

New York State Department of Environmental Conservation
Facility DEC ID: 5532600007



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 5-5326-00007/00008
Effective Date: 01/24/2003 Expiration Date: No expiration date

Permit Issued To: PECKHAM MATERIALS CORP
20 HAARLEM AVE
WHITE PLAINS, NY 10603-2223

Contact: ROBERT YAREMKO
PECKHAM MATERIALS CORP
20 HAARLEM AVE
WHITE PLAINS, NY 10603
(914) 949-2000

Facility: PECKHAM MATERIALS MIDDLE FALLS PLANT
582 STATE ROUTE 29
GREENWICH, NY 12834

Contact: ROBERT YAREMKO
PECKHAM MATERIALS CORP
20 HAARLEM AVE
WHITE PLAINS, NY 10603
(914) 949-2000

Description:

Peckham Materials Corporation's Middle Falls Plant is a manufacturer of hot mix asphalt and is located in the Town of Easton, Washington County. At this facility, liquid asphalt, various sizes of aggregate, sand, and possibly reclaimed asphalt pavement (RAP) are heated in a rotary dryer and then blended in a mixing tower to produce hot mix asphalt (HMA). The HMA is transferred to storage silos or loaded directly into trucks. The rotary dryer can be fired with No. 2 fuel oil, No. 4 fuel oil or on-specification waste oil (i.e., Waste Fuel A). Particulate emissions from the rotary dryer are controlled by a baghouse. Aggregate, sand and RAP produced by other facilities are stored in stockpiles on-site. No crushing is performed at this facility. Sources at this facility are regulated primarily under 40CFR 60, Subparts I and A, as well as 6NYCRR Parts 200, 201, 202, 211, 212, 215 and Subpart 225-1.

This permit serves to both consolidate all existing air pollution permits into one facility-wide Air State Facility Permit for this plant and to allow modification of the existing asphalt plant to increase its asphalt production capacity from 180 tons per hour to 360 tons per hour. It also serves to decrease the existing asphalt production cap from 770,000 tons per year to 485,000 tons per year. This reduction is necessary as a result of recent revisions to the USEPA emission factors for hot mix asphalt plants. Those revisions included a much higher factor for carbon monoxide (CO) than previous editions had contained, which resulted in calculated CO emissions above the major source threshold when using the old asphalt

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production cap. The proposed change in the asphalt production cap will allow the facility to remain capped out of Title V permitting requirements contained in Subpart 201-6 of 6NYCRR 201, as well as Reasonably Available Control Technology (RACT) requirements for oxides of nitrogen (NO_x), contained in 6NYCRR 212. Under the 485,000 ton per year cap, the facility-wide potential to emit CO is 97.1 tons per year based upon current USEPA emission factors (AP-42). Emissions of Sulfur Dioxide (SO₂) and NO_x, which also have emission rate potentials greater than major source thresholds will be limited to no more than 25.6 and 29.5 tons per year, respectively, under this cap.

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: WALTER L HAYNES
 DIVISION OF ENVIRONMENTAL PERMITS
 232 HUDSON ST, PO BOX 220
 WARRENSBURG, NY 12885-0220

Authorized Signature: _____ Date: ___ / ___ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 5
SUBOFFICE



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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

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transfer of ownership.

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

Item 4.1:

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

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

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

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

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 5 Sub-office
Division of Environmental Permits
232 Hudson St, PO Box 220
Warrensburg, NY 12885-0220
(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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20 HAARLEM AVE
WHITE PLAINS, NY 10603-2223

Facility: PECKHAM MATERIALS MIDDLE FALLS PLANT
582 STATE ROUTE 29
GREENWICH, NY 12834

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

Permit Effective Date: 01/24/2003

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 201-6.1(a): Facility Permissible Emissions
- *2 6NYCRR 201-6.1(a): Compliance Demonstration
- 3 6NYCRR 201-7.2(e): Compliance Demonstration
- 4 6NYCRR 225-1.2: Compliance Demonstration
- 5 6NYCRR 225-1.2: Compliance Demonstration
- 6 40CFR 60.7(a), NSPS Subpart A: Date of construction notification - If a COM is not used.
- 7 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.

Emission Unit Level

EU=0-00001

- 10 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications
- 8 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.

EU=0-00001,Proc=002

- 9 6NYCRR 225-2.3(b)(3): Compliance Demonstration

EU=0-00001,EP=00001

- 11 6NYCRR 201-7.2(a): Compliance Demonstration
- 12 40CFR 60.92(a), NSPS Subpart I: Compliance Demonstration
- 13 40CFR 60.92(a), NSPS Subpart I: Compliance Demonstration

EU=0-00001,EP=00001,Proc=002

- 14 6NYCRR 225-2.7: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 15 ECL 19-0301: Contaminant List
- 16 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 17 6NYCRR 201-5: Emission Unit Definition
- 18 6NYCRR 211.2: Air pollution prohibited
- 19 6NYCRR 211.2: Compliance Demonstration

Emission Unit Level

- 20 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 21 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

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

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific



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

Item J: Required Emission Tests - 6 NYCRR Part 202-1.1

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

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item L: Open Fires - 6 NYCRR Part 215

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

Item M: Permit Exclusion - ECL 19-0305

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

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

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

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

FEDERAL APPLICABLE REQUIREMENTS

The following conditions are federally enforceable.

Condition 1: Facility Permissible Emissions

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.1(a)

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 PTE: 194,200 pounds per year
Name: CARBON MONOXIDE

CAS No: 007446-09-5 PTE: 51,200 pounds per year
Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0 PTE: 59,000 pounds per year
Name: OXIDES OF NITROGEN

Condition 2: Compliance Demonstration

Effective between the dates of 01/24/2003 and Permit Expiration Date

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Applicable Federal Requirement: 6NYCRR 201-6.1(a)

Item 2.1:

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: 0NY210-00-0 OXIDES OF NITROGEN

Item 2.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility-wide emissions of NO_x, SO₂ and CO will be capped below major source thresholds by limiting asphalt production to 485,000 tons per consecutive twelve (12) month period, rolled monthly. This assumes potentials to emit (PTE's) from all stationary sources other than the dryer, hot screens and mixer (including exempt and/or trivial activities) of the following amounts:

1. Nitrogen Oxides (NO_x) - 0.4 tons per year;
2. Sulfur Dioxide (SO₂) - 4.26 tons per year;
3. Carbon Monoxide (CO) - 0.10 tons per year.

Asphalt production records and records that document the PTE's from the "other" sources noted above shall be maintained on site to verify that the asphalt production and PTE's do not exceed the specified amounts.

This compliance activity caps the facility out of the Title V permitting requirements contained in Subpart 201-6 of 6NYCRR 201, as well as Reasonably Available Control Technology (RACT) requirements for NO_x contained in 6 NYCRR Part 212.

All of the records required to document compliance with the facility-wide emission caps above shall be maintained on-site for a period of at least five (5) years.

Monitoring Frequency: MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)



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Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 12 calendar month(s).

Condition 3: Compliance Demonstration
Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2(e)

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

On an annual basis, the responsible official shall provide a certification to the Department that the facility has operated within the limit imposed by the facility's production cap and that emissions from sources other than the dryer, hot screens and mixer (including exempt and/or trivial activities) have not exceeded allotted amounts. This certification shall include the following information for each of the twelve (12) consecutive months of the previous year:

1. the amount of asphalt produced, in tons per month;
2. the total asphalt produced during the last consecutive 12 months, in tons per year
3. the threshold level to which the annual total is being compared.
4. certification that potentials to emit Carbon Monoxide (CO), Nitrogen Oxide (NO_x), and Sulfur Dioxide (SO₂) from all stationary sources other than the dryer, hot screens and mixer (including exempt and/or trivial activities) at the facility have not exceeded those assumed for capping purposes as specified elsewhere in this permit.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.



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

Condition 4: Compliance Demonstration
Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-1.2

Item 4.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Sulfur limit in residual oil is 1.5 percent by weight.
Compliance will be demonstrated through supplier
certification of fuel oil purchased.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Compliance Demonstration
Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-1.2

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: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Sulfur limit in distillate oil is 1.5 percent by weight.
Compliance will be demonstrated through supplier
certification of fuel oil purchased.



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Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Date of construction notification - If a COM is not used.
Effective between the dates of 01/24/2003 and Permit Expiration Date**

Applicable Federal Requirement: 40CFR 60.7(a), NSPS Subpart A

Item 6.1:

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

**Condition 7: Facility files for subject sources.
Effective between the dates of 01/24/2003 and Permit Expiration Date**

Applicable Federal Requirement: 40CFR 60.7(f), NSPS Subpart A

Item 7.1:

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required



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by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

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

**Condition 10: Emissions from new emission sources and/or modifications
Effective between the dates of 01/24/2003 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 212.4(a)

Item 10.1:

This Condition applies to Emission Unit: 0-00001

Item 10.2:

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 8: Recordkeeping requirements.
Effective between the dates of 01/24/2003 and Permit Expiration Date**

Applicable Federal Requirement: 40CFR 60.7(b), NSPS Subpart A

Item 8.1:

This Condition applies to Emission Unit: 0-00001

Item 8.2:

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 9: Compliance Demonstration
Effective between the dates of 01/24/2003 and Permit Expiration Date**

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

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 002

Item 9.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The combustion efficiency of the unit while burning waste oil shall be at least 99%. The unit shall be tested within 120 days of startup of the modified asphalt plant (ES 00003), and upon request by the Administrator thereafter, to document compliance with this requirement. The modified asphalt plant is the plant as specified in the description of ES 00003.

A stack test protocol shall be submitted to the Department for review at least 30 days prior to the proposed test date, and must be approved by the Department prior to performance of the testing. In addition, the source owner shall allow Department representative(s) free access to observe the stack testing, and shall submit an emission test report to the Department within sixty (60) days after completion of the testing.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: EPA Methods 3A, 10

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 11: Compliance Demonstration

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2(a)

Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

CAS No: 007446-09-5 SULFUR DIOXIDE

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

Item 11.2:

Compliance Demonstration shall include the following monitoring:



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Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Source owner shall limit the quantity of hot mix asphalt produced to 485,000 tons during any consecutive twelve (12) months, rolled monthly. This compliance activity caps emissions from the aggregate dryer, hot screens and mixer (ES 00003) to the following potentials to emit (PTE's):

1. Nitrogen Oxides (NOx) - 29.1 tons per year;
2. Sulfur Dioxide (SO₂) - 21.3 tons per year;
3. Carbon Monoxide (CO) - 97.0 tons per year;

Records shall be maintained on-site which demonstrate compliance with the above limit. These records shall include the amount of asphalt produced each month and the total amount of asphalt produced over each rolling twelve month period.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

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 1/30/2004.

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

Condition 12: Compliance Demonstration

Effective between the dates of 01/24/2003 and Permit Expiration Date

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

Item 12.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 12.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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Monitoring Description:

Particulate emissions from this emission point shall not exceed 0.04 grains per dry standard cubic foot of exhaust.

Within 60 days after achieving maximum production rate, but no later than 180 days after initial startup of the modified asphalt plant, and upon request by the Administrator thereafter, source owner shall conduct a performance test to determine compliance with this limit and furnish the Administrator a written report of the results of such performance test.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: USEPA Method 5

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 13: Compliance Demonstration

Effective between the dates of 01/24/2003 and Permit Expiration Date

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

Item 13.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Source owner shall not discharge or cause the discharge into the atmosphere from the modified asphalt plant any gases which exhibit 20 percent opacity, or greater.

Within 60 days after achieving maximum production rate, but no later than 180 days after initial startup of the modified asphalt plant, and upon request by the Administrator thereafter, source owner or operator shall conduct a performance test to determine compliance with



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this limit and furnish the Administrator a written report of the results of such performance test.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: USEPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 14: Compliance Demonstration

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7

Item 14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Process: 002

Item 14.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Waste Oil may be burned as fuel in the aggregate dryer associated with this asphalt plant subject to the following provisions:

1. Source owner shall comply with all current and future New York State and Federal regulatory requirements concerning the combustion of waste oil.
2. To ensure that the waste oil burned meets the definition of Waste Fuel A, as set forth in paragraph 225-2.2(b)(9) of 6NYCRR 225-2, source owner shall maintain a record of the analyses, certified by the supplier, of all waste oil burned. Each analysis shall include the following parameters:
 - a. Concentration of total halogens [in ppm, by weight (water free basis) of fuel];
 - b. Concentration of PCB's [in ppm, by weight (water free basis) of fuel];

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- c. Concentration of lead [in ppm, by weight (water free basis) of fuel];
- d. Sulfur Content (in % by weight);
- e. Gross Heat Content (in Btu/gallon).

3. The above parameters, for all waste oil burned, shall meet the following criteria:

- a. total halogens content shall not exceed 1,000 ppm;
- b. PCB content shall not exceed 50 ppm;
- c. lead content shall not exceed 250 ppm;
- d. Sulfur content shall not exceed 1.5% by weight;
- e. heat content shall be at least 125,000 Btu/gallon.

These records shall be kept on site for a period of at least five (5) years.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 15: Contaminant List

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 15.1:

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: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 16: Unavoidable noncompliance and violations

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 16.1:

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

- (a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the



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identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

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

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

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

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

Condition 17: Emission Unit Definition

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 17.1:

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

Emission Unit: 0-00001

Emission Unit Description:

Hot mix asphalt batch plant. Liquid asphalt, various sizes of aggregate, sand and Reclaimed Asphalt Pavement (RAP) are combined to produce hot mix asphalt. The liquid asphalt is stored in heated above-ground tanks. Aggregate, sand and RAP, all of which are obtained from outside sources (i.e., other facilities), are stored in various stockpiles on site. The aggregate, sand and RAP are heated in a rotary dryer and then blended in a mixing tower to



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produce hot mix asphalt. The rotary dryer is vented to a baghouse. The hot mix asphalt is transferred to storage silos or loaded directly into trucks. The dryer can run on either #2 or #4 distillate fuel oil or specification waste oil (Waste Fuel A).

Condition 18: Air pollution prohibited
Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 18.1:

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

Condition 19: Compliance Demonstration
Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 19.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 19.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Plant roadways and stockpiles are to be watered and/or treated with an approved dust suppressant, as appropriate, and speed limited to preclude emissions of dust. No waste oil is to be used for fugitive dust control.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 20: Emission Point Definition By Emission Unit
Effective between the dates of 01/24/2003 and Permit Expiration Date

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Applicable State Requirement: 6NYCRR 201-5

Item 20.1:

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 38

Length (in.): 44

Width (in.): 44

Condition 21: Process Definition By Emission Unit

Effective between the dates of 01/24/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 21.1:

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

Emission Unit: 0-00001

Process: 001

Process Description:

Production of hot mix asphalt while firing virgin No. 2
or No. 4 fuel oil in aggregate dryer.

Emission Source/Control: 00001 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 00002 - Control

Control Type: GRAVITY COLLECTOR

Emission Source/Control: 00003 - Process

Design Capacity: 360 tons per hour

Item 21.2:

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

Emission Unit: 0-00001

Process: 002

Process Description:

Production of hot mix asphalt while firing
on-specification waste oil (i.e., Waste Fuel A) in
aggregate dryer.

Emission Source/Control: 00001 - Control

Control Type: FABRIC FILTER

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Emission Source/Control: 00002 - Control
Control Type: GRAVITY COLLECTOR

Emission Source/Control: 00003 - Process
Design Capacity: 360 tons per hour