

Facility DEC ID: 5414200003

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
 Permit ID: 5-4142-00003/00012  
 Effective Date: 07/01/2024 Expiration Date: 06/30/2034

Permit Issued To: POMPA BROS., INC.  
 5 PETRIFIED GARDENS RD  
 SARATOGA SPRINGS, NY 12866

Contact: POMPA BROS., INC.  
 5 PETRIFIED GARDENS RD  
 SARATOGA SPRINGS, NY 12866-0561

Facility: POMPA BROS QUARRY & MILL  
 5 PETRIFIED GARDENS RD  
 Milton, NY 12866

Contact: POMPA BROS., INC.  
 5 PETRIFIED GARDENS RD  
 SARATOGA SPRINGS, NY 12866

**Description:**

The facility is a producer of aggregate, hot mix asphalt and ready mix concrete. The facility's products are generated through on-site rock crushers which are powered by a diesel generator. In addition, a hot mix batch asphalt plant with two rotary aggregate dryers.

The specific equipment utilized at this facility is broken down into three emission units. The first emission unit (1-ASHAP) consists of two hot mix asphalt plants which have rotary aggregate dryers rated at 180 TPH and 360 TPI-1 and a bag house on each plant. This emission unit ( 1-ASHAP) must be in compliance with federal regulation 40 CFR 60.90 Subpart I and state regulation 6 NYCRR 212-6(a). The second emission unit ( U-STAGG) consists of a Lipmann 30x48" jaw crusher (300 tph) installed in 2012, a Metso GP300S (300 tph) installed in 2024, a Metso HP4 cone crusher (300 tph) installed in 2018, a Telsmith 6x16' scalping screen (300 tph) installed in 2018, two Telsmith 7x20' triple deck screens (300 tph) installed in 1971 and 2022, and various conveyors and transfer points. The facility operates up to 20 transfer points associated with this emission unit. The third emissions unit (U-PORAG) is a portable aggregate plant consisting of a Metso LT106 42x28' jaw crusher (300 tph), a Metso LT220D cone crusher (300 tph), a Metso LT300HP cone plant (300 tph), a Metso CT100R tracked stacking conveyor (300 tph), a Metso ST 2.8 scalping screen (300 tph), and a Metso ST 4.10 screen (300 tph). There are up to 20 transfer points associated with this emission unit. The portable aggregate plant is powered by a 415 HP diesel-fired engine.

The criteria pollutants CO, SO2, PM-10 and NOx will be capped for emission unit 1-ASHAP to ensure the facility does not exceed 100 tons during any 12 months rolling period.

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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:        BETH A MAGEE  
   NYSDEC - WARRENSBURG SUBOFFICE  
   232 GOLF COURSE RD  
   WARRENSBURG, NY 12885-1172

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**

- 6 5 Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG

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

**Condition 1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 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

IDENTIFICATION INFORMATION

Permit Issued To: POMPA BROS., INC.  
5 PETRIFIED GARDENS RD  
SARATOGA SPRINGS, NY 12866

Facility: POMPA BROS QUARRY & MILL  
5 PETRIFIED GARDENS RD  
Milton, NY 12866

Authorized Activity By Standard Industrial Classification Code:  
2951 - PAVING MIXTURES AND BLOCKS  
3272 - CONCRETE PRODUCTS, NEC  
3273 - READY-MIXED CONCRETE  
1422 - CRUSHED AND BROKEN LIMESTONE

Permit Effective Date: 07/01/2024

Permit Expiration Date: 06/30/2034

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- 15 16 40CFR 60.670(d)(1), NSPS Subpart OOO: Exemption for equipment replacement when equipment does not increase emissions
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- 22 23 40CFR 60.675(e)(1), NSPS Subpart OOO: Alternative Test Procedures for Two or More Interfering Sources
- 22 24 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
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**EU=U-PORAG**

- 25 28 40CFR 60.674(b), NSPS Subpart OOO: Compliance Demonstration

**EU=U-STAGG**

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NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 2/FINAL

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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required to operate such device effectively.

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

(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**

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

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

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

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

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

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

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

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

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

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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: Acceptable Ambient Air Quality**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 1.1:**

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.

**Condition 2: Maintenance of Equipment**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 2.1:**

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

**Condition 3: Recycling and Salvage**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

**Applicable Federal Requirement:6 NYCRR 201-1.7**

**Item 3.1:**

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 4: Prohibition of Reintroduction of Collected Contaminants to**

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the air

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**Applicable Federal Requirement:6 NYCRR 201-1.8**

**Item 4.1:**

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.

**Condition 5: Exempt Sources - Proof of Eligibility**

Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable Federal Requirement:6 NYCRR 201-3.2 (a)**

**Item 5.1:**

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

**Condition 6: Trivial Sources - Proof of Eligibility**

Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable Federal Requirement:6 NYCRR 201-3.3 (a)**

**Item 6.1:**

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

**Condition 7: Facility Permissible Emissions**

Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 7.1:**

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 PTE: 196,800 pounds per year

Name: CARBON MONOXIDE

CAS No: 007446-09-5 PTE: 42,700 pounds per year

Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0 PTE: 67,000 pounds per year

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Name: OXIDES OF NITROGEN

**Condition 8: Capping Monitoring Condition**  
 Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable Federal Requirement: 6 NYCRR Subpart 201-7**

**Item 8.1:**

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 8.2:**

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

**Item 8.3:**

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 8.4:**

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 8.5:**

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 8.6:**

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

Emission Unit: U-PORAG	Emission Point: ENG01
Process: PAG	Emission Source: ENG01
Regulated Contaminant(s):	
CAS No: 000630-08-0	CARBON MONOXIDE

**Item 8.7:**

Compliance Demonstration shall include the following monitoring:

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Capping: Yes

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

Monitoring Description:

Facility wide Carbon Monoxide (CO) emissions are capped at less than 100 tons per year on a 12 month rolling basis by limiting generator (ENG01) operating hours to 1750 hours per year. This limitation, along with the limit on Asphalt production, ensure CO emissions are below major source thresholds.

Records shall be maintained on-site which demonstrate compliance with the cap. These records shall include the generator operating hours totaled over each month and the total generator operating hours over each rolling 12 month period.

Parameter Monitored: OPERATING HOURS

Upper Permit Limit: 1750 hours 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 1/30/2025.

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

**Condition 9: Capping Monitoring Condition**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

**Applicable Federal Requirement: 6 NYCRR Subpart 201-7**

**Item 9.1:**

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 9.2:**

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

**Item 9.3:**

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 9.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of



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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 9.5:**

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 9.6:**

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

Emission Unit: 1-ASHAP

Regulated Contaminant(s):

CAS No: 007446-09-5	SULFUR DIOXIDE
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 000630-08-0	CARBON MONOXIDE

**Item 9.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

To maintain carbon monoxide (CO), oxides of nitrogen (NOx), PM-10 and sulfur dioxide (SO<sub>2</sub>) emissions below 99 tpy, the facility production will not exceed 485,000 tons during any consecutive 12 month period.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ASPHALT

Parameter Monitored: VOLUME

Upper Permit Limit: 485000 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 1/30/2025.

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

**Condition 10: Visible Emissions Limited**

Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 10.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a

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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 11: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 11.1:**

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

Emission Unit: 1-ASHAP

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective

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actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: EPA Reference Test Method 9  
 Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
 Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 12: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 12.1:**  
 The Compliance Demonstration activity will be performed for the facility:  
 The Compliance Demonstration applies to:

Emission Unit: 1-ASHAP

**Item 12.2:**  
 Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
 Monitoring Description:  
 A tune-up must be performed on the dryer burner on an annual basis at any hot mix asphalt production plant that is in operation during that calendar year.

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

**Condition 13: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 13.1:**  
 The Compliance Demonstration activity will be performed for the Facility.

**Item 13.2:**  
 Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

The facility must have a plan which details the introduction or continuation of methods by which to reduce the moisture content of the aggregate stockpile(s). The facility shall perform self-inspections to monitor compliance with the plan.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 14: Compliance Demonstration**  
Effective between the dates of 07/01/2024 and 06/30/2034

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

**Item 14.1:**

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

Emission Unit: 1-ASHAP

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Compliance Demonstration**  
Effective between the dates of 07/01/2024 and 06/30/2034

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

**Item 15.1:**

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The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire distillate oil are limited to a 0.0015 percent sulfur content by weight of the fuel. 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.

Note - Process sources and incinerators must comply with the above requirements on or after July 1, 2023.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 16: Exemption for equipment replacement when equipment does not increase emissions**

**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 16.1:**

This Condition applies to:

Emission Unit: UPORAG

Emission Unit: USTAGG

**Item 16.2:**

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 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).

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**Condition 17: applicability of subpart A**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 17.1:**

This Condition applies to:

Emission Unit: UPORAG

Emission Unit: USTAGG

**Item 17.2:**

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 18: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 18.2:**

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 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 commence construction, modification, or reconstruction on or after 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.

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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.

A repeat performance test according to § 60.11 of this part and § 60.675 of this subpart shall be performed within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in § 60.674(b) and § 60.676(b) are exempt from this 5-year repeat testing requirement.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 12 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 19: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 19.1:**  
 The Compliance Demonstration activity will be performed for the Facility.

**Item 19.2:**  
 Compliance Demonstration shall include the following monitoring:

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

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Affected facilities (as defined in §§ 60.670 and 60.671) that commence 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.

A repeat performance test according to § 60.11 of this part and § 60.675 of this subpart shall be performed within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in § 60.674(b) and § 60.676(b) are exempt from this 5-year repeat testing requirement.

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 20: Compliance Demonstration**  
 Effective between the dates of 07/01/2024 and 06/30/2034

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

**Item 20.1:**  
 The Compliance Demonstration activity will be performed for the Facility.



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**Item 20.2:**

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 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 and periodic inspections of water sprays according to § 60.674(b) and § 60.676(b).

Affected facilities (as defined in §§ 60.670 and 60.671) that commence 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.

A repeat performance test according to § 60.11 of this part and § 60.675 of this subpart shall be performed within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover

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from upstream water sprays that are inspected according to the requirements in § 60.674(b) and § 60.676(b) are exempt from this 5-year repeat testing requirement.

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 21: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 21.1:**  
 The Compliance Demonstration activity will be performed for the Facility.

**Item 21.2:**  
 Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The owner or operator must meet the following fugitive emissions 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 and periodic inspections of water sprays according to § 60.674(b) and § 60.676(b).

Affected facilities (as defined in §§ 60.670 and 60.671) that commence construction, modification, or reconstruction on or after 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.

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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.

A repeat performance test according to § 60.11 of this part and § 60.675 of this subpart shall be performed within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in § 60.674(b) and § 60.676(b) are exempt from this 5-year repeat testing requirement.

Parameter Monitored: OPACITY

Upper Permit Limit: 7 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 22: Opacity Procedures - Method 9 with Following Additions Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 22.1:**

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

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

**Condition 23: Alternative Test Procedures for Two or More Interfering Sources**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 23.1:**

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 24: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

**Applicable Federal Requirement:40CFR 60.676, NSPS Subpart OOO**

**Item 24.1:**

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

Emission Unit: U-PORAG

Emission Unit: U-STAGG

**Item 24.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator seeking to comply with the replacement provisions specified in §60.670(d) shall submit the following information about the existing facility being replaced and/or the replacement piece of equipment (§60.676(a)):

- 1. For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:
  - (i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

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(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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 25: Engines at Area sources of HAP**  
Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable Federal Requirement:40CFR 63, Subpart ZZZZ**

**Item 25.1:**

Internal combustion engines, constructed or re-constructed on or after June 12, 2006, that meet the requirements of 40 CFR 60 Subpart IIII or Subpart JJJJ meet the requirements of 40 CFR 63 Subpart ZZZZ.

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

**Condition 26: Compliance Demonstration**  
Effective between the dates of 07/01/2024 and 06/30/2034

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

**Item 26.1:**

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

Emission Unit: 1-ASHAP

Regulated Contaminant(s):

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CAS No: 0NY075-00-0 PARTICULATES

**Item 26.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.04 ( 90 mg/dscm ) grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 27: Compliance Demonstration**

Effective between the dates of 07/01/2024 and 06/30/2034

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

**Item 27.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-ASHAP

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 27.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater. 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: AS REQUIRED - SEE PERMIT MONITORING

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DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 28: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 28.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-PORAG

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

**Item 28.2:**

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 expeditiously 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: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 29: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 29.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-STAGG

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 29.2:**

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 expeditiously 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: AS REQUIRED - SEE MONITORING DESCRIPTION



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**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

An emergency, as defined 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

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with 6 NYCRR Part 616 - Public Access to Records.  
 Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 30: Contaminant List**

**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 30.1:**

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

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CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 31: Malfunctions and Start-up/Shutdown Activities**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 31.1:**

(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 32: Emission Unit Definition**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

Permit ID: 5-4142-00003/00012

Facility DEC ID: 5414200003

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

**Item 32.1:**

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

Emission Unit: 1-ASHAP

Emission Unit Description:

This emission unit consists of two hot mix batch asphalt plants. One plant has a 360 tpy rotary aggregate dryer and the second has a 180 tpy rotary aggregate dryer. This unit also consists of two 300 ton storage silows.

Building(s): QUARRY

**Item 32.2:**

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

Emission Unit: U-PORAG

Emission Unit Description:

This emission unit is a portable aggregate plant consisting of a Metso LT106 42x28' jaw crusher (300 tph), a Metso LT220D cone crusher (300 tph), a Metso LT300HP cone plant (300 tph), a Metso CT100R tracked stacking conveyor (300 tph), a Metso ST 2.8 scalping screen (300 tph), and a Metso ST 4.10 screen (300 tph). There are up to 20 transfer points associated with this emission unit. The portable aggregate plant is powered by a 415 HP diesel-fired engine.

Building(s): QUARRY

**Item 32.3:**

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

Emission Unit: U-STAGG

Emission Unit Description:

This emission unit consists of a Lipmann 30x48" jaw crusher (300 tph) installed in 2012, a Metso GP300S (300 tph) installed in 2024, a Metso HP4 cone crusher (300 tph) installed in 2018, a Telsmith 6x16' scalping screen (300 tph) installed in 2018, two Telsmith 7x20' triple deck screens (300 tph) installed in 1971 and 2022, and various conveyors and transfer points. The facility operates up to 20 transfer points associated with this emission unit.

Building(s): QUARRY

**Condition 33: Renewal deadlines for state facility permits  
Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 33.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete

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application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 34: Compliance Demonstration**  
Effective between the dates of 07/01/2024 and 06/30/2034

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

**Item 34.1:**  
The Compliance Demonstration activity will be performed for the Facility.

**Item 34.2:**  
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: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 35: Air pollution prohibited**  
Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable State Requirement:6 NYCRR 211.1**

**Item 35.1:**  
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 36: Compliance Demonstration**  
Effective between the dates of 07/01/2024 and 06/30/2034

**Applicable State Requirement:6 NYCRR 212-2.1**

**Item 36.1:**  
The Compliance Demonstration activity will be performed for the Facility.

**Item 36.2:**

Permit ID: 5-4142-00003/00012

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Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of air contaminants to the outdoor atmosphere from any process emission source or emission point are restricted as follows:

(a) for an air contaminant listed in Section 212-2.2 Table 2 - High Toxicity Air Contaminant List, of this Part, the facility owner or operator shall either limit the actual annual emissions from all process operations at the facility so as to not exceed the mass emission limit listed for the individual HTAC; or demonstrate compliance with the air cleaning requirements for the HTAC as specified in Subdivision 212-2.3(b), Table 4 - Degree of Air Cleaning Required for Non-Criteria Air Contaminants, of this Part for the environmental rating assigned to the contaminant by the department.

(b) for any air contaminant not listed on Table 2, unless it is a solid particulate described in subdivision (c) of this Section, the facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in Subdivision 212-2.3(a), Table 3 - Degree of Air Cleaning Required for Criteria Air Contaminants, or Subdivision 212-2.3(b), Table 4 - Degree of Air Cleaning Required for Non-Criteria Air Contaminants, as applicable, for the environmental rating assigned to the contaminant by the department.

(c) for a solid particulate assigned an environmental rating of B or C emitted from a process emission source, the facility owner or operator shall not allow emissions of particulate to exceed the requirements specified in Subpart 212-2.4 of this Part.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 37: Compliance Demonstration**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

**Applicable State Requirement: 6 NYCRR 212-2.1**

**Item 37.1:**

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

Emission Unit: 1-ASHAP

Permit ID: 5-4142-00003/00012

Facility DEC ID: 5414200003

**Item 37.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within three years of the issuance of this permit the facility shall install blue smoke controls on the asphalt silo filling and load out operations. The facility shall submit a permit modification application prior to the installation of the blue smoke control(s) in order to receive the Departments approval.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 38: Emission Point Definition By Emission Unit  
Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 38.1:**

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

Emission Unit: 1-ASHAP

Emission Point: ASP10  
 Height (ft.): 36 Length (in.): 34 Width (in.): 40  
 NYTMN (km.): 4769.944 NYTME (km.): 593.877 Building: QUARRY

Emission Point: ASP11  
 Height (ft.): 36 Length (in.): 30 Width (in.): 78  
 NYTMN (km.): 4769.953 NYTME (km.): 593.898 Building: QUARRY

Emission Point: ASP12  
 Height (ft.): 68 Diameter (in.): 96  
 NYTMN (km.): 4769.95 NYTME (km.): 593.895 Building: QUARRY

Emission Point: ASP13  
 Height (ft.): 68 Diameter (in.): 96  
 NYTMN (km.): 4769.948 NYTME (km.): 593.892 Building: QUARRY

**Item 38.2:**

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

Emission Unit: U-PORAG

Emission Point: ENG01

Permit ID: 5-4142-00003/00012

Facility DEC ID: 5414200003

Height (ft.): 6 Length (in.): Width (in.):  
 NYTMN (km.): 4769.996 NYTME (km.): 593.744 Building: QUARRY

**Item 38.3:**

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

Emission Unit: U-STAGG

Emission Point: CNVY2  
 Height (ft.): 22 Length (in.): 30 Width (in.): 42  
 NYTMN (km.): 4770.254 NYTME (km.): 593.76 Building: QUARRY

Emission Point: CRSH4  
 Height (ft.): 16 Diameter (in.): 48  
 NYTMN (km.): 4770.243 NYTME (km.): 593.741 Building: QUARRY

Emission Point: CRSH5  
 Height (ft.): 16 Diameter (in.): 120  
 NYTMN (km.): 4770.245 NYTME (km.): 593.762 Building: QUARRY

Emission Point: CRSH6  
 Height (ft.): 16 Diameter (in.): 48  
 NYTMN (km.): 4770.243 NYTME (km.): 593.741 Building: QUARRY

Emission Point: SCR3  
 Height (ft.): 16 Diameter (in.): 48  
 NYTMN (km.): 4770.256 NYTME (km.): 593.745 Building: QUARRY

Emission Point: SCR4  
 Height (ft.): 12 Length (in.): 48 Width (in.): 48  
 NYTMN (km.): 4770.256 NYTME (km.): 593.739 Building: QUARRY

Emission Point: SCR5  
 Height (ft.): 16 Length (in.): 192 Width (in.): 60  
 NYTMN (km.): 4770.254 NYTME (km.): 593.735 Building: QUARRY

**Condition 39: Process Definition By Emission Unit**  
**Effective between the dates of 07/01/2024 and 06/30/2034**

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

**Item 39.1:**

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

Emission Unit: 1-ASHAP  
 Process: 102 Source Classification Code: 3-05-002-30  
 Process Description:  
 This emission unit consists of a hot mix batch asphalt plant which has 2 rotary aggregate dryers (360 tph and 180 tph) and two storage silos (300 tons each).

Emission Source/Control: 00010 - Process



Permit ID: 5-4142-00003/00012

Facility DEC ID: 5414200003

Design Capacity: 180 tons per hour

Emission Source/Control: 00011 - Process  
Design Capacity: 360 tons per hour

Emission Source/Control: 00013 - Process  
Design Capacity: 300 tons

Emission Source/Control: 00014 - Process  
Design Capacity: 300 tons

**Item 39.2:**

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

Emission Unit: U-PORAG  
Process: PAG Source Classification Code: 3-05-020-01

Emission Source/Control: ENG01 - Combustion  
Design Capacity: 415 horsepower (mechanical)

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

Emission Source/Control: CNVY1 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: CRSH1 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: CRSH2 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: CRSH3 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: SCRNI - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: SCRNI - Process  
Design Capacity: 300 tons per hour

**Item 39.3:**

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

Emission Unit: U-STAGG  
Process: AGG Source Classification Code: 3-05-320-03

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

Emission Source/Control: CNVY2 - Process  
Design Capacity: 300 tons per hour

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Emission Source/Control: CRSH4 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: CRSH5 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: CRSH6 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: SCR3 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: SCR4 - Process  
Design Capacity: 300 tons per hour

**Permit ID: 5-4142-00003/00012**

**Facility DEC ID: 5414200003**