

New York State Department of Environmental Conservation
Facility DEC ID: 7030200008



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 7-0302-00008/00005
Mod 0 Effective Date: 10/23/2000 Expiration Date: No expiration date.
Mod 1 Effective Date: 09/18/2003 Expiration Date: No expiration date.

Permit Issued To: BARRETT PAVING MATERIALS INC
3 BECKER FARM RD
ROSELAND, NJ 07068-1726

Contact: SCOT A OWENS
BARRETT PAVING MATERIALS
PO BOX 400
WASHINGTON MILLS, NY 13479-0400

Facility: BARRETT PAVING - ROUNDHOUSE RD
14 BRANDYWINE AVE
BINGHAMTON, NY 13901

Contact: ELROY PRATT
BARRETT PAVING MATERIALS INC
PO BOX 2368
BINGHAMTON, NY 13902
(607) 729-2493

Description:

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: MICHAEL K BARYLSKI
DIVISION OF ENVIRONMENTAL PERMITS
1285 FISHER AVE
CORTLAND, NY 13045-1090

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

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 7
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 1-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 1-1.1:

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 1-1.2:

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 1-1.3:

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 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13(a)

Expired by Mod No: 1

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.

Condition 1-2: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 1-2.1:

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.

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

Expired by Mod No: 1

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.



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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 7
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 7 Sub-office
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
(607) 753-3095



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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: BARRETT PAVING MATERIALS INC
3 BECKER FARM RD
ROSELAND, NJ 07068-1726

Facility: BARRETT PAVING - ROUNDHOUSE RD
14 BRANDYWINE AVE
BINGHAMTON, NY 13901

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

Mod 0 Permit Effective Date: 10/23/2000

Permit Expiration Date: No expiration date.

Mod 1 Permit Effective Date: 09/18/2003

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

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Emission Unit Level

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EU=P-00001,EP=00002

- 1-4 6NYCRR 212.3(a): Compliance Demonstration
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- 1-6 6NYCRR 212.6(a): Compliance Demonstration

EU=P-00001,EP=00002,Proc=P01,ES=000D1

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Emission Unit Level

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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: Compliance Demonstration

Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 1.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility will maintain two log books. One will be for recording complaints. This will consist of caller's name, address, phone #, nature of the complaint, and what was done to correct the problem. The second log book will contain a detailed maintenance log, showing date and activity related to air pollution control. This shall include, but not limited to, bag house dust removal (from silo) ,bag and seal changes, fluorescein dye tests,



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fugitive dust from stockpiles and driveways.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 13: Facility Permissible Emissions

Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Item 13.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0 (From Mod 1) PTE: 198,000 pounds per year

Name: CARBON MONOXIDE

Condition 1-1: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Item 1-1.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-1.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

The facility is a hot mix asphalt production facility.

The facility will cap the emissions of Carbon Monoxide to less than 99 tons per year by limiting asphalt production to 495,000 tons during any 12 month rolling period.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 495000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY



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

Condition 1-2: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

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

Item 1-2.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 1-2.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 1-3: Emission Unit Permissible Emissions
Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Replaces Condition(s) 21, 22

Item 1-3.1:
The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

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Emission Unit: P-00001

CAS No: 000630080 (From Mod 1)

Name: CARBON MONOXIDE

PTE(s): 198,000 pounds per year

Condition 19: Process Permissible Emissions

Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Item 19.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: P-00001 Process: P01

CAS No: 000630-08-0 (From Mod 1)

Name: CARBON MONOXIDE

PTE(s): 198,000 pounds per year

Condition 1-4: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.3(a)

Item 1-4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The particulate emission limit for asphalt stone dryers is contained in Table 4 of 6 NYCRR Part 212.9. Since the asphalt plant was constructed prior to July 1, 1973, the particulate emission limit for "existing sources" applies to this emission point. The actual emission limit varies and is determined using the process weight per hour



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(lb/hr) of stone processed during the stack test. The maximum particulate emission limit for full capacity operation (300 tons/hour) is 65 lb/hr.

Compliance with the permit limit is determined by performing a stack test. In accordance with 6 NYCRR Part 202-1, stack testing can be required upon request by the Department.

Upper Permit Limit: 65 pounds per hour

Reference Test Method: EPA RM 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-5: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4(c)

Item 1-5.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-5.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

THIS FACILITY MUST MONITOR THE PRESSURE DROP ACROSS THE FACBRIC FILTER CONTROL DEVICE IN ORDER TO VERIFY PROPER OPERATION. PRESSURE DROP MUST REMAIN WITHIN THE STATED RANGE. IF OPERATING OUTSIDE OF THIS RANGE, A STACK TEST TO DETERMINE COMPLIANCE WITH THE PARTICULATE EMISSION LIMIT WILL BE REQUIRED. OPERATION WITHIN THE ALLOWED PRESSURE DROP WINDOW REASONABLY ASSURES COMPLIANCE WITH THE PARTICULATE STANDARD, HOWEVER

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FINAL COMPLIANCE IS DETERMINED BY A STACK TEST CONDUCTED IN ACCORDANCE WITH 6 NYCRR PART 202.

Parameter Monitored: PRESSURE CHANGE
Lower Permit Limit: 2.0 inches of water
Upper Permit Limit: 6.0 inches of water
Monitoring Frequency: CONTINUOUS
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY TIME
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-6: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 1-6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002

Item 1-6.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Visible emissions from the asphalt batch plant stack shall not equal or exceed 20% opacity during any six consecutive minutes.

Compliance is determined using EPA Reference Method 9. The Department may perform an EPA RM 9 compliance test during any period of operation of the asphalt batch plant. In addition, the Department may require the facility to perform EPA RM 9 opacity compliance testing in accordance with 6 NYCRR Part 202-1.

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



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Condition 1-7: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Replaces Condition(s) 21, 22

Item 1-7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

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

Item 1-7.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Emission source D1 is limited to producing less than 495,000 tons of asphalt per year based on a 12 month rolling period. This limit is based upon EPA's AP-42 emission factor (0.4 lbs/ton) for carbon monoxide emissions from batch asphalt plants (the factor is the same for gas and oil firing).

The facility shall maintain records of asphalt production on site and shall calculate each 12 month rolling total of asphalt production within 30 days of the end of each calendar month.

If asphalt production for any 12 month period exceeds 396,000 tons, then the facility must complete a stack test to determine actual CO and NOx emissions from the batch plant within 30 days of determining that asphalt production exceeded 396,000 tons. Within 30 days of completion of the stack test, the facility shall submit to the Department a report of the stack test results including a calculation of an appropriate production cap to ensure emissions do not exceed 100 tons/year of NOx and CO. Upon Department approval, the calculated emission cap will supercede the 495,000 ton limit.

Work Practice Type: PROCESS MATERIAL THRUPUT



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Process Material: ASPHALT
Upper Permit Limit: 495000 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL TOTAL 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 1-8: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

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

Item 1-8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

Item 1-8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

Combustion efficiency of at least 99% is required to burn waste oil. An initial stack test is required to demonstrate combustion efficiency within 30 days of first fire of waste oil at the facility. Stack testing must be performed in accordance with a Department approved test protocol. A proposed test protocol must be submitted to the NYSDEC Region 7 office for review at least 60 days prior to testing. The facility shall notify the Department, in writing, of the test dates at least 30 days prior to such dates.

Future stack testing may be required by the Department in accordance with 6NYCRR Part 202-2. At a minimum, a combustion efficiency stack test is required once every five years from the date of the initial stack test. This stack test must be performed in accordance with the timeframes above for notification and protocol submittal.

Parameter Monitored: COMBUSTION EFFICIENCY
Lower Permit Limit: 99 percent



New York State Department of Environmental Conservation

Permit ID: 7-0302-00008/00005

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Reference Test Method: EPA RM 3A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-9: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

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

Item 1-9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

Item 1-9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must perform an annual tune-up on the burner system used to combust waste oil. The facility shall measure and record the levels of CO and O2 using either EPA reference methods or portable combustion gas analyzers (electrochemical cells), and shall adjust the burner to achieve a CO level, corrected for oxygen, to the level achieved during the most recent compliance stack test. The facility shall identify and record the following information for each annual tune-up:

1. Identify the company and individuals who performed the annual tune-up.
2. Identify the date performed.
3. Measure and record the CO and O2 exhaust levels before and after the tune-up.
4. Visually inspect and repair as necessary the waste oil burner system.

Annual tune-up records shall be maintained on-site for 5 years. The facility shall notify the Department in writing of the scheduled date for each annual tune-up at least 7 days prior to performing the tune-up.

Parameter Monitored: COMBUSTION EFFICIENCY



New York State Department of Environmental Conservation

Permit ID: 7-0302-00008/00005

Facility DEC ID: 7030200008

Lower Permit Limit: 99 percent
Reference Test Method: EPA RM 3A
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-10: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7(a)(1)

Item 1-10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

Item 1-10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All waste oil deliveries received at the facility must conform with the Waste Fuel A limitations contained in Table 2-1 of 6 NYCRR Part 225-2 and must meet the definition of on-specification waste oil contained in 6 NYCRR Part 360-14.2(x)(1). Based on the most stringent limits for each of these requirements, waste oil delivered to the facility shall meet the following limits:

Constituent/ Property method	Limit	Test
Arsenic 6010	5 ppm (max)	SW-846
Cadmium 6010	2 ppm (max)	SW-846
Chromium 6010	10 ppm (max)	SW-846
Lead 6010	100 ppm (max)	SW-846
PCB 8020	2 ppm (max)	SW-846



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Total Halogens	1000 ppm (max)	ASTM D-808
Sulfur	0.6% by weight (max)	SW-846 6010
Flash Point	100 deg F (min)	ASTM D-93
Energy Content	125,000 btu/ gal (min)	ASTM D-240

Each and every delivery of waste oil must be tested for the above constituents and shown to comply with the above limits prior to each delivery. Testing may be performed by the supplier as long as the sample tested is taken from the source of the delivered oil (the same tank/batch of oil). Copies of the test results must be provided to the facility with each waste oil delivery and must be kept on site for 5 years after receipt. These records must show when and where (ex. specific tank) the sample was taken, the name of the lab that did the analysis, the results of the tests for each constituent listed above, and the quantity of fuel that the sample represents. The facility shall also record the amount of waste oil received (gallons) for each delivery.

A sampling tap must be installed on the waste oil feed line to the burner to allow for the collection of a waste oil fuel sample whenever deemed necessary by NYSDEC.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



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

New York State Department of Environmental Conservation

Permit ID: 7-0302-00008/00005

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 1-11: Contaminant List

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 1-11.1:

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: 0NY075-00-0

Name: PARTICULATES

Condition 1-12: Unavoidable noncompliance and violations

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 1-12.1:

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 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



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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 24: Emission Unit Definition
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 24.1(From Mod 1):

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

Emission Unit: P-00001

Emission Unit Description:

EMISSION UNIT P-00001 CONSISTS OF ONE HOT MIX ASPHALT PLANT AND ASSOCIATED CONTROL EQUIPMENT USED IN THE MANUFACTURING OF ASPHALTIC CONCRETE. THE HOT MIX FACILITY INCLUDES ONE 5 TON BATCH PLANT. THE BATCH PLANT HAS ONE PROCESS SOURCE (THE DRYER) AND ONE PRIMARY CONTROL.

Condition 26: Air pollution prohibited
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 26.1:



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

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

Condition 27: Emission Point Definition By Emission Unit
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 27.1(From Mod 1):

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

Emission Unit: P-00001

Emission Point: 00002

Height (ft.): 24

Diameter (in.): 108

NYTMN (km.): 4661.722 NYTME (km.): 425.932

Condition 28: Process Definition By Emission Unit
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 28.1(From Mod 1):

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

Emission Unit: P-00001

Process: P01

Source Classification Code: 3-05-002-51

Process Description:

AGGREGATE IS DRIED IN A ROTARY DRYER. THE DRIED AGGREGATE IS MIXED WITH HOT LIQUID ASPHALT IN A PUG MILL AND IS EITHER LOADED INTO HAUL TRUCKS OR INTO A STORAGE SILO FOR LATER SALE. THE PROCESS IS FUELED BY EITHER NATURAL GAS, #2 FUEL OIL OR WASTE OIL.

Emission Source/Control: 00BH1 - Control

Control Type: FABRIC FILTER

New York State Department of Environmental Conservation
Permit ID: 7-0302-00008/00005 Facility DEC ID: 7030200008



Emission Source/Control: 0CYC1 - Control
Control Type: SINGLE CYCLONE

Emission Source/Control: 000D1 - Process
Design Capacity: 300 tons per hour

New York State Department of Environmental Conservation
Facility DEC ID: 7030200008



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 7-0302-00008/00005
Mod 0 Effective Date: 10/23/2000 Expiration Date: No expiration date.
Mod 1 Effective Date: 09/18/2003 Expiration Date: No expiration date.

Permit Issued To: BARRETT PAVING MATERIALS INC
3 BECKER FARM RD
ROSELAND, NJ 07068-1726

Contact: SCOT A OWENS
BARRETT PAVING MATERIALS
PO BOX 400
WASHINGTON MILLS, NY 13479-0400

Facility: BARRETT PAVING - ROUNDHOUSE RD
14 BRANDYWINE AVE
BINGHAMTON, NY 13901

Contact: ELROY PRATT
BARRETT PAVING MATERIALS INC
PO BOX 2368
BINGHAMTON, NY 13902
(607) 729-2493

Description:

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: MICHAEL K BARYLSKI
DIVISION OF ENVIRONMENTAL PERMITS
1285 FISHER AVE
CORTLAND, NY 13045-1090

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

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 7
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 1-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 1-1.1:

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 1-1.2:

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 1-1.3:

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

New York State Department of Environmental Conservation
Facility DEC ID: 7030200008



transfer of ownership.

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

Expired by Mod No: 1

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.

Condition 1-2: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 1-2.1:

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.

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

Expired by Mod No: 1

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.



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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 7
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 7 Sub-office
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
(607) 753-3095



New York State Department of Environmental Conservation

Permit ID: 7-0302-00008/00005

Facility DEC ID: 7030200008

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: BARRETT PAVING MATERIALS INC
3 BECKER FARM RD
ROSELAND, NJ 07068-1726

Facility: BARRETT PAVING - ROUNDHOUSE RD
14 BRANDYWINE AVE
BINGHAMTON, NY 13901

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

Mod 0 Permit Effective Date: 10/23/2000

Permit Expiration Date: No expiration date.

Mod 1 Permit Effective Date: 09/18/2003

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.7: Compliance Demonstration
- 13 6NYCRR 201-6.2(c): Facility Permissible Emissions
- *1-1 6NYCRR 201-6.2(c): Compliance Demonstration
- 1-2 6NYCRR 225-1.2(a)(2): Compliance Demonstration

Emission Unit Level

- 1-3 6NYCRR 201-6.2(c): Emission Unit Permissible Emissions
- 19 6NYCRR 201-6.2(c): Process Permissible Emissions

EU=P-00001,EP=00002

- 1-4 6NYCRR 212.3(a): Compliance Demonstration
- 1-5 6NYCRR 212.4(c): Compliance Demonstration
- 1-6 6NYCRR 212.6(a): Compliance Demonstration

EU=P-00001,EP=00002,Proc=P01,ES=000D1

- *1-7 6NYCRR 201-6.2(c): Compliance Demonstration
- 1-8 6NYCRR 225-2.3(b)(3): Compliance Demonstration
- 1-9 6NYCRR 225-2.3(b)(3): Compliance Demonstration
- 1-10 6NYCRR 225-2.7(a)(1): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 1-11 ECL 19-0301: Contaminant List
- 1-12 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 24 6NYCRR 201-5: Emission Unit Definition
- 26 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 27 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 28 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: Compliance Demonstration

Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 1.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility will maintain two log books. One will be for recording complaints. This will consist of caller's name, address, phone #, nature of the complaint, and what was done to correct the problem. The second log book will contain a detailed maintenance log, showing date and activity related to air pollution control. This shall include, but not limited to, bag house dust removal (from silo) ,bag and seal changes, fluorescein dye tests,



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fugitive dust from stockpiles and driveways.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 13: Facility Permissible Emissions

Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Item 13.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0 (From Mod 1) PTE: 198,000 pounds per year

Name: CARBON MONOXIDE

Condition 1-1: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Item 1-1.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-1.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

The facility is a hot mix asphalt production facility.

The facility will cap the emissions of Carbon Monoxide to less than 99 tons per year by limiting asphalt production to 495,000 tons during any 12 month rolling period.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALT

Upper Permit Limit: 495000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY



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

Condition 1-2: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

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

Item 1-2.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 1-2.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 1-3: Emission Unit Permissible Emissions
Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Replaces Condition(s) 21, 22

Item 1-3.1:
The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

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Emission Unit: P-00001

CAS No: 000630080 (From Mod 1)

Name: CARBON MONOXIDE

PTE(s): 198,000 pounds per year

Condition 19: Process Permissible Emissions

Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Item 19.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: P-00001 Process: P01

CAS No: 000630-08-0 (From Mod 1)

Name: CARBON MONOXIDE

PTE(s): 198,000 pounds per year

Condition 1-4: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.3(a)

Item 1-4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The particulate emission limit for asphalt stone dryers is contained in Table 4 of 6 NYCRR Part 212.9. Since the asphalt plant was constructed prior to July 1, 1973, the particulate emission limit for "existing sources" applies to this emission point. The actual emission limit varies and is determined using the process weight per hour



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(lb/hr) of stone processed during the stack test. The maximum particulate emission limit for full capacity operation (300 tons/hour) is 65 lb/hr.

Compliance with the permit limit is determined by performing a stack test. In accordance with 6 NYCRR Part 202-1, stack testing can be required upon request by the Department.

Upper Permit Limit: 65 pounds per hour

Reference Test Method: EPA RM 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-5: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4(c)

Item 1-5.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-5.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

THIS FACILITY MUST MONITOR THE PRESSURE DROP ACROSS THE FACBRIC FILTER CONTROL DEVICE IN ORDER TO VERIFY PROPER OPERATION. PRESSURE DROP MUST REMAIN WITHIN THE STATED RANGE. IF OPERATING OUTSIDE OF THIS RANGE, A STACK TEST TO DETERMINE COMPLIANCE WITH THE PARTICULATE EMISSION LIMIT WILL BE REQUIRED. OPERATION WITHIN THE ALLOWED PRESSURE DROP WINDOW REASONABLY ASSURES COMPLIANCE WITH THE PARTICULATE STANDARD, HOWEVER

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FINAL COMPLIANCE IS DETERMINED BY A STACK TEST CONDUCTED IN ACCORDANCE WITH 6 NYCRR PART 202.

Parameter Monitored: PRESSURE CHANGE
Lower Permit Limit: 2.0 inches of water
Upper Permit Limit: 6.0 inches of water
Monitoring Frequency: CONTINUOUS
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY TIME
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-6: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 1-6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002

Item 1-6.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Visible emissions from the asphalt batch plant stack shall not equal or exceed 20% opacity during any six consecutive minutes.

Compliance is determined using EPA Reference Method 9. The Department may perform an EPA RM 9 compliance test during any period of operation of the asphalt batch plant. In addition, the Department may require the facility to perform EPA RM 9 opacity compliance testing in accordance with 6 NYCRR Part 202-1.

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



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Condition 1-7: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.2(c)

Replaces Condition(s) 21, 22

Item 1-7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

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

Item 1-7.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Emission source D1 is limited to producing less than 495,000 tons of asphalt per year based on a 12 month rolling period. This limit is based upon EPA's AP-42 emission factor (0.4 lbs/ton) for carbon monoxide emissions from batch asphalt plants (the factor is the same for gas and oil firing).

The facility shall maintain records of asphalt production on site and shall calculate each 12 month rolling total of asphalt production within 30 days of the end of each calendar month.

If asphalt production for any 12 month period exceeds 396,000 tons, then the facility must complete a stack test to determine actual CO and NOx emissions from the batch plant within 30 days of determining that asphalt production exceeded 396,000 tons. Within 30 days of completion of the stack test, the facility shall submit to the Department a report of the stack test results including a calculation of an appropriate production cap to ensure emissions do not exceed 100 tons/year of NOx and CO. Upon Department approval, the calculated emission cap will supercede the 495,000 ton limit.

Work Practice Type: PROCESS MATERIAL THRUPUT



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Process Material: ASPHALT
Upper Permit Limit: 495000 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL TOTAL 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 1-8: Compliance Demonstration
Effective between the dates of 09/18/2003 and Permit Expiration Date

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

Item 1-8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

Item 1-8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

Combustion efficiency of at least 99% is required to burn waste oil. An initial stack test is required to demonstrate combustion efficiency within 30 days of first fire of waste oil at the facility. Stack testing must be performed in accordance with a Department approved test protocol. A proposed test protocol must be submitted to the NYSDEC Region 7 office for review at least 60 days prior to testing. The facility shall notify the Department, in writing, of the test dates at least 30 days prior to such dates.

Future stack testing may be required by the Department in accordance with 6NYCRR Part 202-2. At a minimum, a combustion efficiency stack test is required once every five years from the date of the initial stack test. This stack test must be performed in accordance with the timeframes above for notification and protocol submittal.

Parameter Monitored: COMBUSTION EFFICIENCY
Lower Permit Limit: 99 percent



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Reference Test Method: EPA RM 3A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-9: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

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

Item 1-9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

Item 1-9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must perform an annual tune-up on the burner system used to combust waste oil. The facility shall measure and record the levels of CO and O2 using either EPA reference methods or portable combustion gas analyzers (electrochemical cells), and shall adjust the burner to achieve a CO level, corrected for oxygen, to the level achieved during the most recent compliance stack test. The facility shall identify and record the following information for each annual tune-up:

1. Identify the company and individuals who performed the annual tune-up.
2. Identify the date performed.
3. Measure and record the CO and O2 exhaust levels before and after the tune-up.
4. Visually inspect and repair as necessary the waste oil burner system.

Annual tune-up records shall be maintained on-site for 5 years. The facility shall notify the Department in writing of the scheduled date for each annual tune-up at least 7 days prior to performing the tune-up.

Parameter Monitored: COMBUSTION EFFICIENCY



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Lower Permit Limit: 99 percent
Reference Test Method: EPA RM 3A
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-10: Compliance Demonstration

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 225-2.7(a)(1)

Item 1-10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001 Emission Point: 00002
Process: P01 Emission Source: 000D1

Item 1-10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All waste oil deliveries received at the facility must conform with the Waste Fuel A limitations contained in Table 2-1 of 6 NYCRR Part 225-2 and must meet the definition of on-specification waste oil contained in 6 NYCRR Part 360-14.2(x)(1). Based on the most stringent limits for each of these requirements, waste oil delivered to the facility shall meet the following limits:

Constituent/ Property method	Limit	Test
Arsenic 6010	5 ppm (max)	SW-846
Cadmium 6010	2 ppm (max)	SW-846
Chromium 6010	10 ppm (max)	SW-846
Lead 6010	100 ppm (max)	SW-846
PCB 8020	2 ppm (max)	SW-846



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Total Halogens	1000 ppm (max)	ASTM D-808
Sulfur	0.6% by weight (max)	SW-846 6010
Flash Point	100 deg F (min)	ASTM D-93
Energy Content	125,000 btu/ gal (min)	ASTM D-240

Each and every delivery of waste oil must be tested for the above constituents and shown to comply with the above limits prior to each delivery. Testing may be performed by the supplier as long as the sample tested is taken from the source of the delivered oil (the same tank/batch of oil). Copies of the test results must be provided to the facility with each waste oil delivery and must be kept on site for 5 years after receipt. These records must show when and where (ex. specific tank) the sample was taken, the name of the lab that did the analysis, the results of the tests for each constituent listed above, and the quantity of fuel that the sample represents. The facility shall also record the amount of waste oil received (gallons) for each delivery.

A sampling tap must be installed on the waste oil feed line to the burner to allow for the collection of a waste oil fuel sample whenever deemed necessary by NYSDEC.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



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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STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 1-11: Contaminant List

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 1-11.1:

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: 0NY075-00-0

Name: PARTICULATES

Condition 1-12: Unavoidable noncompliance and violations

Effective between the dates of 09/18/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 1-12.1:

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 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



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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 24: Emission Unit Definition
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 24.1(From Mod 1):

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

Emission Unit: P-00001

Emission Unit Description:

EMISSION UNIT P-00001 CONSISTS OF ONE HOT MIX ASPHALT PLANT AND ASSOCIATED CONTROL EQUIPMENT USED IN THE MANUFACTURING OF ASPHALTIC CONCRETE. THE HOT MIX FACILITY INCLUDES ONE 5 TON BATCH PLANT. THE BATCH PLANT HAS ONE PROCESS SOURCE (THE DRYER) AND ONE PRIMARY CONTROL.

Condition 26: Air pollution prohibited
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 26.1:



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

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

Condition 27: Emission Point Definition By Emission Unit
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 27.1(From Mod 1):

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

Emission Unit: P-00001

Emission Point: 00002

Height (ft.): 24

Diameter (in.): 108

NYTMN (km.): 4661.722 NYTME (km.): 425.932

Condition 28: Process Definition By Emission Unit
Effective between the dates of 10/23/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 28.1(From Mod 1):

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

Emission Unit: P-00001

Process: P01

Source Classification Code: 3-05-002-51

Process Description:

AGGREGATE IS DRIED IN A ROTARY DRYER. THE DRIED AGGREGATE IS MIXED WITH HOT LIQUID ASPHALT IN A PUG MILL AND IS EITHER LOADED INTO HAUL TRUCKS OR INTO A STORAGE SILO FOR LATER SALE. THE PROCESS IS FUELED BY EITHER NATURAL GAS, #2 FUEL OIL OR WASTE OIL.

Emission Source/Control: 00BH1 - Control

Control Type: FABRIC FILTER

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Emission Source/Control: 0CYC1 - Control
Control Type: SINGLE CYCLONE

Emission Source/Control: 000D1 - Process
Design Capacity: 300 tons per hour