

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 6225800025**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 6-2258-00025/00003  
Effective Date: 05/12/2004                      Expiration Date: No expiration date

Permit Issued To: JOHN VESPA INC  
19626 OVERLOOK DRIVE  
WATERTOWN, NY 13601-5443

Contact: JOHN VESPA INC  
19626 OVERLOOK DRIVE  
WATERTOWN, NY 13601-5443

Facility: VESPA SAND & GRAVEL PIT  
STATE & OVERLOOK  
WATERTOWN, NY 13601

Contact: JOHN VESPA INC  
19626 OVERLOOK DRIVE  
WATERTOWN, NY 13601-5443

Description:

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: BRIAN D FENLON  
DIVISION OF ENVIRONMENTAL PERMITS  
STATE OFFICE BLDG, 317 WASHINGTON ST  
WATERTOWN, NY 13601-3787

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

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal -REGION 6  
HEADQUARTERS



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

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

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

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

**Item 2.1:**

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

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

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual

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transfer of ownership.

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

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 6 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 6 Headquarters  
Division of Environmental Permits  
State Office Building, 317 Washington Street  
Watertown, NY 13601-3787  
(315) 785-2245



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: JOHN VESPA INC  
19626 OVERLOOK DRIVE  
WATERTOWN, NY 13601-5443

Facility: VESPA SAND & GRAVEL PIT  
STATE & OVERLOOK  
WATERTOWN, NY 13601

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



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6NYCRR 201-6.1(a): Facility Permissible Emissions
- \*2 6NYCRR 201-6.1(a): Compliance Demonstration
- 3 6NYCRR 202-1.2: Notification
- 4 6NYCRR 202-1.3: Acceptable procedures
- 5 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 6 6NYCRR 226: Compliance Demonstration
- 7 6NYCRR 227-1.3(a): Compliance Demonstration
- 8 6NYCRR 227-1.6(a): Corrective action.
- 9 6NYCRR 227-1.6(b): Corrective action.
- 10 6NYCRR 227-1.6(c): Corrective action.
- 11 6NYCRR 227-1.6(d): Corrective action.
- 12 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 13 40CFR 60.7(a), NSPS Subpart A: Date of construction notification.
- 14 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 15 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 16 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 17 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 18 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 19 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 20 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 21 40CFR 60.9, NSPS Subpart A: Availability of information.
- 22 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 23 40CFR 60.12, NSPS Subpart A: Circumvention.
- 24 40CFR 60.14, NSPS Subpart A: Modifications.
- 25 40CFR 60.15, NSPS Subpart A: Reconstruction
- 26 40CFR 60.672(h), NSPS Subpart OOO: Compliance Demonstration
- 27 40CFR 60.675(c)(1), NSPS Subpart OOO: Opacity Procedures - Method 9  
with Following Additions
- 28 40CFR 60.675(c)(3), NSPS Subpart OOO: Method 9 Observation Time  
Reduction Requirements - Fugitive
- 29 40CFR 60.675(c)(4), NSPS Subpart OOO: Method 9 Observation Time  
Reduction Requirements - Crushers
- 30 40CFR 60.675(e)(1), NSPS Subpart OOO: Alternative Test Procedures  
for Two or More Interfering Sources
- 31 40CFR 60.675(g), NSPS Subpart OOO: Rescheduling of Performance Test
- 32 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
- 33 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
- 34 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
- 35 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
- 36 40CFR 60.676(f), NSPS Subpart OOO: Compliance Demonstration

**Emission Unit Level**

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37 6NYCRR 201-6.1(a): Process Permissible Emissions

**EU=1-OVERL**

38 40CFR 60.676(a), NSPS Subpart OOO: Reporting and Recordkeeping for Replacement of Equipment

**EU=1-OVERL,Proc=P01**

39 40CFR 60.675, NSPS Subpart OOO: Test methods and procedures.

**EU=1-OVERL,Proc=P01,ES=000B1**

40 6NYCRR 212.6(a): Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000C1**

41 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000C2**

42 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000C3**

43 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000C4**

44 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000C5**

45 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000C6**

46 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000CA**

47 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000CB**

48 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=000S1**

49 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=00CR1**

50 6NYCRR 212.6(a): Compliance Demonstration

**EU=1-OVERL,Proc=P01,ES=00CR2**

51 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**



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- 52 ECL 19-0301: Contaminant List
- 53 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 54 6NYCRR 201-5: Emission Unit Definition
- 55 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

- 56 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.

Permit Effective Date: 05/12/2004

Permit Expiration Date: No expiration date.



**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

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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



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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



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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



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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: Facility Permissible Emissions**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6.1(a)**

**Item 1.1:**

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                      PTE: 160,000 pounds per year  
Name: OXIDES OF NITROGEN

**Condition 2: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6.1(a)**

**Item 2.1:**

The Compliance Demonstration activity will be performed for the Facility.



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Regulated Contaminant(s):

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

**Item 2.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility owner shall ensure that emissions of Oxides of Nitrogen (NO<sub>x</sub>), including those from permitted, exempt, and trivial sources, remain less than 160,000 pounds during any consecutive 12 month period.

Facility owner must maintain records that verify the facility's monthly NO<sub>x</sub> emissions. These records must be maintained at the facility for a period of five years.

Reports will be submitted annually, in a format acceptable to the commissioner's representative, which document that the facility's NO<sub>x</sub> emissions over any consecutive 12 month period were below 160,000 pounds. The annual reports must include information that documents the NO<sub>x</sub> emissions from each emission source at the facility, including exempt and trivial activities. The report must also include all emission factors and other data used in calculating the monthly NO<sub>x</sub> emissions.

Any noncompliance with the NO<sub>x</sub> emission limit in this condition must be reported by sending a copy of such record to the NYSDEC, Region 6, within 30 days of the occurrence.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

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

**Condition 3: Notification**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.2**



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**Item 3.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 4: Acceptable procedures**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.3**

**Item 4.1:**

Emission testing, sampling, and analytical determinations to ascertain compliance with this Subpart shall be conducted in accordance with test methods acceptable to the commissioner.

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall use, purchase, sell, or offer for sale any distillate fuel 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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Compliance Demonstration**

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**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 226**

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

6NYCRR 226. Requirements for Cold Cleaning Degreasers  
(Non Title V and prior to 01/01/2004)

**A. Equipment Specifications**

The following types of control equipment must be used when conducting cold cleaning degreasing, solvent metal cleaning:

- (1) A cover which can be operated easily.
- (2) An internal drainage facility (under cover), if practical.
- (3) A control system that limits VOC emissions to those achievable with equipment having a freeboard ratio greater than or equal to 0.5, or a water cover when the solvent is insoluble in and heavier than water. This does not apply to remote reservoir degreasers.
- (4) Solvent with a vapor pressure of 1.0 mm Hg, or less, at 20 C. Prior to January 1, 2004, compliance with this requirement is not mandatory if compliant solvents are not readily available. On or after January 1, 2004, the person conducting solvent metal cleaning must use compliant solvents.

**B. Operating Requirements:**

When cold cleaning, the clean parts must be drained at least 15 seconds or until dripping ceases.

**C. General Requirements:**

A Person conducting solvent metal cleaning must:

- (1) Store solvent in covered containers and transfer or dispose of waste solvent in such a manner that less than

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20 percent of the waste solvent (by weight) can evaporate into the atmosphere.

(2) Maintain equipment to minimize leaks and fugitive emissions.

(3) Display at the equipment location a conspicuous summary of proper operating procedures consistent with minimizing emissions of VOCs.

(4) Keep the degreaser cover closed except when:

(a) parts are being placed into or being removed from the degreaser;

(b) adding or removing solvent from the degreaser;

(c) no solvent is in the degreaser; or

(d) when manually cleaning metal parts in the cold cleaning degreaser.

(5) Create and retain a record of solvent consumption for five years. This record must be made available to the Department upon request.

(6) Not clean sponges, fabric, wood, leather, paper products and other absorbent materials in a degreaser.

(7) If using a cold cleaning degreaser that is subject to paragraph 226.3(a)(4), retain a record of the following three items for five years and provide these records to the Department upon request. An invoice, a bill of sale, a certificate covering multiple sales, a Material Safety Data Sheet (MSDS), or other appropriate documentation acceptable to the Department may be used to comply with this requirement.

(a) the name and address of the solvent supplier;

(b) the type of solvent including the product or vendor identification number; and

(c) the vapor pressure of the solvent measured in mm Hg at 20 C (68 F).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 7: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

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**Item 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

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 8: Corrective action.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.6(a)**

**Item 8.1:**

Any facility found in violation of the provisions of this Part shall not cause, permit, or allow the operation of the affected stationary combustion installation unless:

- (1) it is equipped with approved emission control equipment;
- (2) it is rehabilitated or upgraded in an approved manner; or
- (3) the fuel is changed to an acceptable type.

**Condition 9: Corrective action.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.6(b)**

**Item 9.1:**

The commissioner may seal the affected stationary combustion installation that does not comply with the provisions in subdivision 6 NYCRR 227-1.6(a) within the time provided.

**Condition 10: Corrective action.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.6(c)**



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**Item 10.1:**

No person shall cause, permit, or allow the operation of any affected stationary combustion installation sealed by the commissioner in accordance with this section.

**Condition 11: Corrective action.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.6(d)**

**Item 11.1:**

No person except the commissioner or his representative shall remove, tamper with, or destroy any seal affixed to any affected stationary combustion installation.

**Condition 12: EPA Region 2 address.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A**

**Item 12.1:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

**Condition 13: Date of construction notification.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.7(a), NSPS Subpart A**

**Item 13.1:**

Any owner or operator subject to this part shall furnish the Administrator with the following information:



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- 1) a notification of the date construction or reconstruction commenced, postmarked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, postmarked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR 60. The notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, postmarked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, postmarked not less than 30 days prior to such date; and
- 7) a notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during the performance test, postmarked not less than 30 days prior to the performance test.

**Condition 14: Recordkeeping requirements.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.7(b), NSPS Subpart A**

**Item 14.1:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 15: Facility files for subject sources.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.7(f), NSPS Subpart A**

**Item 15.1:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.



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**Condition 16: Performance testing timeline.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 16.1:**

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 17: Performance test methods.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 17.1:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

**Condition 18: Required performance test information.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 18.1:**

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

**Condition 19: Prior notice.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 19.1:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

**Condition 20: Number of required tests.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 20.1:**

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.



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**Condition 21: Availability of information.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A**

**Item 21.1:**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

**Condition 22: Opacity standard compliance testing.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A**

**Item 22.1:**

The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60 (or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

**Condition 23: Circumvention.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A**

**Item 23.1:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 24: Modifications.**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A**

**Item 24.1:**

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.



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**Condition 25: Reconstruction**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A**

**Item 25.1:**

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

**Condition 26: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 26.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 26.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:

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(1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.

(2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

Parameter Monitored: OPACITY

Upper Permit Limit: 0 percent

Reference Test Method: EPA Method 9

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 27: Opacity Procedures - Method 9 with Following Additions**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.675(c)(1), NSPS Subpart OOO**

**Item 27.1:**

**In determining compliance with the particulate matter standards in 40 CFR 60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in 40CFR 60.11, with the following additions:**

(i) **The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).**

(ii) **The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.**

(iii) **For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.**

**Condition 28: Method 9 Observation Time Reduction Requirements - Fugitive**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**



**Applicable Federal Requirement: 40CFR 60.675(c)(3), NSPS Subpart OOO**

**Item 28.1:**

When determining compliance with the fugitive emissions standard for any affected facility described under 40 CFR 60.672(b), the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:

- (i) There are no individual readings greater than 10 percent opacity; and
- (ii) There are no more than 3 readings of 10 percent for the 1-hour period.

**Condition 29: Method 9 Observation Time Reduction Requirements -  
Crushers**  
Effective between the dates of 05/12/2004 and Permit Expiration Date

**Applicable Federal Requirement: 40CFR 60.675(c)(4), NSPS Subpart OOO**

**Item 29.1:**

When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under 40 CFR 60.672(c), the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:

- (i) There are no individual readings greater than 15 percent opacity; and
- (ii) There are no more than 3 readings of 15 percent for the 1-hour period.

**Condition 30: Alternative Test Procedures for Two or More Interfering  
Sources**  
Effective between the dates of 05/12/2004 and Permit Expiration Date

**Applicable Federal Requirement: 40CFR 60.675(e)(1), NSPS Subpart OOO**

**Item 30.1:**

The owner or operator may use the following as alternatives to the reference methods and procedures specified in this 40 CFR 60.675 (c), if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:

- (i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities

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contributing to the emissions stream.

(ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.

**Condition 31: Rescheduling of Performance Test**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.675(g), NSPS Subpart OOO**

**Item 31.1:**

If, after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting any rescheduled performance test required in 40 CFR 60.675, the owner or operator of an affected facility shall submit a notice to the Administrator at least 7 days prior to any rescheduled performance test.

**Condition 32: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO**

**Item 32.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 32.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Upon the replacement of any storage bin the owner or operator shall submit the following information to the Administrator:

- 1) the rated capacity in tons of the existing storage bin being replaced, and
- 2) the rated capacity in tons of the replacement storage bin.

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 33: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO**

**Item 33.1:**



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The Compliance Demonstration activity will be performed for the Facility.

**Item 33.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Upon the replacement of any conveyor belts the owner or operator shall submit the following information to the Administrator:

- 1) the width of the existing belt being replaced, and
- 2) the width of the replacement conveyor belt.

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 34: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO**

**Item 34.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 34.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Upon the replacement of any crushers, grinding mills, bucket elevators, bagging operations, or enclosed truck or railcar loading station the owner or operator shall submit the following information to the Administrator:

- 1) the rated capacity in tons per hour of existing facility being replaced, and
- 2) the rated capacity in tons per hour of the replacement equipment.

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 35: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**



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**Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO**

**Item 35.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 35.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Upon the replacement of any screening operation the owner or operator shall submit the following information to the Administrator:

- 1) the total surface area of the top screen of the existing screening operation being replaced, and
- 2) the total surface area of the top screen of the replacement screening operation.

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 36: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.676(f), NSPS Subpart OOO**

**Item 36.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 36.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall submit written reports of all performance tests of all affected equipment, including opacity observations using Method 9 and Method 22.

Reference Test Method: Methods 9 & 22

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 37: Process Permissible Emissions**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6.1(a)**

**Item 37.1:**

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 1-OVERL Process: P01

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 18.8 pounds per hour

150,040 pounds per year

**Condition 38: Reporting and Recordkeeping for Replacement of Equipment**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.676(a), NSPS Subpart OOO**

**Item 38.1:**

This Condition applies to Emission Unit: 1-OVERL

**Item 38.2:**

Each owner or operator seeking to comply with 40 CFR Part 60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

(1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

(i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

(ii) The rated capacity in tons per hour of the replacement equipment.

(2) For a screening operation:

(i) The total surface area of the top screen of the existing screening operation being replaced and

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- (ii) The total surface area of the top screen of the replacement screening operation.
- (3) For a conveyor belt:
  - (i) The width of the existing belt being replaced and
  - (ii) The width of the replacement conveyor belt.
- (4) For a storage bin:
  - (i) The rated capacity in megagrams or tons of the existing storage bin being replaced and
  - (ii) The rated capacity in megagrams or tons of replacement storage bins.

**Condition 39: Test methods and procedures.**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.675, NSPS Subpart OOO**

**Item 39.1:**

This Condition applies to Emission Unit: 1-OVERL  
Process: P01

**Item 39.2:**

The owner or operator shall determine initial compliance using the test methods and procedures as required in section 40 CFR 60-000.675 and 40 CFR 60 Appendix A.

**Condition 40: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 40.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL  
Process: P01 Emission Source: 000B1

**Item 40.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an



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average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

**DESCRIPTION**

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 41: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 41.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000C1

**Item 41.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

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Parameter Monitored: OPACITY  
Upper Permit Limit: 10 percent  
Reference Test Method: Method 9  
Monitoring Frequency: SINGLE OCCURRENCE  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 42: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 42.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL  
Process: P01                      Emission Source: 000C2

**Item 42.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY  
Upper Permit Limit: 10 percent  
Reference Test Method: Method 9  
Monitoring Frequency: SINGLE OCCURRENCE  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 43: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 43.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000C3

**Item 43.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 44: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 44.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000C4

**Item 44.2:**



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Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 45: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 45.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000C5

**Item 45.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall



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cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 46: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 46.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000C6

**Item 46.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent



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Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 47: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 47.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000CA

**Item 47.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 48: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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



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**Item 48.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000CB

**Item 48.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 49: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 49.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 000S1

**Item 49.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

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**DEVICE PARAMETERS AS SURROGATE**

**Monitoring Description:**

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 50: Compliance Demonstration**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 50.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 00CR1

**Item 50.2:**

Compliance Demonstration shall include the following monitoring:

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

**Monitoring Description:**

No person shall 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. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is



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required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 51: Compliance Demonstration**

**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 51.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OVERL

Process: P01

Emission Source: 00CR2

**Item 51.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**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 52: Contaminant List**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 52.1:**

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

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

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

**Condition 53: Unavoidable noncompliance and violations**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 53.1:**

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



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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 superseded 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 54: Emission Unit Definition**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 54.1:**

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

Emission Unit: 1-OVERL

Emission Unit Description:

EMISSION UNIT 1OVERL IS COMPOSED OF TWO CRUSHERS, ONE GRIZZLY FEEDER, ONE DRY SCREEN DECK, ONE WASH SCREEN, ONE SURGE BIN, 10 CONVEYORS AND ONE WET SCREW. THE CRUSHING PLANT IS POWERED BY TWO EXEMPT DIESEL FUELED GENERATORS.

**Condition 55: Air pollution prohibited**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 55.1:**



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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 56: Process Definition By Emission Unit**  
**Effective between the dates of 05/12/2004 and Permit Expiration Date**

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

**Item 56.1:**

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

Emission Unit: 1-OVERL

Process: P01

Process Description:

SHOT ROCK IS LOADED DINTO THE PRIMARY CRUSHER WHERE IT IS REDUCED TO A MINUS 4 INCH SIZE. IT IS THEN CONVEYED TO A SURGE BIN AND THEN TOI A DRY DOUBLE DECK SCREEN. FROM THE DRY SCREEN THE CRUSHED ROCK IS CONVEYED TO EITHER A SECONDARY CRUSHER OR TO PROD UCT STOCKPILES FOR SALE AS ITEM IV OR 4" +2" MATERIAL. THE MATERIAL PASSING THROUGH THE SECONDARY CRUSHER IS CONVEYED EITHER TO THE 2'S PILE, 1'S PILE OR TO THE EAGLE SAND SCREW WEHRE IT IS DEWATERED AND THEN CONVEYED TO THE MANUFACTURED SAND PILE.

Emission Source/Control: 000B1 - Process

Emission Source/Control: 000C1 - Process  
Design Capacity: 36 inches

Emission Source/Control: 000C2 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000C3 - Process  
Design Capacity: 24 inches



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Emission Source/Control: 000C4 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000C5 - Process  
Design Capacity: 36 inches

Emission Source/Control: 000C6 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000CA - Process  
Design Capacity: 42 inches

Emission Source/Control: 000CB - Process  
Design Capacity: 30 inches

Emission Source/Control: 000S1 - Process  
Design Capacity: 96 square feet

Emission Source/Control: 00CR1 - Process  
Design Capacity: 400 tons per hour

Emission Source/Control: 00CR2 - Process  
Design Capacity: 175 tons per hour