

Facility DEC ID: 9063800099

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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
 Permit ID: 9-0638-00099/00069
 Effective Date: 12/22/2020 Expiration Date: 12/21/2030

Permit Issued To: H H RAUH PAVING INC
 7 W 1ST ST
 PO BOX 2
 LAKEWOOD, NY 14750-0002

Contact: JOHN R RAUH
 7 W 1ST ST
 PO BOX 2
 LAKEWOOD, NY 14750-0002
 (716) 763-0069

Facility: H H RAUH PAVING INC - ASPHALT PLANT
 ALLEN STREET EXT | CORNER OF SOUTH DOW AND ALLEN ST EXT
 JAMESTOWN, NY 14701

Contact: JOHN R RAUH
 7 W 1ST ST
 PO BOX 2
 LAKEWOOD, NY 14750-0002
 (716) 763-0069

Description:
 This renewal permit includes the addition of a new asphalt plant at the H H Rauh Paving Inc facility, which is located in the Town of Ellicott within Chautauqua County. The new plant consists of a 5-ton H&B batch plant with a 325 ton per hour production rate, aggregate dryer and H&B baghouse. The burner associated with the aggregate dryer for this plant is a Hauck Megastar Low NOx burner rated at 108 MMBtu/hr. The existing asphalt plant will remain onsite and serve as a backup when the new plant cannot be operated. The existing plant consists of a 3-ton Barber Greene Batch plant with a 180 ton per hour production capacity. The plant is equipped with a 47 MMBtu per hour dryer and Gentec baghouse.

The H H Rauh permit includes a federally enforceable emission cap that limits asphaltic concrete production to 259,200 tons of asphalt per every 12-months rolling total period. This limit comes from the original air state facility permit which was put in place to avoid applicability of Title V permitting and permitting under federal Prevention of Significant Deterioration (PSD) of Air Quality for carbon monoxide (CO). This asphalt limit keeps the facility PTE of CO at 103,683 pounds per year, compared to the Title V threshold of 200,000 pounds per year and the PSD threshold of 500,000 pounds per year.

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Since H H Rauh does not engage in any stone crushing or mineral processing activities, it is not subject to 40 CFR 60 Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plants.

The facility is subject to the New Source Performance Standard (NSPS) 40 CFR 60 Subpart I - Standards of Performance for Hot Mix Asphalt Facilities. The facility is required to meet particulate emission limits from each baghouse of 0.04 gr/dscf and the 20 percent opacity standard. The subpart I emission limit of 0.04grains/dscf also satisfies the grain loading requirement that would have been set by subpart 212-2.5, Table 5 Process Weight Sources. Existing Plant 1 was tested in 2005 and showed to have an average grain loading of 0.005grs/dscf. New Plant 2 will be tested once it is constructed. Both plants are subject to the 0.04gr/dscf limit.

The facility is subject to 6 NYCRR Part 212-4 Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants. The facility submitted a moisture plan with this application to manage the moisture content of aggregate stockpiles stored onsite. Part 212-4 also requires asphalt plants to install a low NOx burner or to prove via an economic feasibility study why a low NOx burn is not economical. H H Rauh purchased a Low NOx burner for the new plant (plant 2) and submitted an economic feasibility study for the existing plant (plant 1). The Department has accepted the economic feasibility analysis as it showed that the emission reduction cost was greater than \$5,500 per ton of emissions and is considered not to be economical to install.

Emissions from the asphalt plant were evaluated using department guidance DAR - 1. The emissions impact AERSCREEN modeling show that Polycyclic Aromatic Hydrocarbons (PAHs) emissions were of concern. As a result, H H Rauh proposed a Toxic Best Available Control Technology, "T-BACT" for the new plant 2. The T-BACT included technology utilized by similar asphalt plants to control PAHs in the form of "Blue Smoke". The T-BACT includes capturing blue smoke emissions from the pugmill, drag conveyor and silos and routing the emissions to the baghouse. In order to capture emissions from the conveyor the conveyor will be enclosed. At the time of issuance of this permit, these control methods constitute T-BACT.

There are also 3 liquid asphalt binder tanks onsite. The original 25,000gal tank and two new 20,000gal tanks. The tanks are exempt from air permitting under 6NYCRR 201-3.2(c)(21). The tanks are heated by a 1.1MMBtu/hr natural gas fired burner which is also exempt from air permitting under 6NYCRR 201-3.2(c)(1).

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

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Special Conditions included as part of this permit.

Permit Administrator: DAVID S DENK
 DIVISION OF ENVIRONMENTAL PERMITS
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2915

Authorized Signature: _____ Date: ___ / ___ / _____

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Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

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- 5 5 Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

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

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

Item 1.1:
 The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

Item 1.2:
 The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

Item 1.3:
 A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

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

Item 2.1:
 Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

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

Item 3.1:
 The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

Item 3.2:
 The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and State Facility Permits.

Item 3.3
 Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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

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Applicable State Requirement: 6 NYCRR 621.13

Item 4.1:

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

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

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

Condition 5: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7165

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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Facility: H H RAUH PAVING INC - ASPHALT PLANT
ALLEN STREET EXT | CORNER OF SOUTH DOW AND ALLEN ST EXT
JAMESTOWN, NY 14701

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

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NOTE: * preceding the condition number indicates capping.

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FEDERALLY ENFORCEABLE CONDITIONS

Renewal 1/FINAL

**** Facility Level ****

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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

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

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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: Recycling and Salvage - 6 NYCRR 201-1.7

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

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

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

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

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

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

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

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

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

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

Item J: Open Fires Prohibitions - 6 NYCRR 215.2

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

Item K: Permit Exclusion - ECL 19-0305

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

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

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

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

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Facility Permissible Emissions
Effective between the dates of 12/22/2020 and 12/21/2030

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 1.1:

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

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

CAS No: 000630-08-0	PTE: 103,683 pounds per year
Name: CARBON MONOXIDE	

Condition 2: Capping Monitoring Condition
Effective between the dates of 12/22/2020 and 12/21/2030

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 2.1:

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

6 NYCRR 201-6.1 (a)
 40 CFR 52.21

Item 2.2:

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

Item 2.3:

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

Item 2.4:

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

Item 2.5:

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

Item 2.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 2.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

1.) Asphaltic concrete production shall be limited to 259,200 tons per every 12 month period which will keep emissions below the thresholds for Title V permitting applicability and the thresholds of the Prevention of Significant Deterioration (PSD) of air quality with respect to carbon monoxide. This asphalt limit keeps the facility PTE at 52 tons of CO per year, compared to the Title V threshold of 100 tons per year and the PSD threshold of 250 tpy.

2.) Records of asphalt production will be kept on a daily basis and to verify compliance with the production limit in item 1 above, the total production for each 12 month period shall be computed monthly. The 12 month period ends on the last day of the month.

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

4.) On an annual (calendar) basis, the responsible official shall provide a certification to the department

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that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold levels contained in item 1 above.

Work Practice Type: PROCESS MATERIAL THRUPUT
 Process Material: ASPHALTIC CONCRETE
 Upper Permit Limit: 259200 tons per year
 Monitoring Frequency: DAILY
 Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2021.
 Subsequent reports are due every 12 calendar month(s).

Condition 3: Visible Emissions Limited
Effective between the dates of 12/22/2020 and 12/21/2030

Applicable Federal Requirement:6 NYCRR 211.2

Item 3.1:

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

Condition 4: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

Applicable Federal Requirement:6 NYCRR 211.2

Item 4.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

The facility shall implement a program to control fugitive emissions from the transportation of gravel and asphaltic concrete. The program shall include the following items when the source is operating.

(1) All trucks transporting gravel and asphaltic concrete to and from the site shall be covered.

(2)The dust on the site roadways/plant yard shall be controlled by applications of water, calcium chloride or

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other acceptable and approved fugitive dust control compound. Applications of dust suppressants shall be done often enough to prevent dust emissions from leaving the plant property.

(3) All paved roadways/plant yards shall be swept, as needed, with water to reduce emissions.

(4) Any spilled material on public or site roadways shall be cleaned up promptly after such spills occur.

(5) Accumulated material along the edges of primary traffic lanes shall be cleaned up weekly or more frequently - as needed.

Monitoring Frequency: WHEN THE SOURCE IS OPERATING
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 5.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, excluding the emission of uncombined water.

In order to demonstrate compliance with this requirement, the facility owner or operator shall check for visible emissions via during daylight hours and while the facility is in operation, except during periods of extreme weather (fog, snow, rain).

If visible emissions are detected, the facility owner or operator shall determine the cause, make the necessary corrections and verify that the problem has been corrected. If visible emissions persist, then an EPA Method 9 shall be conducted.

If visible emissions are observed the facility owner or

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operator shall record the date, emission source and a description of any corrective action taken. Records shall be maintained at the facility for a period of at least five years, and must be made available to the Department upon request.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time.

Parameter Monitored: OPACITY
 Upper Permit Limit: 20 percent
 Reference Test Method: EPA Reference Method 9
 Monitoring Frequency: WHEN THE SOURCE IS OPERATING
 Averaging Method: 6 MINUTE AVERAGE
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 6: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 6.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A tune-up must be performed on the dryer burner on an annual basis at any hot mix asphalt production plant that is in operation during that calendar year.

Submit the annual tune-up records annually.

Monitoring Frequency: ANNUALLY
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 60 days after the reporting period.
 The initial report is due 3/1/2021.
 Subsequent reports are due every 12 calendar month(s).

Condition 7: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 7.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 7.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility submitted a plan which details the methods by which to reduce the moisture content of the aggregate stockpile(s). The moisture plan was submitted with this application. The facility shall perform self-inspections to monitor compliance with the plan.

No further record keeping or reporting is required.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 8: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 8.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

6NYCRR Part 212-4.1(b) requires that by January 1, 2020, all owners or operators of active asphalt plants must have submitted the economic feasibility analysis for the installation of a low NOx burner. A low NOx burner must be installed for that operating year in all instances in which it proves feasible.

The department received an economic feasibility analysis for H H Rauh's back-up asphalt plant (plant 1). The evaluation provided the cost of installing a low NOx burner on the dryer for the 3 ton batch plant which is rated at 180 tons per hour. The department reviewed the analysis and agreed that it is not economically feasible to install the low NOx burner on the back-up plant. The analysis showed that the cost to reduce NOx emissions were greater than \$5,500 per ton of emissions.

For the new primary asphalt plant, asphalt plant 2. H H Rauh has chosen to install a low NOx burner on the plant's dryer. The new 5 ton batch plant is rated at 325 tons/hr and will be equipped with a Hauck Megastar low NOx burner. The new plant will be in compliance with 6NYCRR Part

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212-4.1(b).

No further record keeping or reporting is required.

Monitoring Frequency: UPON PERMIT RENEWAL

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 9: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 9.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 0-00001

Process: 001

Emission Unit: 0-00001

Process: 002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- (1) Standard for particulate matter. No owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.04 gr/dscf.
- (2) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf) 40 CFR Part 60.93(b)(1).
- (3) A particulate stack test for the new plant 2 shall commence no later than 180 days after start up and no later than 60 days after reaching maximum production rate. The existing plant 1 was tested in 2005 to satisfy the compliance requirements with this regulation Subpart I - 60.92.
- (4) A stack test protocol shall be submitted to the Department for approval at least thirty days in advance of the performance test.

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(5) Submit the emission test report within 60 days after the completion of the performance test.

Compliance with this particulate limit also satisfies the particulate matter limit requirement found in 6 NYCRR Part 212-2.5(b) as described in 6 NYCRR Part 212-1.5(e)(1).

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.04 grains per dscf
Reference Test Method: EPA Method 5
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 10: Compliance Demonstration
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 10.1:

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

Emission Unit: 0-00001
Process: 001

Emission Unit: 0-00001
Process: 002

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

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

(1) No owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contain opacity in excess of 20 percent.

(2) Method 9 shall be used to determine the opacity. 40 CFR Part 60.93(b)(2).

(3) A Method 9 opacity test for the new plant 2 shall commence no later than 180 days after start up and no later than 60 days after reaching maximum production rate. The existing plant 1 was tested in 2005 to satisfy the compliance requirements with this regulation Subpart I - 60.92.

(4) A stack test protocol shall be submitted to the

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Department for approval at least thirty days in advance of the performance test.

(5) Submit the emission test report within 60 days after the completion of the performance test.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 6-MINUTE AVERAGE (METHOD 9)

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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STATE ONLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

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

(3) During the period of the emergency the facility owner 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 or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Facility owners and/or operators must submit the records

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required to comply with the request within sixty working days of written notification by the Department.

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 11: Contaminant List

Effective between the dates of 12/22/2020 and 12/21/2030

Applicable State Requirement:ECL 19-0301

Item 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

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

Condition 12: Malfunctions and start-up/shutdown activities

Effective between the dates of 12/22/2020 and 12/21/2030

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Applicable State Requirement:6 NYCRR 201-1.4

Item 12.1:

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

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

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

Condition 13: Emission Unit Definition
Effective between the dates of 12/22/2020 and 12/21/2030

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 13.1:

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

Emission Unit: 0-00001

Emission Unit Description:

This emission unit contains asphalt plants 1 and 2. Plant 2 is the new 5-ton asphalt H&B batch plant and Plant 1 is the old 3-ton asphalt Barber Green batch plant which serves as a backup in the case that plant 2 goes down.

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The 5-ton H&B batch plant is rated at 325 tons of aggregate per hour and is equipped with a H&B 648-Q baghouse. The dryer for plant 2 is a low NO_x Hauck Megastar 100 burner rated at 108 MMBtu per hour. The backup plant is the 3-ton batch plant rated at 180 tons of aggregate per hour and uses a Gentec baghouse. The dryer for plant 1 is rated at 47MMBtu/hr. This unit also contains a pugmill, screens and conveyors. There are 3 asphalt binder tanks. A 25,000 gal tank with liquid asphalt, a 20,000gal tank with 64 V asphalt binder and a 20,000 gal tank with 58 28 asphalt binder. Asphalt produced is stored in two 200 tons silos.

Condition 14: Renewal deadlines for state facility permits
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 14.1:

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Condition 15: CLCPA Applicability
Effective between the dates of 12/22/2020 and 12/21/2030

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

Item 15.1:

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

Condition 16: Air pollution prohibited
Effective between the dates of 12/22/2020 and 12/21/2030

Applicable State Requirement:6 NYCRR 211.1

Item 16.1:

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

Condition 17: Compliance Demonstration

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Applicable State Requirement: 6 NYCRR 212-2.3 (b)**Item 17.1:**

The Compliance Demonstration activity will be performed for the Facility.

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This T-BACT condition is for controlling emissions of Polycyclic Aromatic Hydrocarbons (PAHs) from the new asphalt plant 2. The T-BACT analysis conducted showed that controlling emissions of PAHs could be achieved by enclosing the Pugmill, Conveyor and Silos on the new batch plant and routing captured emissions to the H&B baghouse.

The proposed T-BACT systems will consist of separate systems to capture emissions from the silos and pugmill. Each silo will be fitted with ductwork at the silo filling inlet to capture fumes, gases, and dust. All conveyors feeding the silos will be enclosed and routed into the ductwork coming off the silos. The ductwork will be routed down the sides of the silos into an exhaust system/filtration system, which will pull air down from the top of the silos. This air will be filtered through the H&B baghouse before being ultimately discharged to the atmosphere.

The Plant 2 pugmill T-BACT system will work in a similar manner with a dust blower fixed to the pugmill to draw in fugitive emissions. Ductwork will transfer captured emissions from the pugmill to the exhaust system/filtration system described above which is ultimately filtered through the H&B baghouse. The proposed T-BACT system will always be operating when batch operations are occurring.

The pressure drop across the baghouse must be maintained within the manufactures specifications or within the parameters established during a recent stack test.

The pressure drop across the bag house shall be monitored and recorded for each day the facility is in operation.

Spare bags should be stored onsite in the event of a leak or bag break.

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Records of baghouse maintenance and monitoring shall be kept on site for a minimum of five (5) years and shall be made available to the department upon request.

Monitoring Frequency: WHEN THE SOURCE IS OPERATING
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 18: Emission Point Definition By Emission Unit
 Effective between the dates of 12/22/2020 and 12/21/2030

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 18.1:

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 30 Diameter (in.): 59
 NYTMN (km.): 4670.4 NYTME (km.): 152.4

Emission Point: 00002

Height (ft.): 37 Diameter (in.): 51
 NYTMN (km.): 4670.4 NYTME (km.): 152.4

Condition 19: Process Definition By Emission Unit
 Effective between the dates of 12/22/2020 and 12/21/2030

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 19.1:

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

Emission Unit: 0-00001

Process: 001 Source Classification Code: 3-05-001-01

Process Description:

This process is for the production of asphalt in the barber greene batch plant (plant 1). This includes the 47mmbtu/hr natural gas dryer, a Gentec Baghouses for particulate control, asphaltic binder tanks and silos.

Emission Source/Control: 00001 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 00003 - Process

Design Capacity: 47 million Btu per hour

Emission Source/Control: 00004 - Process

Design Capacity: 25,000 gallons

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Emission Source/Control: 00006 - Process
Design Capacity: 20,000 gallons

Emission Source/Control: 00007 - Process
Design Capacity: 20,000 gallons

Emission Source/Control: 00008 - Process
Design Capacity: 200 tons

Emission Source/Control: 00009 - Process
Design Capacity: 200 tons

Item 19.2:

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

Emission Unit: 0-00001

Process: 002

Source Classification Code: 3-05-002-08

Process Description:

This process is for the production of asphalt in the new H&B batch APM mixing plant, (plant 2). This includes the 108 mmbtu/hr natural gas dryer, the H&B 648-Q Baghouse for particulate control, asphaltic binder tanks and silos.

Emission Source/Control: 00002 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00004 - Process
Design Capacity: 25,000 gallons

Emission Source/Control: 00005 - Process
Design Capacity: 108 million Btu per hour

Emission Source/Control: 00006 - Process
Design Capacity: 20,000 gallons

Emission Source/Control: 00007 - Process
Design Capacity: 20,000 gallons

Emission Source/Control: 00008 - Process
Design Capacity: 200 tons

Emission Source/Control: 00009 - Process
Design Capacity: 200 tons

Permit ID: 9-0638-00099/00069

Facility DEC ID: 9063800099