New York State Department of Environmental Conservation
Facility DEC ID: 3514800084

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 3-5148-00084/00025
Mod 0 Effective Date: 12/19/2005 Expiration Date: 12/18/2010

Mod 1 Effective Date: 09/20/2006 Expiration Date: 12/18/2010

Permit Issued To: NORTHEAST SOLITE CORP
PO BOX 437
MOUNT MARION, NY 12456-0437

Contact: IAN LEANING
NORTHEAST SOLITE CORPORATION
OLD KINGS HIGHWAY
MOUNT MARION, NY 12456
(845) 246-2177

Facility: NORTHEAST SOLITE CORPORATION
962 OLD KINGS HWY
MT MARION, NY 12456

Description:
This permit is for the operation of a lightweight aggregate manufacturing process. Raw material (shale) is quarried and processed on site. The shale is heated and expanded in any of three kilns to form the lightweight aggregate.

The facility is divided up into five (5) emission units, including a raw material processing area, the three kilns and associated equipment, a coal processing system, a lime handling system, and a finished material processing area. The raw and finished material processing areas consist of crushers, screeners, and conveyors. The three kilns primarily burn coal, but can also burn no.2 oil. No.2 oil is also used to ignite the kilns. Kiln #3 has a maximum aggregate feed rate of 20 tons per hour and has a clinker cooler associated with it.

Emissions of particulates, sulfur dioxide, and oxides of nitrogen (NOx) from the facility exceed major source thresholds, so the facility is required to obtain a Title V permit.

There is no reasonably available control technology for the kilns to reduce NOx emissions. The facility will burn coal or oil and utilize tangential firing of the kilns to limit NOx emissions.

The facility must comply with emission standards for particulates (Part 212) and sulfur standards in the coal and oil (Part 225). The facility has scrubbers on each of the kiln exhausts to reduce particulate and sulfur dioxide emissions.

All crushers, screeners, and conveyors were constructed before 1983, so 40 CFR 60 Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants does not apply. Emissions of hazardous air pollutants do not exceed major source thresholds, so Maximum Achievable Control Technology (MACT) standards do not apply.

Modification #1 to Renewal #1:
The maximum process aggregate weights for kilns no.1 and no.2 are being increased from 28 to 32 tons per hour. The limit on particulate emissions from each of these two kilns will remain 40.0 pounds per hour when burning coal and 36.4 pounds per hour when burning oil. Therefore, there will be no increase in particulate emissions from the facility. These limits are based on the equation specified in Part 212.9(d) for process weights less than 100,000 pounds per hour, and the maximum process weights defined in the initial Title V permit. In addition, a coal feed rate of 4.3 tons per hour to kiln no.1 and kiln no.2 will be established as a permit limit to ensure there is no increase in emissions of combustion pollutants. Since there is no increase in potential emissions, no new regulatory requirements will apply to the facility.

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: MARGARET E DUKE
DIVISION OF ENVIRONMENTAL PERMITS
21 SOUTH PUTT CORNERS RD
NEW PALTZ, NY 12561-1696

Authorized Signature: _____ Date: ___ / ___ / _____

New York State Department of Environmental Conservation
Facility DEC ID: 3514800084

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 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 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.

New York State Department of Environmental Conservation
Facility DEC ID: 3514800084

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
Applications for Permit Renewals and Modifications
Permit modifications, suspensions or revocations by the Department
Permit Modifications, Suspensions and Revocations by the Department
Facility Level
Submission of Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS

DEC GENERAL CONDITIONS
****** General Provisions ******
For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions
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 1-1: Applications for permit renewals, modifications and transfers
Applicable State Requirement: 6NYCRR 621.11

Item 1-1.1:
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 1-1.2:
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 1-1.3:

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 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

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 1-2: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6NYCRR 621.13

Item 1-2.1:
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.

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

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 Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:
Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 3 Headquarters
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 256-3054

New York State Department of Environmental Conservation
Permit ID: 3-5148-00084/00025 Facility DEC ID: 3514800084

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: NORTHEAST SOLITE CORP
PO BOX 437
MOUNT MARION, NY 12456-0437

Facility: NORTHEAST SOLITE CORPORATION
962 OLD KINGS HWY
MT MARION, NY 12456

Authorized Activity By Standard Industrial Classification Code:
3295 - MINERALS, GROUND OR TREATED

Mod 0 Permit Effective Date: 12/19/2005 Permit Expiration Date: 12/18/2010

Mod 1 Permit Effective Date: 09/20/2006 Permit Expiration Date: 12/18/2010

LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

1 6NYCRR 200.6: Acceptable Ambient Air Quality
2 6NYCRR 201-6.5(a)(7): Fees
3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
6 6NYCRR 201-6.5(e): Compliance Certification
7 6NYCRR 202-2.1: Compliance Certification
8 6NYCRR 202-2.5: Recordkeeping requirements
9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
10 6NYCRR 200.7: Maintenance of Equipment
11 6NYCRR 201-1.7: Recycling and Salvage
12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
18 6NYCRR 201-6.5(f)(6): Off Permit Changes
19 6NYCRR 202-1.1: Required Emissions Tests
20 6NYCRR 211.3: Visible Emissions Limited
21 40CFR 68: Accidental release provisions.
22 40CFR 82, Subpart F: Recycling and Emissions Reduction
23 6NYCRR 200.7: Compliance Certification
24 6NYCRR 201-6: Emission Unit Definition
25 6NYCRR 201-6.5(g): Non Applicable requirements
26 6NYCRR 212.6(a): Compliance Certification
27 6NYCRR 212.6(a): Compliance Certification
1-1 6NYCRR 212.9(d): Compliance Certification
1-2 6NYCRR 212.9(d): Compliance Certification
30 6NYCRR 212.10(c): Compliance Certification
31 6NYCRR 225-1.2: Compliance Certification
32 6NYCRR 225-1.2: Compliance Certification
33 6NYCRR 225-1.2: Compliance Certification
34 6NYCRR 225-1.2: Compliance Certification
35 6NYCRR 225-1.8(a): Compliance Certification

Emission Unit Level

36 6NYCRR 201-6: Emission Point Definition By Emission Unit
37 6NYCRR 201-6: Process Definition By Emission Unit

EU=U-00001
1-3 6NYCRR 212.9(d): Compliance Certification
1-4 6NYCRR 212.9(d): Compliance Certification

EU=U-00001,EP=000K3,Proc=P01
39 6NYCRR 212.9(d): Compliance Certification

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40 6NYCRR 212.9(d): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS
Facility Level
41 ECL 19-0301: Contaminant List
42 6NYCRR 201-1.4: Unavoidable noncompliance and violations
43 6NYCRR 211.2: Air pollution prohibited

FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS
The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

Item A: Emergency Defense - 6NYCRR Part 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 B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to

Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: **Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**
Owners and/or operators of facilities having an issued Title V 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.

Item D: **Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: **Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item F: **Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item G: **Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR Part 201-6.5(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in

order to maintain compliance with the conditions of this permit.

Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item J: Permit Shield - 6 NYCRR Part 201-6.5(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the

Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item K: Reopening for Cause - 6 NYCRR Part 201-6.5(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit

is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item L: **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 M: **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.

MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

Condition 1: **Acceptable Ambient Air Quality**
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 200.6

Item 1.1:
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.

Condition 2: Fees
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(a)(7)

Item 2.1:
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(c)

Item 3.1:
The following information must be included in any required compliance monitoring records and reports:

(i) The date, place, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii)The company or entity that performed the analyses;

(iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;

(v) The results of such analyses including quality assurance data where required; and

(vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.3 of this Part 201.

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(c)(2)

Item 4.1:
Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable

regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Condition 5: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(c)(3)(ii)

Item 5.1:
The Compliance Certification activity will be performed for the Facility.

Item 5.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

(1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(e)

Item 6.1:
The Compliance Certification activity will be performed for the Facility.

Item 6.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Compliance certifications shall contain the following information:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

Compliance certifications shall be submitted annually. Certification reports are due 30 days after the end of the calendar year.

All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

21 South Putt Corners Road
New Paltz, NY 12561-1696

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring
and Enforcement
50 Wolf Road

Albany, NY 12233-3258

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 7.1:
The Compliance Certification activity will be performed for the Facility.

Item 7.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 8.1:
(a) The following records shall be maintained for at least five years:

(1) a copy of each emission statement submitted to the department; and

(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 215

Item 9.1:
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 200.7

Item 10.1:
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.

Condition 11: Recycling and Salvage
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 11.1:
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 the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 12.1:
No person shall 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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-3.2(a)

Item 13.1:
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 this Subpart. 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 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.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-3.3(a)

Item 14.1:
The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. 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 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.

Condition 15: Standard Requirement - Provide Information
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(a)(4)

Item 15.1:
The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: General Condition - Right to Inspect
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(a)(8)

Item 16.1:
The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Standard Requirements - Progress Reports
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(d)(5)

Item 17.1:
Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 18: Off Permit Changes
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(f)(6)

Item 18.1:
No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the

department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 19.1:
For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 20: Visible Emissions Limited
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 211.3

Item 20.1:
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 21: Accidental release provisions.
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 40CFR 68

Item 21.1:
If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;

b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of

the following, if such quantities are present:

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 22.1:
The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 23: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 200.7

Item 23.1:
The Compliance Certification activity will be performed for the Facility.

Item 23.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The scrubbers shall be maintained and operated in accordance with the following:

1. Each scrubber must have a pressure gauge to measure the pressure differential across the entire scrubber. These

gauges must be read and recorded at least once daily if the scrubber is in operation and must be maintained in proper working order.

2. Each kiln must have fuel shut -off interlocks. These interlocks will be controlled by flow sensing devices located on the scrubber water inlets and will shut off kiln fuel whenever there is an interruption of water flow to the scrubber.

3. The permittee shall perform the following inspections of the kiln scrubber system:

a. Daily inspections of the kiln scrubber water discharges, to ensure proper flow.
b. Periodic testing of the kiln fuel shut-off interlocks described in #2 above. Testing may occur during routine maintenance on the kilns, but testing must occur no less than once every three months.
c. Quarterly inspections of the kiln scrubber water lines and nozzles to ensure proper operation of the system.

4. Documentaion of each inspection and any maintenance performed on the scrubber system shall be placed in the facility operating record.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 24: Emission Unit Definition
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 24.1(From Mod 1):
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00001
Emission Unit Description:
THREE (3) ROTARY KILNS, AND ASSOCIATED CONTROL EQUIPMENT, USED IN THE PYRO-PROCESSING OF SHALE TO PRODUCE LIGHTWEIGHT AGGREGATE. THE KILNS ARE FIRED WITH BITUMINOUS COAL OR DISTILLATE OIL. PROPANE IS USED DURING START-UP AND OCCASIONALLY AS A SUPPLEMENTARY FUEL

SOURCE. KILN NO.3 HAS AN ASSOCIATED CLINKER COOLER AND CONVEYORS TO MANAGE THE CLINKER DISCHARGED FROM THE KILN. ALTERNATIVELY, A BY-PASS CHUTE MAY BE USED IN PLACE OF THE CLINKER COOLER AND CONVEYORS TO MANAGE THE DISCHARGE FROM THE KILN.

Item 24.2(From Mod 0):
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00002
Emission Unit Description:
RAW MATERIAL PROCESSING AREA. INCLUDES CRUSHING, SCREENING, AND CONVEYING OF RAW MATERIAL EITHER FOR USE AS A PRODUCT OR A RAW MATERIAL IN THE PRODUCTION OF LIGHTWEIGHT AGGREGATE IN THE THREE ON-SITE ROTARY KILNS.

Item 24.3(From Mod 0):
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00003
Emission Unit Description:
FINISHED MATERIAL PROCESSING AREA. INCLUDES CRUSHING, SCREENING, AND CONVEYING OF LIGHTWEIGHT AGGREGATE MATERIAL.

Item 24.4(From Mod 0):
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00004
Emission Unit Description:
COAL PROCESSING SYSTEM. INCLUDES PROCESSING AND CONVEYING EQUIPMENT FOR COAL USED AS FUEL IN THE THREE ON-SITE ROTARY KILNS.

Item 24.5(From Mod 0):
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00005
Emission Unit Description:
LIME IS USED AT THE FACILITY TO HELP CONTROL PH OF THE SCRUBBER WATER. LIME IS SLURRIED WITH WATER AND DISCHARGED INTO THE WET SCRUBBER EFFLUENT. THE LIME IS STORED IN A SILO, EQUIPPED WITH A BAGHOUSE. LIME IS ALSO MIXED WITH COAL IN THE MILL AND BLOWN INTO THE KILN'S FLAME WITH COAL.

THIS IS ACCOMPLISHED EITHER BY MIXING THE LIME WITH THE COAL DIRECTLY IN THE COAL HOPPER OR VIA A SEPARATE LIME HOPPER AND LIME SCREW CONVEYOR THAT FEEDS IT DIRECTLY INTO THE COAL MILL. THE LIME IS STORED IN A PILE, UNDER COVER ADJACENT TO THE COAL PROCESSING AREA.

Condition 25: Non Applicable requirements
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(g)

Item 25.1:
This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

Condition 26: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 26.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 26.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Fugitive dust emissions from any process emission source shall not exceed an average opacity during any six consecutive minutes of 20 percent.

To assure compliance with this limit, fugitive emissions will be controlled by the application of water spray on drop points and roads. Water sprayers will be checked for proper operation at least quarterly, and a record of the checks and when they were done will be maintained.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 27: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 27.1:
The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00001 Emission Point: 000K1

Emission Unit: U-00001 Emission Point: 000K2

Emission Unit: U-00001 Emission Point: 000K3

Emission Unit: U-00001 Emission Point: K3CLR

Item 27.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
Visible emissions from the stack shall not exceed an average opacity of 20 percent in any six consecutive minutes.

To demonstrate compliance with this limit, a Method 9 opacity evaluation must be performed when the emission source is in operation. The evaluation shall be performed at least once every six months for each source, except if the source is shutdown for the six month period. The evaluation must be performed for a minimum of 30 minutes. The results of the evaluation shall be included in the semi-annual monitoring report.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: SEMI-ANNUALLY

Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-1: Compliance Certification
Effective between the dates of 09/20/2006 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.9(d)

Replaces Condition(s) 28

Item 1-1.1:
The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00001 Emission Point: 000K1
Process: P01

Emission Unit: U-00001 Emission Point: 000K2
Process: P01

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

Item 1-1.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
Solid particulate emissions shall not exceed 40.0 pounds per hour when burning coal. This limit applies to kiln no.1 and kiln no.2.

The owner and/or operator shall conduct testing of particulate emissions from whichever kiln was not tested during the previous permit term, in order to ascertain compliance with this limit. A report of the test results shall be submitted to the Department within 60 days after completion of the test.

Upper Permit Limit: 40.0 pounds per hour
Reference Test Method: PER PROTOCOL
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-2: Compliance Certification
Effective between the dates of 09/20/2006 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.9(d)

Replaces Condition(s) 29

Item 1-2.1:
The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00001 Emission Point: 000K1
Process: P02

Emission Unit: U-00001 Emission Point: 000K2
Process: P02

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

Item 1-2.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
Solid particulate emissions shall not exceed 36.4 pounds per hour when burning oil. This limit applies to kiln no.1 and kiln no.2.

An emission test to ascertain compliance with this limit must be performed, if oil becomes the primary fuel source, or if required by the Department. A test protocol of the procedures to be used must be submitted to the the Department for approval within 180 days if such a test is required.

Upper Permit Limit: 36.4 pounds per hour
Reference Test Method: PER PROTOCOL
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 30: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.10(c)

Item 30.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 30.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
In accordance with the "Northeast Solite NOx RACT Compliance Plan" (dated March 24, 1998) and in order to minimize NOx emissions, the facility shall burn coal or oil, and shall utilize tangential firing of the kilns. If any new NOx control technology becomes available for the lightweight aggregate industry or related industry (such as the Portland Cement industry), the owner and/or operator must evaluate this technology for technical and economic feasibility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 31: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 225-1.2

Item 31.1:
The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 31.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
The sulfur content in the coal received and used by the facility shall not exceed 1.7 pounds of sulfur per million BTU gross heat content in any consecutive 12 month period.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: BITUMINOUS COAL
Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.7 pounds per million Btus
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 32: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 225-1.2

Item 32.1:
The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 32.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
The sulfur content in the number 2 fuel oil received and used by the facility shall not exceed 1.5 percent sulfur by weight.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.5 percent by weight
Monitoring Frequency: QUARTERLY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 33: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 225-1.2

Item 33.1:
The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
The sulfur content in the coal shall not exceed a maximum of 2.5 pounds of sulfur per million BTU gross heat content. Certification of the sulfur content will be maintained for each coal delivery.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: BITUMINOUS COAL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 2.5 pounds per million Btus
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 34: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 225-1.2

Item 34.1:
The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 34.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
The sulfur content in the coal received by the facility shall not exceed 1.9 pounds of sulfur per million BTU gross heat content in any consecutive three month period.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: BITUMINOUS COAL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.9 pounds per million Btus
Monitoring Frequency: MONTHLY
Averaging Method: 3-MONTH AVERAGE ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 35: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 225-1.8(a)

Item 35.1:
The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 35.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The owner and/or operator must maintain a record of all fuel analyses, information on the quantity of fuel received, and data on the sulfur content of all coal and oil received. The records must be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 36: Emission Point Definition By Emission Unit
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 36.1(From Mod 1):
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00001

Emission Point: 000K1
Height (ft.): 80 Diameter (in.): 66

Emission Point: 000K2
Height (ft.): 80 Diameter (in.): 66

Emission Point: 000K3
Height (ft.): 80 Diameter (in.): 52

Emission Point: K3CLR
Height (ft.): 70 Diameter (in.): 86

Condition 37: Process Definition By Emission Unit
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 37.1(From Mod 1):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: P01 Source Classification Code: 3-05-009-15
Process Description: THREE ROTARY KILNS FIRING ON BITUMINOUS COAL.

Emission Source/Control: 00DS1 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 00DS2 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 00DS3 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 000K1 - Process
Design Capacity: 32 tons per hour

Emission Source/Control: 000K2 - Process
Design Capacity: 32 tons per hour

Emission Source/Control: 000K3 - Process
Design Capacity: 20 tons per hour

Item 37.2(From Mod 1):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: P02 Source Classification Code: 3-05-009-15
Process Description: THREE ROTARY KILNS FIRING ON NO.2 FUEL OIL.

Emission Source/Control: 00DS1 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 00DS2 - Control

Control Type: WET SCRUBBER

Emission Source/Control: 00DS3 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 000K1 - Process
Design Capacity: 32 tons per hour

Emission Source/Control: 000K2 - Process
Design Capacity: 32 tons per hour

Emission Source/Control: 000K3 - Process
Design Capacity: 20 tons per hour

Item 37.3(From Mod 1):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: P03 Source Classification Code: 3-05-009-15
Process Description:
PYRO-PROCESS SHALE ROCK IS EXPANDED IN EACH OF THE THREE KILNS AT APPROXIMATELY 2050 DEGREES FAHRENHEIT PROCESS TEMPERATURE.

Emission Source/Control: 00DS1 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 00DS2 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 00DS3 - Control
Control Type: WET SCRUBBER

Emission Source/Control: 000K1 - Process
Design Capacity: 32 tons per hour

Emission Source/Control: 000K2 - Process
Design Capacity: 32 tons per hour

Emission Source/Control: 000K3 - Process
Design Capacity: 20 tons per hour

Item 37.4(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001

Process: P04 Source Classification Code: 3-05-009-09
Process Description:
CLINKER COOLING. CLINKER EXITING KILN NO. 3 IS COOLED IN A 6' x 29' COOLER PRIOR TO BEING COLLECTED IN STOCKPILES AND PROCESSED INTO LIGHTWEIGHT AGGREGATE.

Emission Source/Control: K3CLR - Process

Item 37.5(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00002
Process: P05 Source Classification Code: 3-05-009-04
Process Description:
RAW MATERIAL (SHALE) CRUSHING. RAW MATERIAL IS CRUSHED IN A 30" x 42" JAW CRUSHER AND A 5 1/2' CONE CRUSHER

Emission Source/Control: 00WS1 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00WS2 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00RC1 - Process

Emission Source/Control: 00RC2 - Process

Emission Source/Control: 00RF1 - Process

Emission Source/Control: 00RH1 - Process

Item 37.6(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00002
Process: P06 Source Classification Code: 3-05-009-04
Process Description:
RAW MATERIAL (SHALE) SCREENING. RAW MATERIAL IS SCREENED TO SIZE IN A 7' X 16' SCREENER. THERE ARE TWO SCREENERS IN THE RAW MATERIAL PROCESS AREA.

Emission Source/Control: 00RS1 - Process

Emission Source/Control: 00RS2 - Process

Item 37.7(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00002
Process: P07 Source Classification Code: 3-05-009-05
Process Description:
RAW MATERIAL (SHALE) CONVEYING. RAW MATERIAL IS TRANSPORTED THROUGHOUT THE PLANT USING A SERIES OF DIFFERENT SIZED CONVEYOR BELTS AND THREE BUCKET ELEVATORS.

Emission Source/Control: 00WS3 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00BE1 - Process

Emission Source/Control: 00BE2 - Process

Emission Source/Control: 00BE3 - Process

Emission Source/Control: 00RB1 - Process

Emission Source/Control: 00RB2 - Process

Emission Source/Control: 0RCB1 - Process

Emission Source/Control: 0RCB2 - Process

Emission Source/Control: 0RCB3 - Process

Emission Source/Control: 0RCB4 - Process

Emission Source/Control: 0RCB5 - Process

Emission Source/Control: 0RCB6 - Process

Emission Source/Control: 0RCB7 - Process

Emission Source/Control: 0RCB8 - Process

Emission Source/Control: 0RCB9 - Process

Emission Source/Control: RCB10 - Process

Emission Source/Control: RCB11 - Process

Emission Source/Control: RCB12 - Process

Emission Source/Control: RCB13 - Process

Emission Source/Control: RCB14 - Process

Item 37.8(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: P08 Source Classification Code: 3-05-004-05
Process Description:
FINISHED MATERIAL CRUSHING. LIGHTWEIGHT AGGREGATE MATERIAL IS CRUSHED IN A 24" x 36" JAW CRUSHER AND TWO 4 1/4' CONE CRUSHERS.

Emission Source/Control: 00FC1 - Process

Emission Source/Control: 00FC2 - Process

Emission Source/Control: 00FC3 - Process

Emission Source/Control: 00FF1 - Process

Emission Source/Control: 00FH1 - Process

Item 37.9(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: P09 Source Classification Code: 3-05-006-11
Process Description:
FINISHED MATERIAL SCREENING. LIGHTWEIGHT AGGREGATE MATERIAL IS SCREENED TO SIZE IN A 5' x 12' DOUBLE SCREENER AND A 7' x 20' SCREENER.

Emission Source/Control: 00FS1 - Process

Emission Source/Control: 00FS2 - Process

Item 37.10(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00003
Process: P10 Source Classification Code: 3-05-025-03

Process Description:

FINISHED MATERIAL CONVEYING. LIGHTWEIGHT AGGREGATE MATERIAL IS TRANSPORTED THROUGHOUT THE PLANT USING A SERIES OF DIFFERENT SIZED CONVEYOR BELTS AND 2 SCREW CONVEYORS.

Emission Source/Control: 00WS4 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00WS6 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00WS7 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00WS8 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 0FCB1 - Process

Emission Source/Control: 0FCB2 - Process

Emission Source/Control: 0FCB3 - Process

Emission Source/Control: 0FCB4 - Process

Emission Source/Control: 0FCB5 - Process

Emission Source/Control: 0FCB6 - Process

Emission Source/Control: 0FCB7 - Process

Emission Source/Control: 0FCB8 - Process

Emission Source/Control: 0FCB9 - Process

Emission Source/Control: 0FSC1 - Process

Emission Source/Control: 0FSC2 - Process

Emission Source/Control: FCB10 - Process

Emission Source/Control: FCB11 - Process

Emission Source/Control: FCB12 - Process

Emission Source/Control: FCB13 - Process

Emission Source/Control: FCB14 - Process

Emission Source/Control: FCB15 - Process

Item 37.11(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00004
Process: P11 Source Classification Code: 3-05-105-03
Process Description:
COAL PROCESSING. BITUMINOUS COAL IS PROCESSED FOR USE AS A FUEL FOR THE THREE ON-SITE ROTARY KILNS. COAL IS LOADED INTO A LOADING HOPPER AND THEN TRANSPORTED VIA CONVEYOR BELTS TO TWO (2) KILN FEED HOPPERS.

Emission Source/Control: 00CH1 - Process

Emission Source/Control: 00CH2 - Process

Emission Source/Control: 00CH3 - Process

Emission Source/Control: 0CCB1 - Process

Emission Source/Control: 0CCB2 - Process

Emission Source/Control: 0CCB3 - Process

Emission Source/Control: 0CCB4 - Process

Emission Source/Control: 0CCB5 - Process

Item 37.12(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00005
Process: P12 Source Classification Code: 3-05-016-13
Process Description:
THE USE OF LIME TO HELP CONTROL PH OF THE SCRUBBER WATER AND TO ADD TO THE COAL IN THE MILL.

Emission Source/Control: 00LH1 - Process

Emission Source/Control: 0LSC1 - Process

Condition 1-3: Compliance Certification
Effective between the dates of 09/20/2006 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.9(d)

Item 1-3.1:
The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 1-3.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
The coal feed rate to kiln no.1 and kiln no.2 shall not exceed 4.3 tons per hour. Each of the two kilns will have equipment to measure and display the coal feed rate on a 60 minute rolling average. The equipment will also include an alarm to indicate when the feed rate is in excess of 4.3 tons per hour. A log will be maintained of all instances when the alarm sounds and the limit is exceeded.

Parameter Monitored: MASS FLOW RATE
Upper Permit Limit: 4.3 tons per hour
Monitoring Frequency: CONTINUOUS
Averaging Method: 1 HOUR ROLLING AVERAGE ROLLED EVERY 1 MINUTE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 1-4: Compliance Certification
Effective between the dates of 09/20/2006 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.9(d)

Replaces Condition(s) 38

Item 1-4.1:
The Compliance Certification activity will be performed for:

Emission Unit: U-00001

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

Item 1-4.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The following equation shall be used to determine permissible solid particulate emissions from each of the three rotary kilns:

E = 0.024 * P ^ (0.67)

where E is the permissible emission rate, and
P is the process weight in pounds per hour.

The facility owner or operator shall keep a record of the aggregate and fuel process weights, and of the permissible emission rate of particulates, based on the equation above, for each kiln and process. For kilns no.1 and no. 2, a process weight of 64,600 pounds per hour when burning coal and 56,000 pounds per hour when burning oil, as defined in the initial Title V permit, will continue to be used to determine the permissible particulate emission rate.

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 39: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.9(d)

Item 39.1:
The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 000K3
Process: P01

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

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
Solid particulate emissions from kiln no. 3 shall not exceed 32.5 pounds per hour when burning coal (for a process weight of 47,400 pounds per hour which includes a maximum feed rate to kiln no.3 of 20 tons per hour of aggregate and 3.7 tons per hour of coal). The Department reserves the right to require an emission test to ascertain compliance with this limit.

Upper Permit Limit: 32.5 pounds per hour
Reference Test Method: PER PROTOCOL
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 40: Compliance Certification
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable Federal Requirement: 6NYCRR 212.9(d)

Item 40.1:
The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 000K3
Process: P02

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

Item 40.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
Solid particulate emissions from kiln no. 3 shall not exceed 29.0 pounds per hour when burning oil (for a process weight of 40,000 pounds per hour). The Department reserves the right to require an emission test to ascertain compliance with this limit.

Upper Permit Limit: 29.0 pounds per hour
Reference Test Method: PER PROTOCOL
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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: **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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 41: **Contaminant List**
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable State Requirement: ECL 19-0301

Item 41.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this

permit(emission limits, control requirements or compliance monitoring conditions).

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

CAS No: 0NY075-00-0
Name: PARTICULATES

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

Condition 42: Unavoidable noncompliance and violations
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable State Requirement: 6NYCRR 201-1.4

Item 42.1:
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 superceded 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 43: Air pollution prohibited
Effective between the dates of 12/19/2005 and 12/18/2010

Applicable State Requirement: 6NYCRR 211.2

Item 43.1:
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.