



June 11, 2025

**By Electronic Mail Only**

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**Re: NYSDEC Case No. R2-20240123-24**

Dear Mr. Russo:

As you know, on January 23, 2024, the New York State Department of Environmental Conservation (the “Department” or “NYSDEC”) issued a notice of violation to your client, Green Asphalt Co. LLC (“Green Asphalt”) for creating nuisance air quality issues at its asphalt recycling facility located at 37-98 Railroad Avenue, Long Island City, New York, 11101, in violation of section 211.1 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“6 NYCRR”) and Condition # 5 of Air State Facility Permit No. 2-6304-01496/00002.

Since issuance of the notice of violation, the Department has continued to regularly receive numerous community complaints and inquiries regarding both the odor emanating from the facility and potential human health implications associated with emissions from the facility.

Accordingly, to immediately improve the air quality at the facility, the Department requires that Green Asphalt, **immediately once authorization from the New York City Department of Buildings is issued, but in no case later than December 11, 2025,** increase the height of the emissions stack at the facility from the current height of forty-five feet to a height of ninety feet. Ninety feet is the maximum stack height contemplated by Green Asphalt in its recent air dispersion modeling submitted to the Department. Based on the modeling data submitted to the Department to date, the Department agrees that increasing the stack height at the facility will help improve the air quality at the facility.

Additionally, **immediately after the facility’s stack height has been increased to ninety feet,** Green Asphalt must perform stack testing for all air contaminants identified in Attachment 1 of this letter. Green Asphalt must then resubmit to the Department air dispersion modeling that follows the Department-approved modeling

protocol. The resubmitted air dispersion modeling must use a standard cartesian receptor grid, accurate building locations, the results from the aforementioned stack testing, and the new stack configuration. Along with the corrected air dispersion modeling, Green Asphalt must submit to the Department an elemental analysis of the 100% recycled asphalt pavement materials handled at the facility.

Finally, to further improve the air quality impacts near the facility, the Department requires that Green Asphalt come into compliance with the new requirements set forth in 6 NYCRR Subpart 220-3 (Asphalt Mixture Manufacturing Plants) on an expedited timeline. Most importantly, Green Asphalt must control emissions and fugitive dust at the facility as follows:

- Achieve compliance with 6 NYCRR 220-3.4 (Emissions from Asphalt Cement Storage Tanks) **by September 5, 2025**;
- Achieve compliance with testing requirements set forth in 6 NYCRR 220-3.5 (Emissions from Aggregate Dryer) **by September 30, 2025**;
- Achieve compliance with 6 NYCRR 220-3.6 (Emissions from Storage Silos, Drag Conveyors, and Pug Mills) **by June 15, 2026**;
- Achieve compliance with 6 NYCRR 220-3.7 (Emissions from Load-Out Process Operations) **by June 15, 2026**; and
- Achieve compliance with 6 NYCRR 220-3.10 (Fugitive Dust Control) **immediately and no later than September 5, 2025**.

The Department looks forward to working with your client to resolve the ongoing air issues at the facility and to address community concerns. The Department will be in touch soon with a proposed consent order to memorialize the above requirements, as well as to memorialize the assessed penalty for Green Asphalt's violation of 6 NYCRR 211.1 and Condition # 5 of Air State Facility Permit No. 2-6304-01496/00002. In the meantime, please let me know if you have any questions.

Very truly yours,

*Madeline Warner*

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**Attachment 1**  
**List of Air Contaminants to be Evaluated**

<b>Air Contaminants</b>	<b>CAS #</b>
1,4-dioxane	123-91-1
Acrolein	107-02-8
Benzene	71-43-2
Butanone	78-93-3
Carbon Disulfide	75-15-0
Carbonyl Sulfide	463-58-1
Chloroethene (vinyl chloride)	75-01-4
Dichloromethane	75-09-2
Dimethyl Disulfide	624-92-0
Dimethyl Sulfide	75-18-3
Ethyl Methyl Sulfide	624-89-5
Ethyl Propyl Amine	20193-20-8
Formaldehyde	50-00-0
Hydrogen Sulfide	7783-06-4
Isopropylamine	75-31-0
Metals - lead, nickel, zinc, cadmium and copper	various
Methyl Mercaptan	74-93-1
Naphthalene	91-20-3
Polycyclic aromatic hydrocarbons (PAHs)	various
p-xylene	106-42-3
Styrene	100-42-5
Tetrahydrofuran	109-99-9
Thiophene	110-02-1
Trichloroethylene	79-01-6
Triethylamine	121-44-8