

Affected facilities (as defined in §§ 60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008 must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.

For performance tests involving only Method 9 (40 CFR part 60 Appendix A-4) testing, the owner or operator may reduce the 30-day advance notification of performance test in § 60.7(a)(6) and 60.8(d) to a 7-day advance notification.

If the initial performance test date for an affected facility falls during a seasonal shut down (as defined in § 60.671 of this subpart) of the affected facility, then with approval from the permitting authority, the owner or operator may postpone the initial performance test until no later than 60 calendar days after resuming operation of the affected facility.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 25: Compliance Demonstration
Effective for entire length of Permit

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

Item 25.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-CRUSH

Process: CR2

Item 25.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

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Facility DEC ID: 5162800003

DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The owner or operator must meet the following fugitive emission limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§ 60.670 and 60.671). The owner or operator must demonstrate compliance with this limit by conducting an initial performance test according to § 60.11 of this part and § 60.675 of this subpart.

Affected facilities that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008 must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.

For performance tests involving only Method 9 (40 CFR part 60 Appendix A-4) testing, the owner or operator may reduce the 30-day advance notification of performance test in § 60.7(a)(6) and 60.8(d) to a 7-day advance notification.

If the initial performance test date for an affected facility falls during a seasonal shut down (as defined in § 60.671 of this subpart) of the affected facility, then with approval from the permitting authority, the owner or operator may postpone the initial performance test until no later than 60 calendar days after resuming operation of the affected facility.

Parameter Monitored: OPACITY
 Upper Permit Limit: 10 percent
 Reference Test Method: EPA Method 9
 Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 26: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO

Item 26.1:

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Facility DEC ID: 5162800003

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-CRUSH
 Process: CR2

Item 26.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in § 60.672 of this subpart, including reports of opacity observations made using Method 9 (40 CFR part 60, Appendix A-4) to demonstrate compliance with § 60.672(b), (e) and (f).

The owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in § 60.672(b) and the emission test requirements of § 60.11.

The subpart A requirement under § 60.7(a)(1) for notification of the date construction or reconstruction commenced is waived for affected facilities under this subpart.

A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.

(1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

(2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.
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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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Facility DEC ID: 516280003

DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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Facility DEC ID: 5162800003

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 in 6 NYCRR 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 demonstrate, 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 facility was being properly operated and maintained;

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the 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 any 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 malfunction 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 27: Contaminant List
Effective for entire length of Permit**

Applicable State Requirement: ECL 19-0301

Item 27.1:

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

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

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

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

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

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CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 28: Malfunctions and Start-up/Shutdown Activities
Effective for entire length of Permit****Applicable State Requirement: 6 NYCRR 201-1.4****Item 28.1:**

(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 maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, 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 monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall 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. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such 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. 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, the air contaminants emitted, and the resulting emission rates and/or opacity.

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

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

**Condition 29: Emission Unit Definition
Effective for entire length of Permit**

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Applicable State Requirement:6 NYCRR Subpart 201-5**Item 29.1:**

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

Emission Unit: 0-ASP01

Emission Unit Description:

Processes AS1 produce hot mix asphalt by combining heated aggregate and heated liquid asphalt. The aggregate is heated then dried in a rotating dryer fueled by fuel oil (distillate), and/or waste specification oil (Waste Fuel A). The hot, dry aggregate is sorted into various sizes on a set of screens and transferred to storage bins. The hot, dry aggregate is weighed in a weigh hopper and transferred to the pugmill where it is mixed with the hot liquid asphalt in batches. Not subject to NSPS.

Item 29.2:

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

Emission Unit: 0-CRUSH

Emission Unit Description:

The emission unit consists of two processes:

Process (CR1) for non- NSPS sources that were installed prior to 1983, or were replaced "in kind", consisting of one crusher, one screen, and thirteen conveyors.

Process (CR2) for NSPS sources. The process consists of two crushers, two screens and eight conveyors.

Process (CR3) for post 2008 NSPS sources. The process is for sources included under Process CR1 and CR2 but are installed after 2008.

**Condition 30: Renewal deadlines for state facility permits
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR 201-5.2 (c)****Item 30.1:**

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 31: CLCPA Applicability
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR 201-5.3 (c)****Item 31.1:**

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

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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 32: Compliance Demonstration
Effective for entire length of Permit

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

Item 32.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 32.2:

Compliance Demonstration shall include the following monitoring:

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 5
232 Golf Course Rd.
Warrensburg, NY 12885

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 33: Air pollution prohibited
Effective for entire length of Permit

Applicable State Requirement:6 NYCRR 211.1

Item 33.1:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**** Emission Unit Level ****

Condition 34: Emission Point Definition By Emission Unit
Effective for entire length of Permit

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Applicable State Requirement:6 NYCRR Subpart 201-5

Item 34.1:

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

Emission Unit: 0-ASP01

Emission Point: MQAS5

Height (ft.): 35 Length (in.): 36 Width (in.): 24
 NYTMN (km.): 4957.6 NYTME (km.): 542.6

Emission Point: MQAS6

Removal Date: 01/01/2014

Height (ft.): 35 Length (in.): 36 Width (in.): 24
 NYTMN (km.): 4957.6 NYTME (km.): 542.6

**Condition 35: Process Definition By Emission Unit
 Effective for entire length of Permit**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 35.1:

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

Emission Unit: 0-ASP01

Process: AS1

Source Classification Code: 3-05-002-01

Process Description:

Process AS1 produces hot mix asphalt by combining heated aggregate and heated liquid asphalt. The aggregate is heated then dried in a rotating dryer fueled by fuel oil (distillate) and/or waste specification oil (Waste Fuel A). The hot, dry aggregate is sorted into various sizes on a set of screens and transferred to storage bins. The hot, dry aggregate is weighed in a weigh hopper and transferred to the pugmill where it is mixed with the hot liquid asphalt in batches.

Emission Source/Control: 0BAG5 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 0ASP5 - Process

Design Capacity: 300 tons per hour

Item 35.2:

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

Emission Unit: 0-CRUSH

Process: CR1

Source Classification Code: 3-05-040-30

Process Description:

Process CR1 involves crushing quarry shot rock and sorting it into aggregates of different sizes. The aggregate is crushed, sent through a series of screens. Transportation between crushers and screens is via conveyor. This process is for non-NSPS sources

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Emission Source/Control: WSCR1 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: WSCR2 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 000C1 - Process
Design Capacity: 48 inches

Emission Source/Control: 000C3 - Process
Design Capacity: 24 inches

Emission Source/Control: 000C4 - Process
Design Capacity: 24 inches

Emission Source/Control: 000C7 - Process
Design Capacity: 24 inches

Emission Source/Control: 00C13 - Process
Design Capacity: 24 inches

Emission Source/Control: 00C14 - Process
Design Capacity: 24 inches

Emission Source/Control: 00C15 - Process
Design Capacity: 24 inches

Emission Source/Control: 00C16 - Process
Design Capacity: 24 inches

Emission Source/Control: 00C2A - Process
Design Capacity: 36 inches

Emission Source/Control: 00C9A - Process
Design Capacity: 36 inches

Emission Source/Control: 00CR2 - Process
Design Capacity: 230 tons per hour

Emission Source/Control: 0C10A - Process
Design Capacity: 36 inches

Emission Source/Control: 0C17A - Process
Design Capacity: 36 inches

Emission Source/Control: 0C18A - Process
Design Capacity: 20 inches

Item 35.3:

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

Emission Unit: 0-CRUSH

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Facility DEC ID: 5162800003

Process: CR2 Source Classification Code: 3-05-040-30

Process Description:

Process CR2 consists of crushing quarry shot rock and sorting it into aggregates of different sizes. The aggregate is crushed then sent through a dry screen. Transportation between crushers is via conveyor. This process is for NSPS sources.

Emission Source/Control: WSCR3 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: WSCR4 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 000C5 - Process
Design Capacity: 36 inches

Emission Source/Control: 000C8 - Process
Design Capacity: 48 inches

Emission Source/Control: 00C11 - Process
Design Capacity: 36 inches

Emission Source/Control: 00C19 - Process
Design Capacity: 36 inches

Emission Source/Control: 00C20 - Process
Design Capacity: 30 inches

Emission Source/Control: 00C21 - Process
Design Capacity: 30 inches

Emission Source/Control: 00C23 - Process
Design Capacity: 48 inches

Emission Source/Control: 00CR3 - Process
Design Capacity: 645 tons per hour

Emission Source/Control: 01CR1 - Process
Design Capacity: 685 tons per hour

Emission Source/Control: 0C22A - Process
Design Capacity: 36 inches

Emission Source/Control: 0SCR2 - Process
Design Capacity: 120 square feet

Emission Source/Control: 0SCR3 - Process
Design Capacity: 96 square feet

Emission Source/Control: 0SCR4 - Process
Design Capacity: 70 square feet

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Emission Source/Control: AGBN1 - Process
Design Capacity: 40 tons

Item 35.4:

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

Emission Unit: 0-CRUSH

Process: CR3

Source Classification Code: 3-05-040-30

Process Description:

Process CR3 consists of crushing quarry shot rock and sorting it into aggregates of different sizes. The aggregate is crushed, sent through a dry screen. Transportation between crushers is via conveyor. This process is for post 2008 NSPS sources.

Emission Source/Control: 00C2A - Process
Design Capacity: 36 inches

Emission Source/Control: 00C9A - Process
Design Capacity: 36 inches

Emission Source/Control: 0C10A - Process
Design Capacity: 36 inches

Emission Source/Control: 0C17A - Process
Design Capacity: 36 inches

Emission Source/Control: 0C18A - Process
Design Capacity: 20 inches

Emission Source/Control: 0C22A - Process
Design Capacity: 36 inches

Permit ID: 5-1628-00003/00006

Facility DEC ID: 516280003