

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

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June 12, 2025

Mr. Tim Demers, Environmental Analyst 1
NYSDEC Division of Environmental Permits, Region 5
232 Golf Course Road
Warrensburg, NY 12885
Via email: timothy.demers@dec.ny.gov

Re: Response to Technical Review Comments and Request for Additional
Information (May 20, 2025)
Jenkinsville Sand and Gravel Asphalt Plant (Town of Fort Ann)
C.T. Male Project No.: 23.3669

Dear Mr. Demers:

On behalf of Jenkinsville Sand and Gravel LLC (Jenkinsville S&G), C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. (C.T. Male) is submitting this response to Technical Review Comments and Request for Additional Information dated May 20, 2025 relative to the proposed Jenkinsville Sand and Gravel LLC asphalt plant site located in Fort Ann (T) Washington County, New York. The responses contained herein are presented in the same order as within the Department's correspondence.

Environmental Justice Office Comments on EPPP

Item 1

Race and ethnicity are not indicators of limited English proficiency, so that information can be removed from the draft EP3.

Response: Comment noted and the information has been removed from the EPPP.

Item 2

Census information regarding households with limited English proficiency was reviewed and no translation of print materials is needed at this time. It should be noted that residents of the Disadvantaged Community (DAC) can still request translation as needed.

Response: Comment noted and the information has been updated within Section V of the EPPP.

Item 3

Plans for mitigating odor and noise should be discussed in more detail in the potential impacts section (Section V of the EPPP).

Response: Section II of the EPPP has been updated to include information relative to mitigation of odor and noise.

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Item 4

It should be noted that the document repository will need to be live, easily found online, and populated prior to draft EPPP approval.

Response: The applicant will add the required document repository to their existing website, jsgracks.com and will consolidate all air permit application related documents and public participation documents into a single location.

Item 5

It should be noted that the meeting date and time will need to be reviewed and approved by the Department prior to EPPP plan approval.

Response: Comment noted.

Division of Air Resources Comments

Item 1

The CLCPA analysis states that "asphalt mixtures are composed of approximately 93-96% aggregates and 4-7% asphalt binder." The upstream greenhouse gas (GHG) emissions from this asphalt binder should be accounted for in the CLCPA analysis using Table A2 of the 2024 NYS Statewide GHG Emissions Report.

Response: Comment noted and the information has been updated within the CLCPA analysis to include asphalt binder related emissions.

Item 2

The CLCPA analysis states that "As the asphalt production business is seasonal, an annual cap of 300,000 tons will be sought in order to reflect production only during the typical construction season of April – November." However, this emission cap is used throughout the analysis as the actual annual asphalt production rate. If the facility is taking a permitted annual cap on asphalt production of 300,000 tons/yr then this production rate would become the facility PTE not the actual emissions.

Response: The facility intends to operate up to the requested cap amount, subject to market demand conditions, the ability to construct and operate the plant for the full construction season, and weather conditions conducive to operating over that duration. All calculations have been updated to represent the PTE capped at 300,000 tons/yr and the "actual" annual emissions at that same capped amount. Since the various emission factors are on different bases (i.e., based on tons of asphalt production or amount of fuel combustion per hour as an example), the calculations shown in the CLCPA analysis uniformly use 1,000 hours per year at maximum operating conditions (of 300 tons per hour of asphalt production).

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Item 3

DAR-21 outlines four types of GHG emissions. These include direct, upstream, downstream, and indirect emissions. The CLCPA analysis refers to "upstream indirect GHG emissions" and "indirect downstream". These GHG emissions should be "upstream GHG emissions" and "downstream" respectively. Indirect GHG emissions are separate from upstream and downstream emissions.

Response: The report has been revised to include the specified nomenclature.

Item 4

It is stated in the analysis that "this CLCPA analysis includes emissions of carbon dioxide (CO₂), as no other GHG have been identified to be generated by the proposed facility operations." CH₄ and N₂O have upstream GHG emission factors in the 2024 Statewide GHG Emission Report that should be utilized. N₂O also has direct GHG emission factors in the EPA GHG emission factors hub.

Response: The report has been revised to include reference to the N₂O emissions.

Item 5

In Table 3.3 - Direct GHG Emissions from On-Site Combustion:

- Please identify where the emission factors utilized come from.
- Please identify what the maximum operation of asphalt is and how it was used to determine the column titled lb/hr^b under Potential to Emit.
- Please provide the actual and potential fuel usage rates used to calculate the amount of LP-Gas and No.2 Fuel Oil for the HOH.

Response: Footnotes have been added to the table indicating the source of the emission factors, the table has been updated to reflect the annual and potential emissions are the same based on the 300,000 ton per year requested production cap. Fuel usage rates have been added to the table to better reflect how the calculations were completed.

Item 6

In Table 3.4 please provide the hours/year of operation for the annual emissions basis (300,000 tons of production).

Response: The table has been updated to show the basis of calculation, annual and PTE calculations relative to the requested annual cap of 300,000 tons per year of asphalt production.

Item 7

Per DAR-21 downstream emissions "include emissions of GHG resulting from the transmission and use of products such as RNG or fossil fuels." DAR-21 goes on to state that

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"downstream emissions do not typically include emissions from the shipment or end-use of commercial goods or products produced for sale." The asphalt produced at this facility would not have downstream emissions. If downstream emissions do need to be calculated, please use Table A3 from the 2024 Statewide GHG Emissions Report.

Response: Comment noted, references to downstream emissions have been removed from the analysis in Section 3.4.

Item 8

Section 3.6 Projected Co-Pollutant Emissions discusses the facility's location and nearby Potential Environmental Justice Areas. DEP 24-1 is a guidance document that addresses CLCPA Section 7(3) for facilities that are within or likely to affect a Disadvantaged Community. Please utilize this document as well as the Disadvantaged Community Assessment Tool or DEC InfoLocator to determine if this facility needs to provide an analysis of disproportionate burden. Then update this section of the analysis accordingly.

Response: Comment noted, review of the DEC InfoLocator indicates that while a Potential Environmental Justice Area is located within the vicinity of the facility, the closest mapped DAC is Hudson Falls. DEP 21-1 Section V.3.c states that "A project is likely to affect a disadvantaged community if there would be an increase in GHGs or co-pollutants within a disadvantaged community, even if the source of the GHGs or co-pollutants is located outside the disadvantaged community. At a minimum, the impact study area should be the area within a one-half mile of the facility." The Hudson Falls DAC is more than 10 miles from the facility, and therefore is not likely to be affected by the project based on the definition within DEP 21-1, and therefore an analysis of disproportionate burden has not been completed. This information has been updated within Section 3.6 of the CLCPA Analysis

Item 9

Since this project results in an increase in GHG emissions please provide the following information per DAR-21:

- An explanation of any factors or circumstances that provide justification for the project despite the inconsistency with the CLCPA emission limits
- An explanation of the alternatives and mitigation measures considered whether they were found to be feasible, and to what extent they will be implemented
- A description of the environmental, economic, and/or social harm associated with the absence of the project and any benefits to the citizens of the state resulting from the project.

Response: Only one permitted asphalt plant exists in New York State within a 15 mile radius of the proposed Jenkinville S&G facility (in Hudson Falls), based on a review of the DEC InfoLocator and the DEC Title V and State Facility Permit website. Without the construction of this proposed facility, asphalt paving operations within this portion of Washington County will continue to require

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hauling from existing facilities in Hudson Falls and Warrensburg. Hauling routes from these nearest existing asphalt plants to the Fort Ann area require transportation of asphalt within and/or adjacent to the disadvantaged community of Hudson Falls and the Potential Environmental Justice Areas surrounding Fort Ann and Comstock. Construction of the proposed Jenkinsville S&G facility would provide local asphalt production to the underserved areas in northern Washington County and the surrounding communities, which would not only reduce truck traffic and transportation emissions, specifically in areas which may currently impact DACs and Potential EJ areas, but would potentially provide asphalt to residents in this area at a reduced cost due to shorter transportation distance.

Item 10

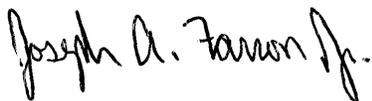
When identifying alternatives and mitigation measures for this project mitigation must be above and beyond what is already required by existing law or regulation.

Response: The design of the facility meets or exceeds the minimum NYSDEC requirements as they relate to air emissions and noise. Newer asphalt plants are designed for faster production, particularly continuous drum mix plants, which streamline operations compared to older batch plants. With new plants utilizing modern technologies, such as advanced automation and control systems, precise adjustments can be made to processes and allow for energy-efficient operation, which leads to lower fuel consumption and lesser emissions than systems which lack these specific controls. Modern plants have also integrated into their design sophisticated pollution control systems, including baghouses and blue smoke control devices and attempt to capture sources of emissions. Additionally, the plant manufacturer, Astec Industries, has worked to reduce sound from the mix process by providing quieter components within their equipment, whereas other older plants may still employ open-air burners which can be louder than the closed burner design. Astec's design includes an optional combustion air blower silencing package to reduce noise generated from plant equipment.

If you have any questions or require additional information, please contact Joe Farron of this office at (518) 786-7471.

Sincerely,

C.T. MALE ASSOCIATES



Joseph A. Farron, Jr.
Project Environmental Engineer

Reviewed and approved by:



Jeffrey A. Marx, P.E.
Managing Environmental Engineer

c: Danna/Ruben Ellsworth (Jenkinsville S&G)