

Permit ID: 5-5328-00168/00002

Facility DEC ID: 5532800168

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: JENKINSVILLE SAND AND GRAVEL, LLC  
76 ELLSWORTH LN EXT  
LAKE GEORGE, NY 12845

Facility: FORT ANN QUARRY NO. 1  
US RTE 4 - 1¼ MILES S OF KELSEY POND RD  
Fort Ann, NY 12827

Authorized Activity By Standard Industrial Classification Code:  
2951 - PAVING MIXTURES AND BLOCKS  
1423 - CRUSHED AND BROKEN GRANITE

Permit Effective Date:

Permit Expiration Date:

**PAGE LOCATION OF CONDITIONS**

**PAGE**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 5 1 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- 6 \*2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 7 3 6 NYCRR 211.2: Visible Emissions Limited
- 8 4 6 NYCRR 220-3.3 (a): Compliance Demonstration
- 8 5 6 NYCRR 220-3.3 (b): Compliance Demonstration
- 9 6 6 NYCRR 220-3.3 (b): Compliance Demonstration
- 10 7 6 NYCRR 220-3.3 (b): Compliance Demonstration
- 10 8 6 NYCRR 220-3.4: Filling of Asphalt Cement Storage Tanks.
- 10 9 6 NYCRR 220-3.5 (b): Compliance Demonstration
- 11 10 6 NYCRR 220-3.5 (b): Compliance Demonstration
- 12 11 6 NYCRR 220-3.5 (b): Compliance Demonstration
- 12 12 6 NYCRR 220-3.6 (a): Compliance Demonstration
- 13 13 6 NYCRR 220-3.7 (a): Compliance Demonstration
- 14 14 6 NYCRR 220-3.8: Compliance Demonstration
- 15 15 6 NYCRR 220-3.9 (c): Compliance Demonstration
- 15 16 6 NYCRR 220-3.10: Minimization of Fugitive Dust Emissions.
- 16 17 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 17 18 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

**Emission Unit Level**

**EU=1-00HMA,EP=00001,Proc=101,ES=BAG01**

- 18 19 6 NYCRR 212-1.1 (a) (1): Applicability - Issuance of new or modified permit or Registration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 20 20 ECL 19-0301: Contaminant List
- 20 21 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 21 22 6 NYCRR Subpart 201-5: Emission Unit Definition
- 21 23 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 22 24 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 22 25 6 NYCRR 211.1: Air pollution prohibited

**Emission Unit Level**

- 22 26 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 23 27 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.

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**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**

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is

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prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

**Item E: Recycling and Salvage - 6 NYCRR 201-1.7**

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

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

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

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

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

**Item H: Proof of Eligibility for Sources Defined as Trivial 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.

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**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 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 for entire length of Permit**

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

**Item 1.1:**

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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: 39,000 pounds per year

Name: CARBON MONOXIDE

**Condition 2: Capping Monitoring Condition  
Effective for entire length of Permit**

**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)

**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: 000630-08-0 CARBON MONOXIDE

**Item 2.7:**

Compliance Demonstration shall include the following monitoring:

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Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility-wide emissions of CO will be capped below the major source threshold by limiting asphalt production to 300,000 tons per consecutive twelve (12) month period, rolled monthly. The potential to emit (PTE) CO from exempt, trivial, and insignificant sources shall be included, along with the actual CO emissions from permitted sources, in these emissions.

The source owner or operator shall use the most accurate emission factors available (e.g., latest published AP-42 factor, manufacturer's guarantee, stack test data, etc.), for each emission source, to determine compliance with the emission cap.

Should the Department determine that the permittee's emission factor(s) is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 30 days to revise its respective records and emission factor(s) in a manner acceptable to the Department.

On an annual basis, the responsible official shall provide a certification to the Department that the facility has operated within the limit imposed by the facility's asphalt production cap. This compliance activity caps the facility out of the Title V permitting requirements contained in 6 NYCRR Subpart 201-6. All of the records required to document compliance with the facility-wide emission cap above shall be maintained on-site for a period of at least five (5) years.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: ASPHALTIC CONCRETE

Upper Permit Limit: 300,000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 3: Visible Emissions Limited**  
**Effective for entire length of Permit**

**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**

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**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 220-3.3 (a)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of an Asphalt Mixture Manufacturing Plant shall record the following information once daily, as applicable, for each Asphalt Mixture Processing Unit during operation in a calendar year:

- (1) Tons produced of asphalt mixture;
- (2) RAP used in tons of material;
- (3) Recorded hours of burner operation;
- (4) Baghouse differential pressure;
- (5) Warm mix tons produced;
- (6) Amount of fuel consumed;
- (7) Type of fuel consumed;
- (8) Instantaneous visual stack opacity reading by a trained employee that fulfills the requirements of 40 CFR Part 60, Appendix A-4, Method 9;
- (9) Typical stack temperature during operations;
- (10) RAP moisture content; and
- (11) Maintain annual records of Visible Emissions (Opacity) Training.

These records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: DAILY

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 5: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 220-3.3 (b)**

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As of the effective date of this Subpart, an annual service must be performed by a qualified employee or vendor on the dryer burner of any Asphalt Mixture Processing Unit that is in operation during that calendar year.

All annual service records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.3 (b)**

**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:

The owner or operator shall:

(i) perform an annual visual inspection of baghouse tubesheet and internal structure. Record findings and any corrective actions.

(ii) replacement bags for the baghouse shall be kept on site with the minimum capability of at least a 20% bag change out. Record changed bag locations on baghouse tube map.

The owner or operator shall inspect all ductwork for leaks and perform needed maintenance prior to operating during the asphalt production season.

The owner or operator shall maintain annual records of baghouse and ductwork inspections.

All of these records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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**Condition 7: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 220-3.3 (b)**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As of the effective date of this Subpart, an annual tune-up must be performed by a qualified employee or vendor on the hot oil heater located at any Asphalt Manufacturing Plant that is in operation during that calendar year.

All annual tune-up records shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 8: Filling of Asphalt Cement Storage Tanks.**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 220-3.4**

**Item 8.1: The filling of asphalt cement storage tanks should be observed to prevent or mitigate potential spills by the delivery company and/or asphalt mixture manufacturing plant personnel.**

**Condition 9: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 220-3.5 (b)**

**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of any existing aggregate dryer must submit, at least thirty (30) calendar days prior to commencing an emission test, a test protocol to the department for review and approval. The owner or operator must submit a complete test report to the department no later than sixty (60) calendar days after completion of the on-site testing.

Monitoring records stating the following information shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the department.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.030 grains per dscf

Reference Test Method: Method 5 and Method 202

Monitoring Frequency: ONCE EVERY TEN YEARS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 10: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.5 (b)**

**Item 10.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of any new natural gas/propane fired aggregate dryer must submit, at least thirty (30) calendar days prior to commencing an emission test, a test protocol to the department for review and approval. The owner or operator must submit a complete test report to the department no later than sixty (60) calendar days after completion of the on-site testing.

Monitoring records stating the following information shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the department.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.048 pounds per million Btus

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Reference Test Method: Method 7  
 Monitoring Frequency: ONCE EVERY TEN YEARS  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 11: Compliance Demonstration  
 Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.5 (b)**

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of any new natural gas/propane fired aggregate dryer must submit, at least thirty (30) calendar days prior to commencing an emission test, a test protocol to the department for review and approval. The owner or operator must submit a complete test report to the department no later than sixty (60) calendar days after completion of the on-site testing.

Monitoring records stating the following information shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the department.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 40 parts per million by volume (dry, corrected to 3% oxygen)  
 Reference Test Method: Method 7  
 Monitoring Frequency: ONCE EVERY TEN YEARS  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 12: Compliance Demonstration  
 Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.6 (a)**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an existing Asphalt Mixture Processing Unit shall control emissions associated with the drag conveyor, and/or hot screens, pug mill, and asphalt storage silo filling operations. Emissions from these sources must be captured and can either be returned to the drum mixer, controlled with coalescing filters, or controlled with any other method acceptable and approved by the Department. Controls must be installed based on the production level of the Asphalt Mixture Processing Unit according to the following schedule:

- (1) Calculated annual production level equal to or greater than 500,000 tpy of asphalt mixture, must comply by September 5, 2025.
- (2) Calculated annual production level equal to or greater than 250,000 tpy but less than 500,000 tpy of asphalt mixture, must comply by September 5, 2027.
- (3) Calculated annual production level equal to or greater than 75,000 tpy but less than 250,000 tpy of asphalt mixture, must comply by September 5, 2029.

Within 90 days of control installation, the owner or operator of the Asphalt Mixture Processing Unit shall submit a report to the Department stating the date of completed control installation.

The owner or operator of an existing Asphalt Mixture Processing Unit shall maintain and operate the control equipment based on manufacturer's specifications and retain records at the facility or at an alternative Department approved location, of control equipment maintenance. These records shall include, but are not limited to, the date and type of maintenance performed on the control equipment. These records shall be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 13: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.7 (a)**

**Item 13.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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The owner or operator of an existing Asphalt Mixture Processing Unit shall control emissions associated with the load-out process operations. Blue smoke emissions from these operations must be directed to a dedicated control device or controlled with any other method acceptable and approved by the Department. Controls must be installed based on the production level of the Asphalt Mixture Processing Unit according to the following schedule:

- (1) Calculated annual production level equal to or greater than 500,000 tpy of asphalt mixture, must comply by September 5, 2025.
- (2) Calculated annual production level equal to or greater than 250,000 tpy but less than 500,000 tpy of asphalt mixture, must comply by September 5, 2027.
- (3) Calculated annual production level equal to or greater than 75,000 tpy but less than 250,000 tpy of asphalt mixture, must comply by September 5, 2029.

Within 90 days of control installation, the owner or operator of the Asphalt Mixture Processing Unit shall submit a report to the Department stating the date of completed control installation.

The owner or operator of an existing Asphalt Mixture Processing Unit shall maintain and operate the control equipment based on manufacturer's specifications and retain records at the facility or at an alternative Department approved location, of control equipment maintenance. These records shall include, but are not limited to, the date and type of maintenance performed on the control equipment. These records shall be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
 Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 14: Compliance Demonstration  
 Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.8**

**Item 14.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No facility owner or operator shall cause or allow emissions to exceed an average opacity of 20 percent or greater during any six consecutive minutes from any process emission source or emission

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point.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: Method 9  
 Monitoring Frequency: ANNUALLY  
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 15: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.9 (c)**

**Item 15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall conduct a burner tuning procedure in accordance with the manufacturer’s specifications to minimize NOx and carbon monoxide (CO) emissions each calendar year.

The following information shall be monitored and recorded:

- (i) the date of the tuning procedure;
- (ii) the name of the servicing company/qualified internal staff/technician;
- (iii) the production rate (tons/hr) or load before and after tuning;
- (iv) the NOx and CO concentrations (ppmvd @ 3% O2) before and after tuning; and
- (v) the percent O2 before and after tuning.

Records of this information shall be maintained on site for at least two years after issuance of the permit and may be stored offsite (including electronic storage) afterwards for the life of the permit. Access to such offsite records must be made available in a timely manner if requested by the Department.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 16: Minimization of Fugitive Dust Emissions.**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 220-3.10**

**Item 16.1:**

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(a) Site Roadways and Plant Property:

- (1) Dust on the site roadways and plant property shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compound. Application of dust suppressants shall be completed often enough to prevent dust emissions from leaving the plant property.
- (2) All paved areas shall be swept and treated with water, as needed, to reduce dust.
- (3) Any aggregate, RAP, or other materials used to manufacture asphalt mixture that is spilled on site roads shall be cleaned up to avoid tracking onto public roadways.
- (4) The potential for dust to be tracked out to public roadways shall be minimized by implementing the procedures cited in paragraph (1) of this subdivision, along with any other reasonable procedure(s).

(b) Asphalt Mixture Processing Units:

- (1) The drop distance at each location where asphalt is exposed to the air must be reduced to the minimum that the equipment can achieve and allow for proper operation to comply with the opacity requirements in section 220-3.8 of this Subpart.
- (2) The transfer point where the belt feeder transfers aggregate or RAP from its bin onto a belt conveyor to the aggregate dryer shall be equipped, where it does not unreasonably interfere with production, with an enclosed chute, within 1 year of the effective date of this Subpart.

(c) Storage Piles. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

(d) Vehicles:

- (1) Vehicles shall be loaded to prevent their contents from dropping, leaking, blowing or otherwise escaping.
- (2) Trucks shall always be tarped unless loading and unloading.
- (3) A speed limit sign of 15 miles-per-hour or lower shall apply to onsite traffic and be posted so that it is visible to truck operators.

(e) Fugitive Dust Corrective Actions. When corrective action needs to be taken, the permittee shall consider and use one or more of the following options: adjust the watering and/or sweeping frequencies, reduce drop distances, increase coverings, and/or take other appropriate actions to reduce fugitive dust emissions.

**Condition 17: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 17.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 17.2:**

Permit ID: 5-5328-00168/00002

Facility DEC ID: 5532800168

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to 0.04 grains of particulates per cubic foot of exhaust gas (90 mg/dscm), expressed at standard conditions on a dry gas basis. The facility owner or operator must submit a test protocol to the Department for approval at least 30 days prior to the proposed compliance test. The facility owner or operator must submit the compliance test results to the Department for approval within 60 days of the completion of the compliance test.

All records associated with this condition must be maintained at the facility or at a Department approved alternative location for a minimum of 10 years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: Method 5

Monitoring Frequency: ONCE EVERY TEN YEARS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 18: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 18.2:**

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 a six minute average opacity of 20 percent or greater except for one six minute period not to exceed 27 percent. The owner or operator must maintain records of the opacity tests on site or at an alternative location approved by the Department for a minimum of 10 years.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Permit ID: 5-5328-00168/00002

Facility DEC ID: 5532800168

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

**Condition 19: Applicability - Issuance of new or modified permit or Registration Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 212-1.1 (a) (1)**

**Item 19.1:**

This Condition applies to Emission Unit: 1-00HMA Emission Point: 00001  
Process: 101 Emission Source: BAG01

**Item 19.2:**

Part 212 applies to process emission sources and/or emission points associated with a process operation, unless excepted from the provision of this Part pursuant to Section 212-1.4 of this Subpart:

(1) upon issuance of a new or modified permit or registration for a facility containing process emission sources and/or emission points.

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

An emergency, as defined in 6 NYCRR subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

- (1) an emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
- (2) the equipment at the facility was being properly operated and maintained;
- (3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) the facility owner or operator notified the department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.

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

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

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

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

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

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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 20: Contaminant List**  
**Effective for entire length of Permit**

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

**Item 20.1:**

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 21: Malfunctions and Start-up/Shutdown Activities**  
**Effective for entire length of Permit**

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

**Item 21.1:**

(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

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maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, the air contaminants emitted, and the resulting emission rates and/or opacity.

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

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

**Condition 22: Emission Unit Definition**  
**Effective for entire length of Permit**

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

**Item 22.1:**

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

Emission Unit: 1-00HMA

Emission Unit Description:

300 ton per hour Astec barrel drum hot mix asphalt plant. The plant includes a five compartment cold feed system. 7' by 38' double barrel drum mixer.

**Condition 23: Renewal deadlines for state facility permits**  
**Effective for entire length of Permit**

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

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**Item 23.1:**

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 24: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 24.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 24.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 5  
232 Golf Course Rd.  
Warrensburg, NY 12885

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 25: Air pollution prohibited  
Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 25.1:**

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.

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

**Condition 26: Emission Point Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 26.1:**

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

Emission Unit: 1-00HMA

Emission Point: 00001

Height (ft.): 30

Diameter (in.): 50

NYTMN (km.): 4810.498 NYTME (km.): 624.424

**Condition 27: Process Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 27.1:**

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

Emission Unit: 1-00HMA

Process: 101

Source Classification Code: 3-05-002-05

Process Description:

Astec 7' Unified Drum hot mix asphalt plant exhausting to a fabric filter baghouse. The double barrel dryer drum plant includes a 75 mmbtu/hr LP-gas fired as the fuel source, a 62,000 ACFM pulse jet baghouse, a 1.2 mmbtu/hr heater burner, and a 36,000 ACFM fiberbed mist collector as well as an ancillary support equipment.

Emission Source/Control: BAG01 - Control

Control Type: FABRIC FILTER

Emission Source/Control: BED01 - Control

Control Type: FABRIC FILTER

Emission Source/Control: SILO1 - Control

Control Type: GRAVITY COLLECTOR

Emission Source/Control: SILO2 - Control

Control Type: GRAVITY COLLECTOR

Emission Source/Control: MIX01 - Process

Design Capacity: 300 tons per hour

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