



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 5-5338-00009/00003  
Mod 0 Effective Date: 09/14/2004 Expiration Date: 09/13/2009  
Mod 1 Effective Date: 04/08/2008 Expiration Date: No expiration date.

Permit Issued To: JOINTA GALUSHA LLC  
PO BOX 302  
GLENS FALLS, NY 12801-0302

Contact: JOHN P DAVIDSON  
JOINTA GALUSHA LLC  
PO BOX 302  
GLENS FALLS, NY 12801-0302  
(518) 792-5029

Facility: HARTFORD QUARRY  
ST RTE 149 - N SIDE - W OF KINGSBURY TOWNLINE  
HARTFORD, NY 12838

Description:  
Fixed and portable stone and aggregate processing plants will process material mined on the site. The facility will consist of two emission units - a fixed plant with a throughput capacity of 400 tons per hour and a portable plant with a throughput capacity of 160 tons per hour. The combined emissions from the two emission units will be limited to 98 tons per year of NOx. Production may be shifted between the two operations as necessary to remain within the annual limits. Operating within the NOx cap, emissions of PM10 (controlled), CO and SO2 will be well below the major source thresholds.

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 GOLF COURSE RD 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 compliance 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 any 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  
Relationship of this Permit to Other Department Orders and  
Determinations  
Applications for permit renewals, modifications and transfers  
Permit modifications, suspensions or revocations by the Department

#### Facility Level

Submission of application for permit modification or renewal-REGION 5  
SUBOFFICE - WARRENSBURG



**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 1-2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 1-2.1:**

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 1-3: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6NYCRR 621.11**

**Item 1-3.1:**

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 1-3.2:**

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 1-3.3:**

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.



**Department**

**Applicable State Requirement: 6NYCRR 621.13**

**Item 1-4.1:**

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 1-5: Submission of application for permit modification or renewal-REGION 5**

**SUBOFFICE - WARRENSBURG**

**Applicable State Requirement: 6NYCRR 621.6(a)**

**Item 1-5.1:**

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 Golf Course Road, PO Box 220  
Warrensburg, NY 12885-0220  
(518) 623-1281



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: JOINTA GALUSHA LLC  
PO BOX 302  
GLENS FALLS, NY 12801-0302

Facility: HARTFORD QUARRY  
ST RTE 149 - N SIDE - W OF KINGSBURY TOWNLINE  
HARTFORD, NY 12838

Authorized Activity By Standard Industrial Classification Code:  
1422 - CRUSHED AND BROKEN LIMESTONE

Mod 0 Permit Effective Date: 09/14/2004

Permit Expiration Date: 09/13/2009

Mod 1 Permit Effective Date: 04/08/2008  
date.

Permit Expiration Date: No expiration  
date.



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

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- 1-2 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 14 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3 6NYCRR 200.7: Maintenance of equipment
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- 1-4 6NYCRR 201-1.7: Recycling and Salvage
- 6 6NYCRR 201-1.7: Recycling and Salvage
- 1-5 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 7 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
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- 9 6NYCRR 201-3.2(a): Proof of Eligibility
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- 1-7 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 11 6NYCRR 202-1.1: Required emissions tests
- 1-8 6NYCRR 202-1.1: Required Emissions Tests
- 1-9 6NYCRR 211.3: Visible Emissions Limited
- 12 6NYCRR 211.3: Visible emissions limited.
- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 8 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 1-10 6NYCRR 201-7.2: Facility Permissible Emissions
- \*1-11 6NYCRR 201-7.2: Capping Monitoring Condition
- 13 6NYCRR 211.3: Compliance Demonstration
- 15 6NYCRR 225-1.2: Compliance Demonstration
- 16 6NYCRR 227-1.3(a): Compliance Demonstration
- 17 40CFR 60.8(a), NSPS Subpart A: Compliance Demonstration
- 18 40CFR 60.8(a), NSPS Subpart A: Compliance Demonstration

#### Emission Unit Level

##### EU=U-AG001

- 19 40CFR 60.672, NSPS Subpart OOO: Compliance Demonstration
- 20 40CFR 60.672, NSPS Subpart OOO: Compliance Demonstration

##### EU=U-AG002

- 21 40CFR 60.672, NSPS Subpart OOO: Compliance Demonstration
- 22 40CFR 60.672, NSPS Subpart OOO: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1-12 ECL 19-0301: Contaminant List
- 23 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 24 6NYCRR 201-5: General Provisions
- 25 6NYCRR 201-5: Permit Exclusion Provisions
- 26 6NYCRR 201-5: Emission Unit Definition



31 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

32 6NYCRR 201-5: Emission Point Definition By Emission Unit

33 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6NYCRR Part 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.



**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

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.

(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.

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

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

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

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

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

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

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

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

**Item J: Required Emission Tests - 6 NYCRR Part 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air



pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

**Item K: Visible Emissions Limited - 6 NYCRR Part 211.3**

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.

**Item L: Open Fires - 6 NYCRR Part 215**

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

**Item M: 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 N: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**



The following conditions are federally enforceable.

**Condition 1-1: Acceptable Ambient Air Quality**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 200.6**

**Item 1-1.1:**

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 1-2: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 215**

**Item 1-2.1:**

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.

**Condition 14: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement:6NYCRR 215**

**Item 14.1:**

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

**Condition 3: Maintenance of equipment**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**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 1-3: Maintenance of Equipment**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 200.7**

**Item 1-3.1:**



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 1-4: Recycling and Salvage**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

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

**Item 1-4.1:**

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 6: Recycling and Salvage**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 6.1:**

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 1-5: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

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

**Item 1-5.1:**

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 7: Prohibition of Reintroduction of Collected Contaminants to the Air**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 7.1:**

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 1-6: Exempt Sources - Proof of Eligibility**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

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



**Item 1-6.1:**

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 9: Proof of Eligibility**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 9.1:**

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 10: Proof of Eligibility**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 10.1:**

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 1-7: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

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

**Item 1-7.1:**

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





**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 09/14/2004 and 09/13/2009**

**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 4: Unpermitted Emission Sources**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 4.1:**

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.

(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 8: Public Access to Recordkeeping**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 8.1:**



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 1-10: Facility Permissible Emissions**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-7.2**

**Item 1-10.1:**

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: 0NY210-00-0 (From Mod 1) PTE: 196,000 pounds  
per year

Name: OXIDES OF NITROGEN

**Condition 1-11: Capping Monitoring Condition**  
**Effective between the dates of 04/08/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6NYCRR 201-7.2**

**Item 1-11.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 201-6.1(a)

**Item 1-11.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 1-11.3:**

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

**Item 1-11.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an



applicable requirement.

**Item 1-11.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 1-11.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 1-11.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility wide, non-exempt emissions of nitrogen oxides (NOx) will not exceed 98 tons per year. Records shall be maintained on-site which demonstrate compliance with this cap. These records shall include the mass emissions of NOx totaled over each month and the total mass emissions over each rolling 12 month period. NOx emissions will be calculated by multiplying the gallons of fuel used in each generator by the NOx emission factor for that generator operating at its maximum rate.

Exempt nitrogen emissions from office space heaters and ancillary sources are less than 2 tons per year. Exempt emissions will not be tracked monthly, but an inventory of exempt sources and the associated annual emissions estimates will be maintained on site and provided to the Department upon request.

The cap will limit the fuel burned and hours of operation of the crushers to such an extent that sulfur dioxide, carbon monoxide, volatile organic compounds and particulate matter less than 10 microns will all be emitted at less than major source levels.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

**Condition 13: Compliance Demonstration**

**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement:6NYCRR 211.3**



**Item 13.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Roadways and stockpiles must be watered and / or treated with an approved dust suppressant and the speed of vehicles limited as appropriate to preclude emission of dust.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 15: Compliance Demonstration**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement:6NYCRR 225-1.2**

**Item 15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

This facility will not purchase or use any fuel oil which contains sulfur in a quantity exceeding 1.5% by weight. Sulfur content certifications will be obtained from the supplier for each batch from which fuel deliveries are made to the facility and will be maintained on site for a minimum of 3 years.

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: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 16: Compliance Demonstration**



Effective between the dates of 09/14/2004 and 09/13/2009

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

**Item 16.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-AG001                      Emission Point: 10002

Emission Unit: U-AG001                      Emission Point: 10006

Emission Unit: U-AG002                      Emission Point: 20008

Emission Unit: U-AG002                      Emission Point: 20002

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

**Item 16.2:**

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. The Department reserves the right to perform or require the performance of a method 9 opacity evaluation at its discretion.

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 (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 17: Compliance Demonstration**

Effective between the dates of 09/14/2004 and 09/13/2009

Applicable Federal Requirement:40CFR 60.8(a), NSPS Subpart A

**Item 17.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-AG002  
Process: PC1



Emission Unit: U-AG001

Process: FC1

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Initial opacity readings for each crusher must be conducted within 60 days of achieving maximum production rate, but not less than 180 days after initial startup, and a written report of the results provided to the Administrator.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 18: Compliance Demonstration**

**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement:40CFR 60.8(a), NSPS Subpart A**

**Item 18.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-AG001

Process: FC1

Emission Unit: U-AG002

Process: PC1

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Initial opacity readings for each affected facility (except for crushers) must be conducted within 60 days of achieving maximum production rate, but not less than 180 days after initial startup, and a written report of the results provided to the Administrator.



Parameter Monitored: OPACITY  
Upper Permit Limit: 10 percent  
Reference Test Method: method 9  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

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

**Condition 19: Compliance Demonstration**  
Effective between the dates of 09/14/2004 and 09/13/2009

**Applicable Federal Requirement:40CFR 60.672, NSPS Subpart OOO**

**Item 19.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-AG001

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

**Item 19.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On or after the sixtieth day after achieving maximum production rate but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility (except for crushers) in this emission unit any fugitive emissions which exhibit greater than 10 percent opacity. Truck dumping of nonmetallic minerals into any screening operation, feed hopper or crusher is exempt from the opacity limitation. The Department reserves the right to perform or require the performance of a method 9 opacity evaluation at its discretion.

Parameter Monitored: OPACITY  
Upper Permit Limit: 10 percent  
Reference Test Method: USEPA Method 9  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



**Condition 20: Compliance Demonstration**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement:40CFR 60.672, NSPS Subpart OOO**

**Item 20.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-AG001

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

**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On or after the sixtieth day after achieving maximum production rate but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere from any crusher fugitive emissions which exhibit greater than 15 percent opacity. The Department reserves the right to perform or require the performance of a method 9 opacity evaluation at its discretion.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 21: Compliance Demonstration**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement:40CFR 60.672, NSPS Subpart OOO**

**Item 21.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-AG002

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

**Item 21.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL



DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

On or after the sixtieth day after achieving maximum production rate but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility (except for crushers) in this emission unit any fugitive emissions which exhibit greater than 10 percent opacity. Truck dumping of nonmetallic minerals into any screening operation, feed hopper or crusher is exempt from the opacity limitation. The Department reserves the right to perform or require the performance of a method 9 opacity evaluation at its discretion.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: USEPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 22: Compliance Demonstration**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable Federal Requirement: 40CFR 60.672, NSPS Subpart OOO**

**Item 22.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-AG002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 22.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On or after the sixtieth day after achieving maximum production rate but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere from any crusher fugitive emissions which exhibit greater than 15 percent opacity. The Department reserves the right to perform or require the performance of a method 9 opacity evaluation at its discretion.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent



Reference Test Method: method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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

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.

**Item B: 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 only enforceable.**



**Condition 1-12: Contaminant List**

**Effective between the dates of 04/08/2008 and Permit Expiration Date**

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

**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: 0NY075-00-0  
Name: PARTICULATES

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

**Condition 23: Unavoidable noncompliance and violations**

**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 23.1:**

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 24: General Provisions**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 24.1:**

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 24.2:**

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 24.3:**

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 25: Permit Exclusion Provisions**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 25.1:**

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 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 26: Emission Unit Definition**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 26.1(From Mod 1):**

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

Emission Unit: U-AG001

Emission Unit Description:

This emission unit consists of a fixed aggregate processing plant with new crushers, screens and conveyors, producing several grades of crushed stone products, operating at a nominal throughput rate of 400 tons per hour. The equipment is powered by two diesel engines. The fixed aggregate plant emission unit has been broken down by co-located equipment to establish fugitive emissions points. Crushers and screens operating in a tower configuration are taken together as a discreet process with emissions through a single fugitive emission point. All conveyors have been grouped together as an emission point. Defining emission points in this manner results in a logical grouping of equipment which facilitates calculation of emissions and inspection of the facility. The emission points are defined as follows (refer to plant flowsheet in attachments): EP10001 - primary crusher (CR001), EP10002 - generator 1 (cat 3508B or equiv) (GEN01), EP10003 - scalping screen and secondary crushers (SCR01, CR002, CR00 3), EP10004 - screen tower 2 (one screen) (SCR02), EP10005 - screen tower 3 (parallel tertiary screens, and tertiary crusher), (SCR03, SCR04) (CR004), EP10006 - generator 2 (cat 3412C or equiv)



(GEN02), EP10007 - conveyors (CNV01). The emissions from the unit consist of fugitive particulate matter from crushers, screens and conveyors, and combustion products from two generators. A water spray system is used to control dust emissions at drop points where the movement of fine material makes control necessary. This includes crusher discharge drops and drops onto some of the screens, conveyors and stockpiles. The water spray system is supplied and operated from a central control panel. A schematic diagram of the aggregate plant operation, included as an attachment to this application, illustrates the grouping of sources into fugitive emission points. Although spray heads are not provided at every drop point, all equipment and drop points are assumed to be controlled by the water spray equipment because the moisture content achieved at control points is effectively carried through subsequent processes. The largest component of emissions from the aggregate plant is NO<sub>x</sub> from the generators. In conjunction w/ operation of the portable plant, operation of the fixed aggregate plant will be limited to maintain emissions below the proposed no<sub>x</sub> limits. Emission calculations are included in the attachments to this application. Pre-construction notifications and performance testing in accordance w/ 40 CFR60 Subpart A are required for each source in this emission unit that is subject to the opacity limits of 40CFR 60 Subpart OOO. Material throughput across each piece of equipment is presented on the process and production rate analysis diagram, attached. The values given are nominal. The throughput rates are used in the calculation of plant particulate emissions. The actual product fractions and recirculation rates may vary as a function of the material processed and to adjust the quality of the products produced. However, since the particulate emissions are not controlling operation of the emission unit, minor adjustments of the product fractions and recirculation rates will have negligible effect on the overall plant emissions with respect to the cap limits. For the purpose of emission calculations, all conveyors are assumed to handle 100% of plant capacity.

**Item 26.2(From Mod 1):**

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

Emission Unit: U-AG002

Emission Unit Description:

This emission unit is a portable aggregate processing plant that consists of a primary jaw crusher, scalping screen, secondary crusher, secondary screen sets, two generators, and associated conveyors. The plant throughput will be limited by the capacity of the scalping screen, rated at 240 tons per hour. The emission points are defined as follows: EP20001 - primary crusher (CR005), EP0002 - generator 1 (cat3412C or equiv)(GEN03), ep20003 -



scalping screen (SCR05), EP20004 - secondary crusher (CR006), EP0005 - secondary screen set 1 (SCR06), EP20006 - secondary screen set 2 (SCR07, SCR08), EP20007 - conveyors (CNV02), EP20008 - generator 2 (cat 3412 or equiv) (GEN04). The equipment may be operated in a number of different configurations, allowing certain pieces, or all of the equipment, to be operated at other permitted facilities as needed. The configuration illustrated in the attachments shows all of the equipment operating together in the largest anticipated configuration. The typical configuration consists of the primary and secondary crushers, the scalping screen, and one or two secondary screens. The emissions from the unit consist of fugitive particulate matter from the crusher, screen and conveyors, and combustion products from the generators. The largest component of emissions from the portable aggregate plant is nox from the generator. In conjunction with operation of the fixed plant, operation of the portable plant will be limited to maintain emissions below the proposed nox limits. Emission calculations are included in the attachments to the application. The portable plant is subject to nsps, however it consists of existing equipment that is currently permitted for operation at other sites. As such, pre-construction notification and performance testing are not required unless there is a substantial modification of the plant. The portable plant equipment must comply with subpart 000 opacity limits. This equipment is being permitted as a portable plant and is defined as a separate emission unit because it may be operated at other facilities, and to allow the actual emissions to be tracked separately from the fixed aggregate plant. In this way, the overall facility emission calculations will be accurate whether or not the portable plant is operating at this facility. Jointa galusha will keep track of and notify the agency of changes in configuration so that emissions can be calculated for the equipment actually in use at the facility during a given period of time. Material throughput across each piece of equipment is presented on the process and production rate analysis diagram, attached. The values given are nominal. The throughput rates are used in the calculation of plant particulate emissions. The actual product fractions and recirculation rate may vary as a function of the material processed and to adjust the quality of the products produced. However, since the particulate emissions are not controlling operation of the emission unit, minor adjustments of the product fractions and recirculation rate will have a negligible effect on the overall plant emissions with respect to the cap limits. For the purpose of emission calculations, all conveyors are assumed to handle 100% of plant capacity. Because the plant throughput is limited to 240 tph by the primary screen, the actual plant throughput



(primary crusher loading rate) is 160 tph. Combined emissions from the secondary screens will be the same whether processing all of the material with one screen or processing one third of the material on each of three secondary screens. For the purpose of emission calculations, all conveyors are assumed to handle 100% of plant capacity.

**Condition 31: Air pollution prohibited**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

**Applicable State Requirement:6NYCRR 211.2**

**Item 31.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

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

**Condition 32: Emission Point Definition By Emission Unit**  
**Effective between the dates of 09/14/2004 and 09/13/2009**

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

**Item 32.1(From Mod 1):**

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

Emission Unit:	U-AG001		
Emission Point:	10001		
Height (ft.):	15	Length (in.): 48	Width (in.): 44
Emission Point:	10002		
Height (ft.):	15	Diameter (in.): 8	
Emission Point:	10003		
Height (ft.):	20	Length (in.): 192	Width (in.): 72
Emission Point:	10004		
Height (ft.):	20	Length (in.): 240	Width (in.): 96
Emission Point:	10005		
Height (ft.):	20	Length (in.): 240	Width (in.): 96
Emission Point:	10006		
Height (ft.):	15	Diameter (in.): 8	





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

Emission Source/Control: CNV01 - Process

Emission Source/Control: CR001 - Process  
Design Capacity: 400 tons per hour

Emission Source/Control: CR002 - Process

Emission Source/Control: CR003 - Process

Emission Source/Control: CR004 - Process

Emission Source/Control: SCR01 - Process  
Design Capacity: 400 tons per hour

Emission Source/Control: SCR02 - Process

Emission Source/Control: SCR03 - Process

Emission Source/Control: SCR04 - Process

**Item 33.2(From Mod 1):**

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

Emission Unit: U-AG001  
Process: G01 Source Classification Code: 2-02-004-01  
Process Description:

Operation of a generator to power the primary and secondary equipment. Emissions from the generator are through emission point 10002. The generator consumes approximately 67 gallons of diesel per hour of operation. Emission factors are based on manufacturer's published values and/or AP42 emission factors for stationary combustion units. Emission calculations are provided as an attachment to the application.

Emission Source/Control: GEN01 - Combustion

**Item 33.3(From Mod 1):**

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

Emission Unit: U-AG001  
Process: G02 Source Classification Code: 2-02-004-01  
Process Description:

Operation of a generator to power the tertiary screening and crushing equipment. Emissions from the generator are through emission point 10006. The generator consumes approximately 59 gal of diesel fuel per hour of operation. Emission factors are based on manufacturer's published values and/or AP-42 emission factors for stationary combustion units. Emission calculations are provided as an



attachment to the application.

Emission Source/Control: GEN02 - Combustion

**Item 33.4(From Mod 1):**

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

Emission Unit: U-AG002

Process: G03

Source Classification Code: 2-02-004-01

Process Description:

Operation of a diesel generator to power the portable plant. Emissions are through emission point 20002 (generator GEN03). The generator consumes approximately 59 gallons of fuel per hour. Emission factors are based on manufacturer's published values or AP-42 emissions factors for individual engines. Emission calculations are provided as an attachment to the application.

Emission Source/Control: GEN03 - Combustion

**Item 33.5(From Mod 1):**

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

Emission Unit: U-AG002

Process: G04

Source Classification Code: 2-02-004-01

Process Description:

Operation of a diesel generator to power the portable plant. The second generator is provided for those situations when equipment is being operated at separate facilities, or when the plant is operated in the largest anticipated configuration, in which case the added power is needed. Emissions are through emission point 20008 (generator GEN04). The generator consumes approximately 59 gallons of fuel per hour. Emission factors are based on manufacturer's published values or AP-42 emission factors for industrial engines. Emission calculations are provided as an attachment to the application.

Emission Source/Control: GEN04 - Combustion

**Item 33.6(From Mod 1):**

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

Emission Unit: U-AG002

Process: PC1

Source Classification Code: 3-05-020-03

Process Description:

Operation of the portable crushing plant. The process throughput is limited by the 240 tph rated capacity of the primary screen (SCR05). The process results in emissions of particulate through emission points 20001 (primary crusher CR005), 20003 (primary screen SCR05), 20004 (secondary crusher CR006), 20005 (secondary screen SCR06), 20006 (secondary screens SCR07 & SCR08) and 20007



(conveyors CNV02). Emissions are controlled with a water spray system (WSPR2). The portable crushing plant may be split up with crusher and screen pairs operating at other facilities. Therefore in some situations the process may be operated without some of the sources listed above. The description provided here is the largest configuration of the portable plant with all of the sources in operation.

Emission Source/Control: WSPR2 - Control  
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: CNV02 - Process

Emission Source/Control: CR005 - Process

Emission Source/Control: CR006 - Process

Emission Source/Control: SCR05 - Process  
Design Capacity: 240 tons per hour

Emission Source/Control: SCR06 - Process

Emission Source/Control: SCR07 - Process

Emission Source/Control: SCR08 - Process

New York State Department of Environmental Conservation

Permit ID: 5-5338-00009/00003

Facility DEC ID: 5533800009

