



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-0672-00115/00001
Effective Date: 06/01/2011 Expiration Date: No expiration date

Permit Issued To: GERNATT ASPHALT PRODUCTS INC
13870 TAYLOR HOLLOW RD
COLLINS, NY 14034

Contact: RICHARD I PECNIK
GERNATT ASPHALT PRODUCTS
PO BOX 400
COLLINS, NY 14034-0400
(716) 532-3371

Facility: WESTFIELD ASPHALT PAVING PLANT
7802 PERSONS RD
WESTFIELD, NY 14787

Description:

1.) The Westfield Asphalt Plant is located in the Town of Westfield, New York. The plant consists of a Astec Drum Hot Mix Asphalt Plant with a 400 ton per hour production capacity. The aggregate or stone dryer is equipped with a 100 mmBtu/hr low nitrogen oxides (NOx) natural gas burner. The dryer exhaust is vented to an Astec Model pulse jet baghouse for particulate control with an airflow of 70,000 ACFM.

2.) The New Source Performance Standard (NSPS) Subpart I - Standards of Performance for Hot Mix Asphalt Facilities applies to this source. Subpart I establishes a particulate emission limit from the stone dryer of 0.04 grains per dry standard cubic feet and 20% opacity. A performance test is required to demonstrate compliance for these parameters.

3.) Particulate emissions from the stone dryer are also regulated by 6NYCRR Part 212. Permissible Emission Rates based on process weight for solid particulate emissions from new stone dryers at asphalt concrete plants are limited to 0.030 grain per standard cubic foot of undiluted exhaust gas on a dry basis and 20% opacity. The performance test used to demonstrate compliance with Subpart I will also be used to demonstrate compliance with Part 212.

4.) Toxic air emissions are also regulated under Part 212. Toxic air emission data was obtained from AP-42, Chapter 11 for the Mineral



Processing Industry. The maximum offsite impact of the toxic air contaminants was screened using NYSDEC Policy DAR-1: Guidelines for the Control of Toxic Ambient Air Contaminants. The review indicated none of the contaminants modeled are projected to exceed the guidance values.

5.) The department assesses all projects for their potential to emit fine particulate matter. The protocol for this assessment is outlined in the department's Commissioner's Policy CP-33. As per this policy, since this project's PM - 10 emissions do not equal or exceed 15 tpy, no further assessment of fine particulate matter impacts are required.

6.) This permit includes a federally enforceable emission cap that limits asphaltic concrete production to 450,000 tons during every 12 month period. This limitation will cap carbon monoxide emissions below 100 tons per year for non-applicability to Title V. In addition, this production limitation will cap volatile organic compound (VOC) emissions below 50 tons per year for non-applicability to Title V and 6NYCRR Part 231-5 non-attainment New Source Review (NSR). All other criteria contaminant emissions are below the NSR/PSD applicability thresholds without capping.

7.) As per 6NYCRR Part 212.12, this permit includes: (1) the requirement to complete an annual tune-up on the dryer burner, (2) a performance test of the dryer burner to demonstrate the burner is a low NO_x burner, and (3) a plan which details methods to reduce the moisture content of the aggregate piles.

8.) This project was evaluated using Screen3 procedures for comparison to the primary NO₂ NAAQS new 1-hour standard of 100 ppb. All NO_x emissions were assumed to be NO₂. The results indicated the maximum impact from this source is approximately 20 ppb; thus, this source is not expected to exceed the new primary NO₂ NAAQS 1-hour standard.

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: DAVID S DENK



DIVISION OF ENVIRONMENTAL PERMITS
270 MICHIGAN AVE
BUFFALO, NY 14203-2915

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 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.



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, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

Facility Level

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



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 expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:

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



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

Item 4.1:

The Department reserves the right to 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

New York State Department of Environmental Conservation

Permit ID: 9-0672-00115/00001

Facility DEC ID: 9067200115



Permit Under the Environmental Conservation Law (ECL)

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY
PERMIT**

IDENTIFICATION INFORMATION

Permit Issued To: GERNATT ASPHALT PRODUCTS INC
13870 TAYLOR HOLLOW RD
COLLINS, NY 14034

Facility: WESTFIELD ASPHALT PAVING PLANT
7802 PERSONS RD
WESTFIELD, NY 14787

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

Permit Effective Date: 06/01/2011
date.

Permit Expiration Date: No expiration
date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- *2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 3 6 NYCRR 212.12 (a) (1): Compliance Demonstration
- 4 6 NYCRR 212.12 (a) (2): Compliance Demonstration
- 5 6 NYCRR 212.12 (b): Compliance Demonstration

Emission Unit Level

EU=U-0PDB1

- 6 6 NYCRR 212.6 (a): Compliance Demonstration
- 7 6 NYCRR 212.9 (d): Compliance Demonstration
- 8 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 9 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 10 ECL 19-0301: Contaminant List
- 11 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 12 6 NYCRR Subpart 201-5: Emission Unit Definition
- 13 6 NYCRR 211.2: Visible Emissions Limited

Emission Unit Level

- 14 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 15 6 NYCRR Subpart 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 - 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.

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: Emergency Defense - 6 NYCRR 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 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 - 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 G: 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 H: 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 I: 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 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 J: 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 K: Visible Emissions Limited - 6 NYCRR 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 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 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 limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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



regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Facility Permissible Emissions
Effective between the dates of 06/01/2011 and Permit Expiration Date

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: 58,500 pounds per year
Name: CARBON MONOXIDE

CAS No: 0NY998-00-0 PTE: 14,400 pounds per year
Name: VOC

Condition 2: Capping Monitoring Condition
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 2.1:

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

6 NYCRR Subpart 201-6
6 NYCRR Subpart 231-5

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:

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: 0NY998-00-0

VOC

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 is limited to 450,000 tons during every 12 month period. This limitation will cap carbon monoxide emissions below 100 tons per year for non-applicability to Title V. In addition, this production limitation will cap volatile organic compound (VOC) emissions below 50 tons per year for non-applicability to Title V and 6NYCRR Part 231-5 non-attainment New Source Review (NSR).

2.) Records of asphalt production shall be kept on a daily operational basis and shall be used to verify compliance with the production limit. Each month, you must compute from the production records, a rolling 12 month production rate by summing the previous consecutive 11 month production records to the current individual monthly production rate. The total 12-month production rate shall be computed by the 20th day of the following month.

3.) The owner or operator of this facility shall maintain all required records on-site for a period of five years. These records shall be available to representatives of the department upon request. Department representatives must be granted access to any facility, 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.

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Facility DEC ID: 9067200115



4.) On an annual basis, 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 those threshold levels contained in item 1 above.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALTIC CONCRETE

Upper Permit Limit: 450000 tons per year

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2012.

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

Condition 3: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.12 (a) (1)

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Beginning in calendar year 2011, a tune-up must be performed on the dryer burner on an annual basis at any hot mix asphalt production plant that is in operation during that calendar year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: MARCH 1

Condition 4: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.12 (a) (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:

A plan was submitted to the department in February, 2011 which details the introduction or continuation of methods by which to reduce the moisture content of the aggregate stockpile(s). The plan will be implemented upon startup and includes the following methods:

Stockpiled aggregates are stored on either compacted asphalt surfaces or compacted aggregate surfaces where moisture from the piles drains away. Best efforts will be made to access the south sides of stockpiles. Aggregates are not retrieved from the bottom portions of stockpiles where moisture content is the greatest.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.12 (b)

Item 5.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-0PDB1

Regulated Contaminant(s):

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

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1. A low nitrogen oxides (NOx) burner is required at any new hot mix asphalt production plant.
2. This new asphalt plant will be utilizing an Astec WhisperJet model WJ-100D-G low NOx burner with an estimated emission rate of 0.0169 pounds of NOx per ton of asphalt produced.
3. A performance test to demonstrate compliance with the low NOx emission rate of 0.0169 pounds of NOx per ton of asphalt produced must be completed within 60 days after achieving the maximum production rate but not later than



180 days after initial start-up.

4. The performance test shall not be conducted during periods of startup, shutdown, or malfunction.

5. The method used to measure NO_x shall include EPA Methods 7 or 7E from 40CFR60, Appendix A or another reference method approved by the Department.

6. The facility shall conduct three separate test runs. Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour. The test must be completed when making asphaltic concrete. Arrangements must be made to have enough production needs to complete the test. The test can not be completed while running the dryer without the addition of liquid asphalt cement. Under no circumstances will the department authorize operating the dryer without liquid asphalt cement which will result in excessive fugitive particulate emissions.

7. A performance test protocol shall be submitted to the Department for approval at least 60 days prior to completion of the test. The Department must be notified 10 days prior to the scheduled test date so a Department representative may be present during the test.

8. A performance test report of the results shall be submitted to this office within 60 days of completion of the test.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.0169 pounds per ton

Reference Test Method: EPA Method 7E

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 3-hour average

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

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

Condition 6: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.6 (a)

Item 6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-0PDB1



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

Item 6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.
- 2.) Method 9 opacity observations shall be conducted during the initial performance test and at the discretion of the department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 7: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.9 (d)

Item 7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-0PDB1

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

Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) Standard for particulate matter.

Permissible Emission Rates of solid particulate emissions from new stone dryers at asphalt concrete plants with a process weight of 800,000 pounds per hour are limited to 0.030 grain per standard cubic foot of undiluted exhaust gas on a dry basis.

- 2.) Test methods and procedures.



(a) The owner or operator shall determine compliance with the particulate matter standards using EPA Method 5 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).

(b) A particulate stack test shall commence within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility. If the facility finds this deadline impossible to meet then it must apply for and receive a waiver of the deadline from the department. Such an application shall include the reasons for the delay and a projected stack test date.

(c) A stack test protocol shall be submitted to the Department for approval at least thirty days in advance of the test. Additionally, a notice shall be given to Region 9 at least 30 days in advance of the test to give department personnel ample time to schedule their witnessing of the test.

(d) The test must be completed when making asphaltic concrete. Arrangements must be made to have enough production needs to complete the test. The test can not be completed while running the dryer without the addition of liquid asphalt cement. Under no circumstances will the department authorize operating the dryer without liquid asphalt cement which will result in excessive fugitive particulate emissions.

(e) The emission test report shall be submitted in duplicate, to the department within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

(f) The emission test required for this permit condition can be the same test used to demonstrate compliance for 40CFR 60.92.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.03 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 3-hour average

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



Condition 8: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

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

Item 8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-0PDB1

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) Standard for particulate matter.

On and after the date on which the performance test required to be conducted by §§60.8 is completed, 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 grains per dry standard cubic feet (gr/dscf).

2.) Test methods and procedures.

(a) In conducting the performance tests required in §§60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §§60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in §§60.92 as follows: 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).

(c) A particulate stack test shall commence within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility. If the facility finds this deadline impossible to meet then it must apply for and receive a waiver of the deadline from the department. Such an application shall include the reasons for the delay and a projected stack test



date.

(d) The test must be completed when making asphaltic concrete. Arrangements must be made to have enough production needs to complete the test. The test can not be completed while running the dryer without the addition of liquid asphalt cement. Under no circumstances will the department authorize operating the dryer without liquid asphalt cement which will result in excessive fugitive particulate emissions.

(e) A stack test protocol shall be submitted to the Department for approval at least thirty days in advance of the test. Additionally, a notice shall be given to Region 9 at least 30 days in advance of the test to give department personal ample time to schedule their witnessing of the test.

(f) The emission test report shall be submitted in duplicate, to the department within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 3-hour average

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 9: Compliance Demonstration
Effective between the dates of 06/01/2011 and Permit Expiration Date

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

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-0PDB1

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.

On and after the date on which the performance test required to be conducted by §§60.8 is completed, 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 exhibit 20 percent opacity, or greater.

2.) Test methods and procedures.

(a) In conducting the performance tests required in §§60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §§60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in §§60.92 using Method 9 and the procedures in §§60.11 to determine opacity.

(c) For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours or thirty (30) 6-minute averages for the performance test. Method 9 opacity observations shall be conducted continuously during the three (3) one-hour stack test runs for particulates required by this permit under Method 5 and the results shall be included in the particulate stack test report.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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 - 6 NYCRR 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 law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.



Condition 10: Contaminant List

Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 10.1:

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

CAS No: 0NY998-00-0
Name: VOC

Condition 11: Unavoidable noncompliance and violations

Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 11.1:

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 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 superseded 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 12: Emission Unit Definition
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 12.1:

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

Emission Unit: U-0PDB1

Emission Unit Description:

Emission Unit U-0PDB1 consists of a 400 ton per hour ASTEC Drum Hot Mix Asphalt Plant. The hot mix asphalt plant is comprised of a double barrel dryer drum mixer, hot oil heater, hot liquid asphalt tank, virgin aggregate stockpiles, Recycled Asphalt Product (RAP) stockpiles, cold feed bins with associated conveyors and screens, baghouse with inertial separator and dust silo, storage bin and truck load out. Particulate emissions from the drum dryer are controlled by a fabric filter baghouse through emission point 00EP1.

Condition 13: Visible Emissions Limited
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 13.1:

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

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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.

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

Condition 14: Emission Point Definition By Emission Unit
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 14.1:

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

Emission Unit: U-0PDB1

Emission Point: 00EP1

Height (ft.): 21

Length (in.): 49

Width (in.): 33

NYTMN (km.): 4697.446 NYTME (km.): 123.612

Condition 15: Process Definition By Emission Unit
Effective between the dates of 06/01/2011 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 15.1:

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

Emission Unit: U-0PDB1

Process: 001

Process Description:

Process 001 includes the production of hot mix asphaltic concrete. The aggregate is dried in a counter flow rotary drum dryer equipped with a 100 mmBtu/hr low NOx natural gas burner. The hot oil heater is fired with natural gas or No.2 fuel oil.

Emission Source/Control: 00HC1 - Combustion

Design Capacity: 2.2 million Btu per hour

Emission Source/Control: DRUM1 - Combustion

Design Capacity: 100 million Btu per hour

Emission Source/Control: 00BG1 - Control

Control Type: FABRIC FILTER

