

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 5414200003**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 5-4142-00003/00012  
Expiration Date: No expiration date.

Mod 1 Effective Date: 06/04/2001 Expiration Date: No expiration date.

Permit Issued To: POMPA BROS INC  
PO BOX 561  
BALLSTON SPA, NY 12020-0561

Contact: POMPA BROS INC  
PO BOX 561  
BALLSTON SPA, NY 12020-0561

Facility: POMPA BROS QUARRY & MILL  
5 PETRIFIED GARDENS RD  
SARATOGA SPRINGS, NY 12866

Contact: POMPA BROS INC  
PO BOX 561  
BALLSTON SPA, NY 12020-0561

**Description:**

The facility is a producer of aggregate, hot mix asphalt and ready mix concrete. The facility's products are generated through on-site rock crushers which are powered by a diesel generator. In y aggregate dryers.

The specific equipment utilized at this facility is broken down into three emission units. The first emission unit (1-GENER) consists of a 5.8 MMBTU/hr diesel (#2 fuel oil) generator which must be in compliance with state regulation 6 NYCRR 227-1.3(a). The second emission unit (1-ASHAP) consists of two hot mix asphalt plants which have rotary aggregate dryers rated at 180 TPH and 360 TPH and a bag house on each plant. This emission unit (1-ASHAP) must be in compliance with federal regulation 40 CFR 60.90 Subpart I and state regulation 6 NYCRR 212-6(a). The third emission unit (1-ROCK) consists of a 30 X 42 inch jaw crusher (250 TPH), 66S cone crusher (365 TPH), 66FC cone crusher (215TPH), 66 Nordberg gyrodisk portable crusher (140 TPH), 4 X 10 foot scalping screen (250 TPH), two 7 X 20 foot triple deck screens, 5 X 16 foot double deck screens, 48VFC cone crusher (105 TPH). This emission unit must be in compliance with state regulation 6 NYCRR 212-6(a).

The criteria pollutants CO, SO<sub>2</sub> and NO<sub>x</sub> will be capped for emission unit 1-GENER and emission unit 1-ASHAP to ensure the facility does not exceed 100 tons during any 12 months

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rolling period.

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:           WALTER L HAYNES  
  DIVISION OF ENVIRONMENTAL PERMITS  
  232 HUDSON ST, PO BOX 220  
  WARRENSBURG, NY 12885-0220

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the 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.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Facility Inspection by the Department

Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

on or Renewal -REGION 5

SUBOFFICE



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1-1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 19-0305**

**Item 1-1.1:**

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 1-1.2:**

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 1-1.3:**

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 1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 3-0301.2(g)**

**Expired by Mod No: 1**

**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 written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

**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. Failure to produce a copy of the permit  
tion 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:**



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Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13(a)**

**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.

**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. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**\*\*\*\* Facility Level \*\*\*\***

**Modification or Renewal -REGION 5**

**SUBOFFICE**

**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 5 Sub-office  
Division of Environmental Permits  
232 Hudson St, PO Box 220  
Warrensburg, NY 12885-0220  
(518) 623-1281



**New York State Department of Environmental Conservation**

**Permit ID: 5-4142-00003/00012**

**Facility DEC ID: 5414200003**

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: POMPA BROS INC  
PO BOX 561  
BALLSTON SPA, NY 12020-0561

Facility: POMPA BROS QUARRY & MILL  
5 PETRIFIED GARDENS RD  
SARATOGA SPRINGS, NY 12866

Authorized Activity By Standard Industrial Classification Code:  
2951 - PAVING MIXTURES AND BLOCKS  
3272 - CONCRETE PRODUCTS, NEC  
3273 - READY-MIXED CONCRETE

Mod 0 Permit Effective Date: 11/19/1998

Permit Expiration Date: No expiration date.



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 21 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3 6NYCRR 200.7: Maintenance of equipment
- 8 6NYCRR 201-1.7: Recycling and Salvage
- 9 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 11 6NYCRR 201-3.2(a): Proof of Eligibility
- 12 6NYCRR 201-3.3(a): Proof of Eligibility
- 18 6NYCRR 202-1.1: Required emissions tests
- 20 6NYCRR 211.3: Visible emissions limited.
- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 5 6NYCRR 201-1.2: Unpermitted Emission Sources
- 6 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 7 6NYCRR 201-1.5: Emergency Defense
- 10 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 13 6NYCRR 201-6: Facility Permissible Emissions
- \*1-1 6NYCRR 201-6: Compliance Demonstration
- \*1-2 6NYCRR 201-6: Compliance Demonstration
- 1-3 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 1-4 6NYCRR 225-1.8(a): Compliance Demonstration
- 23 6NYCRR 225-1.8(d): Reports, Sampling and Analysis

**Emission Unit Level**

**EU=1-ASHAP**

- 1-5 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications
- 1-6 6NYCRR 212.6(a): 212.6(a) - Opacity standard
- 25 6NYCRR 212.11(b)(5): Compliance Demonstration

**EU=1-ASHAP,Proc=102**

ate based on process weight

- 27 40CFR 60.90, NSPS Subpart I: Compliance Demonstration
- 28 40CFR 60.90, NSPS Subpart I: Compliance Demonstration

**EU=1-GENER**

- 1-7 6NYCRR 227-1.3(a): Compliance Demonstration

**EU=1-ROCKC**

- 1-8 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications
- 1-9 6NYCRR 212.6(a): 212.6(a) - Opacity standard



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32 6NYCRR 212.9(b): Table 2 Emission Limits

**EU=1-ROCKC,EP=00004**

35 6NYCRR 212.3(a): Emissions from existing sources

**EU=1-ROCKC,EP=00006**

37 6NYCRR 212.3(a): Emissions from existing sources

**EU=1-ROCKC,EP=ROCK1**

39 6NYCRR 212.3(a): Emissions from existing sources

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

1-10 6NYCRR 201-5: General Provisions

1-11 6NYCRR 201-5: Permit Exclusion Provisions

43 6NYCRR 201-5: Emission Unit Definition

1-12 6NYCRR 201-5.3(b): Contaminant List

19 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

47 6NYCRR 201-5: Emission Point Definition By Emission Unit

48 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**Condition 21: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 215**

**Item 21.1:**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for commercial activities.

**Condition 3: Maintenance of equipment**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 3.1:**

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 8: Recycling and Salvage**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.7**

**Item 8.1:**

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 6 NYCRR.

**Condition 9: Prohibition of Reintroduction of Collected Contaminants to the Air**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.8**

**Item 9.1:**

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

**Condition 11: Proof of Eligibility**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**



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

**Item 11.1:**

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

**Condition 12: Proof of Eligibility**

**Effective between the dates of 11/19/1998 and Permit Expiration Date**

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

**Item 12.1:**

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

**Condition 18: Required emissions tests**

**/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.1**

**Item 18.1:**

An acceptable report of measured emissions shall be submitted, as may be required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

**Condition 20: Visible emissions limited.**

**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**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-



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minute period per hour of not more than 57 percent opacity.

**Condition 1: Sealing**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.5**

**Item 1.1:**

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the commissioner issued in the case of the violation. Sealing means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

(b) No person shall operate any air contamination source sealed by the commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

**Condition 2: Acceptable ambient air quality**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 2.1:**

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 5: Unpermitted Emission Sources**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.2**

**Item 5.1:**

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

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(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Condition 6: Unavoidable Noncompliance and Violations**

**/1998 and Permit Expiration Date**

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

**Item 6.1:**

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 or certificate issued for the corresponding air contamination source. 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.

(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.



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**Condition 7: Emergency Defense**

**/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.5**

**Item 7.1:**

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.

**Condition 10: Public Access to Recordkeeping**

**/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.10(a)**

**Item 10.1:**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

**Condition 13: Facility Permissible Emissions**



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**Effective between the dates of 11/19/1998 and Permit Expiration Date**

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

**Item 13.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0 (From Mod 1) PTE: 197,000 pounds per year  
Name: CARBON MONOXIDE

**Condition 1-1: Compliance Demonstration**

**/2001 and Permit Expiration Date**

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

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS  
Monitoring Description:  
TO MAINTAIN CARBON MONOXIDE EMISSIONS BELOW 99 TONS PER YEAR THE FACILITY'S DIESEL FUEL USE WITHIN THE GENERATOR WILL NOT EXCEED 20,000 GALLONS DURING ANY CONSECUTIVE ROLLING 12 MONTH PERIOD.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 2 OIL  
Parameter Monitored: VOLUME  
Upper Permit Limit: 20000 gallons per year  
Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (ANNIVERSARY)  
Initial Report Due: 12/18/2001 for the period 06/04/2001 through 11/18/2001

**Condition 1-2: Compliance Demonstration**



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

**Item 1-2.1:**

ed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 1-2.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

TO MAINTAIN CARBON MONOXIDE EMISSIONS BELOW 99 TONS PER YEAR THE FACILITY'S ASPHALT PRODUCTION WILL NOT EXCEED 485,000 TONS DURING ANY CONSECUTIVE 12 MONTH ROLLING PERIOD. THIS CAP WILL ALSO KEEP NO<sub>x</sub> AND SO<sub>2</sub> BELOW TITLE V THRESHOLDS

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ASPHALT

Parameter Monitored: VOLUME

Upper Permit Limit: 485000 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 12/18/2001 for the period 06/04/2001 through 11/18/2001

**Condition 1-3: Compliance Demonstration**

**Effective between the dates of 06/04/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.2(a)(2)**

**Item 1-3.1:**

ed for the Facility.

**Item 1-3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS



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**Monitoring Description:**

No person shall sell, offer for sale, purchase or use any distillate oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

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 1-4: Compliance Demonstration**

**1/2001 and Permit Expiration Date**

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

**Item 1-4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

**Monitoring Description:**

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such certifications shall contain, as a minimum: supplier name, date of shipment, quantity shipped, heating value of the oil, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 23: Reports, Sampling and Analysis**

**1/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.8(d)**

**Item 23.1:**



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Sampling, compositing and analysis of fuel samples must be done in accordance with methods acceptable to the commissioner.

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

**Condition 1-5: Emissions from new emission sources and/or modifications  
Effective between the dates of 06/04/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.4(a)**

**Item 1-5.1:**

This Condition applies to Emission Unit: 1-ASHAP

**Item 1-5.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 1-6: 212.6(a) - Opacity standard  
Effective between the dates of 06/04/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 1-6.1:**

This Condition applies to Emission Unit: 1-ASHAP

**Item 1-6.2:**

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

**Condition 25: Compliance Demonstration  
Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.11(b)(5)**

**Item 25.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-ASHAP

Regulated Contaminant(s):

CAS No: 0NY075-00-5 PM-10

**Item 25.2:**

Compliance Demonstration shall include the following monitoring:



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

Monitoring Description:

Pressure drop across the baghouse for each asphalt plant must be monitored and recorded each day the plant is in use and records maintained on site and available for inspection for five years.

Parameter Monitored: PRESSURE CHANGE

Lower Permit Limit: 1 inches of water

Upper Permit Limit: 6 inches of water

Monitoring Frequency: PER SHIFT

Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED  
RANGE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 26: Particulate emission rate based on process weight  
Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.9(d)**

**Item 26.1:**

This Condition applies to Emission Unit: 1-ASHAP  
Process: 102

**Item 26.2:**

Processes subject to this provision must not emit permissible particulate emissions in excess of the limits shown in Table 4 of 6NYCRR Part 212.9(d) for the appropriate process weight of the process regulated.

**Condition 27: Compliance Demonstration  
/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.90, NSPS Subpart I**

**Item 27.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-ASHAP  
Process: 102

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

**Item 27.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING



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**Permit ID: 5-4142-00003/00012**

**Facility DEC ID: 5414200003**

**Monitoring Description:**

The opacity from an affected hot mix asphalt plant must not exceed 20% based on a 6 minute average.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 28: Compliance Demonstration**

**/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.90, NSPS Subpart I**

**Item 28.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-ASHAP

Process: 102

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 28.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The particulate matter emissions from an affected hot mix asphalt plant must not exceed 0.04 grains per DSCF.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 grains per dscf

Reference Test Method: method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-7: Compliance Demonstration**

**Effective between the dates of 06/04/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.3(a)**



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**Item 1-7.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GENER

**Item 1-7.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-8: Emissions from new emission sources and/or modifications  
Effective between the dates of 06/04/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.4(a)**

**Item 1-8.1:**

This Condition applies to Emission Unit: 1-ROCKC

**Item 1-8.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 1-9: 212.6(a) - Opacity standard**

**/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 1-9.1:**

This Condition applies to Emission Unit: 1-ROCKC

**Item 1-9.2:**

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.



**Condition 32: Table 2 Emission Limits**  
**/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.9(b)**

**Item 32.1:**

This Condition applies to Emission Unit: 1-ROCKC

**Item 32.2:**

Table 2 of this Part applies to this emission unit.

**Condition 35: Emissions from existing sources**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.3(a)**

**Item 35.1:**

This Condition applies to Emission Unit: 1-ROCKC Emission Point: 00004

**Item 35.2:**

No person will cause or allow emissions that violate the requirement specified in Table 2, Table 3, or Table 4 of 6NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 37: Emissions from existing sources**  
**/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.3(a)**

**Item 37.1:**

This Condition applies to Emission Unit: 1-ROCKC Emission Point: 00006

**Item 37.2:**

No person will cause or allow emissions that violate the requirement specified in Table 2, Table 3, or Table 4 of 6NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 39: Emissions from existing sources**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.3(a)**

**Item 39.1:**

This Condition applies to Emission Unit: 1-ROCKC Emission Point: ROCK1

**Item 39.2:**

No person will cause or allow emissions that violate the requirement specified in Table 2, Table 3, or Table 4 of 6NYCRR Part 212 for the environmental rating issued by the commissioner.

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**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**Condition 1-10: General Provisions**

**06/04/2001 and Permit Expiration Date**

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

**Replaces Condition(s) 42**

**Item 1-10.1:**

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

**Item 1-10.2:**

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.

**Item 1-10.3:**

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Condition 1-11: Permit Exclusion Provisions**

**Effective between the dates of 06/04/2001 and Permit Expiration Date**

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

**Item 1-11.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the



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Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

**Condition 43: Emission Unit Definition**

**1/1998 and Permit Expiration Date**

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

**Item 43.1(From Mod 1):**

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

Emission Unit: 1-ASHAP

Emission Unit Description:

THIS EMISSION UNIT CONSISTS OF TWO HOT MIX BATCH ASPHALT PLANTS. ONE PLANT HAS A 360 TPH ROTARY AGGREGATE DRYER AND THE SECOND HAS A 180 TPH ROTARY AGGREGATE DRYER.

Building(s): QUARRY

**Item 43.2(From Mod 1):**

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

Emission Unit: 1-GENER

Emission Unit Description:

THE EMISSION UNIT CONSISTS OF A 5.8 MMBTU/HR DIESEL POWERED GENERATOR USED TO POWER A 140 TON PORTABLE ROCK CRUSHER. THE PORTABLE ROCK CRUSHER IS EXEMPT (PART 201-3.2(c)(29)(ii) FROM PERMITTING.

Building(s): QUARRY

**Item 43.3(From Mod 1):**

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

Emission Unit: 1-ROCKC

Emission Unit Description:

**New York State Department of Environmental Conservation**

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THIS EMISSION UNIT CONSISTS OF A 30x42 INCH JAW CRUSHER (250 TONS PER HOUR-TPH) INSTALLED IN 1971, 66S CONE CRUSHER (365 TPH) INSTALLED IN 1976, 66FC CONE CRUSHER (215 TPH) INSTALLED 1981, 66 NORDBERG GYRODISK PORTABLE CRUSHER (140 TPH) INSTALLED 1994, 4x 10 FOOT SCALPING SCREEN (250 TPH) INSTALLED 1971, TWO 7x20 FOOT TRIPLE DECK SCREENS INSTALLED IN 1971 AND 1976, 5X16 FOOT DOUBLE DECK SCREENS INSTALLED 1994, 48VFC CONE CRUSHER (75 TPH) INSTALLED 1984, 48FC CONE CRUSHER (105 TPH) INSTALLED 1981.

Building(s): QUARRY

**Condition 1-12: Contaminant List**

**1/2001 and Permit Expiration Date**

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

**Item 1-12.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000630-08-0  
Name: CARBON MONOXIDE

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

CAS No: 0NY075-00-5  
Name: PM-10

**Condition 19: Air pollution prohibited**

**Effective between the dates of 11/19/1998 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 19.1:**

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.

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

**Condition 47: Emission Point Definition By Emission Unit**  
**Effective between the dates of 11/19/1998 and Permit Expiration Date**

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

**Item 47.1(From Mod 0):**

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

Emission Unit: 1-ASHAP

Emission Point: ASP10

Height (ft.): 36                      Length (in.): 34                      Width (in.): 40  
NYTMN (km.): 4769.724    NYTME (km.): 594.332

Emission Point: ASP11

Height (ft.): 36                      Length (in.): 30                      Width (in.): 78  
NYTMN (km.): 4769.724    NYTME (km.): 594.332

**Item 47.2(From Mod 0):**

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

Emission Unit: 1-GENER

Emission Point: GEN12

Height (ft.): 10                      Diameter (in.): 20  
NYTMN (km.): 4770.024    NYTME (km.): 593.932

**Item 47.3(From Mod 0):**

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

Emission Unit: 1-ROCKC

Emission Point: 00002

Height (ft.): 16                      Diameter (in.): 48  
NYTMN (km.): 4769.724    NYTME (km.): 594.332

Emission Point: 00003

Height (ft.): 16                      Diameter (in.): 48  
NYTMN (km.): 4769.724    NYTME (km.): 594.332

Emission Point: 00004

Height (ft.): 16                      Length (in.): 30                      Width (in.): 120  
NYTMN (km.): 4769.724    NYTME (km.): 594.332



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Emission Point: 00005  
Height (ft.): 16 Length (in.): 48 Width (in.): 48  
NYTMN (km.): 4769.724 NYTME (km.): 594.332

Emission Point: 00006  
Height (ft.): 12 Length (in.): 48 Width (in.): 48  
NYTMN (km.): 4769.724 NYTME (km.): 594.332

Emission Point: 00007  
Height (ft.): 16 Length (in.): 192 Width (in.): 60  
NYTMN (km.): 4769.724 NYTME (km.): 594.332

Emission Point: ROCK1  
Height (ft.): 22 Length (in.): 30 Width (in.): 42  
NYTMN (km.): 4769.724 NYTME (km.): 594.332

Emission Point: ROCK8  
Height (ft.): 12 Diameter (in.): 48  
NYTMN (km.): 4769.724 NYTME (km.): 594.332

Emission Point: ROCK9  
Height (ft.): 19 Diameter (in.): 48  
NYTMN (km.): 4769.724 NYTME (km.): 594.332

**Condition 48: Process Definition By Emission Unit**

**/1998 and Permit Expiration Date**

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

**Item 48.1(From Mod 0):**

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

Emission Unit: 1-ASHAP

Process: 102

Process Description:

THIS EMISSION UNIT CONSISTS OF A HOT MIX BATCH ASPHALT PLANT WHICH HAS 2 ROTARY AGGREGATE DRYERS (360 TPH AND 180 TPH).

Emission Source/Control: 00010 - Process

Design Capacity: 180 tons per hour

Emission Source/Control: 00011 - Process

Design Capacity: 360 tons per hour

**Item 48.2(From Mod 0):**



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**Permit ID: 5-4142-00003/00012**

**Facility DEC ID: 5414200003**

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

Emission Unit: 1-GENER

Process: 101

Process Description:

THIS UNIT CONSISTS OF A 5.8 MMBTU/HR  
DIESEL GENERATOR. THE GENERATOR IS USED TO  
POWER A 140 TON PORTABLE ROCK CRUSHER.

Emission Source/Control: 00012 - Combustion

Design Capacity: 5.8 million Btu per hour

**Item 48.3(From Mod 0):**

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

Emission Unit: 1-ROCKC

Process: 103

Process Description:

THIS EMISSION UNIT CONSISTS OF A 30x42  
INCH JAW CRUSHER (250 TONS PER HOUR- TPH)  
INSTALLED IN 1971, 66S CONE CRUSHER (365  
TPH) INSTALLED IN 1976, 66FC CONE CRUSHER  
(215 TPH) INSTALLED 1981, 66 NORDBERG  
GYRODISK PORTABLE CRUSHER (140 TPH)  
INSTALLED 1994, 4 x10 FOOT SCALPING SCREEN  
(250 TPH) INSTALLED 1971, TWO 7x20 FOOT  
TRIPLE DECK SCREENS INSTALLED IN 1971 AND  
1976, 5X16 FOOT DOUBLE DECK SCREENS  
INSTALLED 1994, 48VFC CONE CRUSHER (75 TPH)  
INSTALLED 1984, 48FC CONE CRUSHER (105 TPH)  
INSTALLED 1981.

Emission Source/Control: 00001 - Process

Design Capacity: 250 tons per hour

Emission Source/Control: 00002 - Process

Design Capacity: 365 tons per hour

Emission Source/Control: 00003 - Process

Design Capacity: 215 tons per hour

Emission Source/Control: 00004 - Process

Emission Source/Control: 00005 - Process

Design Capacity: 140 tons per hour

Emission Source/Control: 00006 - Process

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Design Capacity: 250 tons per hour

Emission Source/Control: 00007 - Process

Emission Source/Control: 00008 - Process  
Design Capacity: 75 tons per hour

Emission Source/Control: 00009 - Process  
Design Capacity: 105 tons per hour