

New York State Department of Environmental Conservation
Facility DEC ID: 6235200002



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

PAir State Facility

Permit ID: 6-2352-00002/00002
Effective Date: 09/08/2003 Expiration Date: No expiration date

Permit Issued To: V S VIRKLER & SONS INC
7513 EAST STATE ST
LOWVILLE, NY 13367

Contact: V S VIRKLER & SONS INC
7513 EAST STATE ST
LOWVILLE, NY 13367
(315) 376-7022

Facility: V S VIRKLER & SON MINE
GYORE RD/PECKHAM ROAD
LOWVILLE, NY 13367

Contact: RICHARD VIRKLER
V S VIRKLER & SONS INC
7513 EAST STATE STREET
LOWVILLE, NY 13367
(315) 376-7022

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: ____ / ____ / ____

FINAL



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 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 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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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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7513 EAST STATE ST
LOWVILLE, NY 13367

Facility: V S VIRKLER & SON MINE
GYORE RD/PECKHAM ROAD
LOWVILLE, NY 13367

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 201-6.1(a): Compliance Demonstration
- 4 6NYCRR 202-1.2: Notification
- 5 6NYCRR 202-1.3(a): Acceptable procedures
- 6 6NYCRR 225-1.2(a)(2): 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 6NYCRR 227-1.7(b): Emissions data requirements.
- 13 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 14 40CFR 60.7(a), NSPS Subpart A: Date of construction notification.
- 15 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 16 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 17 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 18 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 19 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 20 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 21 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 22 40CFR 60.9, NSPS Subpart A: Availability of information.
- 23 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 24 40CFR 60.12, NSPS Subpart A: Circumvention.
- 25 40CFR 60.14, NSPS Subpart A: Modifications.
- 26 40CFR 60.15, NSPS Subpart A: Reconstruction
- 27 40CFR 60.676(f), NSPS Subpart OOO: Compliance Demonstration

Emission Unit Level

- 28 6NYCRR 201-6.1(a): Process Permissible Emissions

EU=1-WATSN

- 29 40CFR 60.676(a), NSPS Subpart OOO: Reporting and Recordkeeping for Replacement of Equipment

EU=1-WATSN,Proc=P01

- 30 40CFR 60.675, NSPS Subpart OOO: Test methods and procedures.

EU=1-WATSN,Proc=P01,ES=00HB1

- 31 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC1



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32 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC2

33 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC3

34 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC4

35 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC5

36 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC6

37 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC7

38 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00HC8

39 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00VB1

40 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00VC1

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

EU=1-WATSN,Proc=P01,ES=00VC2

42 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=00VC3

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

EU=1-WATSN,Proc=P01,ES=00VC4

44 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0HCR1

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

EU=1-WATSN,Proc=P01,ES=0HCR2

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

EU=1-WATSN,Proc=P01,ES=0HGF1

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



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EU=1-WATSN,Proc=P01,ES=0HSC1

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

EU=1-WATSN,Proc=P01,ES=0HSF1

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

EU=1-WATSN,Proc=P01,ES=0VC10

50 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VC11

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

EU=1-WATSN,Proc=P01,ES=0VC12

52 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VC13

53 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VCR1

54 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VCR2

55 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VSC1

56 6NYCRR 212.6(a): Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VSC3

57 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

EU=1-WATSN,Proc=P01,ES=0VSF1

58 6NYCRR 212.6(a): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

59 ECL 19-0301: Contaminant List

60 6NYCRR 201-1.4: Unavoidable noncompliance and violations

61 6NYCRR 201-5: Emission Unit Definition

62 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

63 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.

Permit Effective Date: 09/08/2003

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 09/08/2003 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: 0NY075-00-5
Name: PM-10

PTE: 180,000 pounds per year

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

PTE: 160,000 pounds per year

Condition 2: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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



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Item 2.1:

The Compliance Demonstration activity will be performed for the Facility.

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_x), 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_x 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 documents that the facility's NO_x emissions over any consecutive 12 month period were below 160,000 pounds. The annual reports must include information that documents the NO_x 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_x emissions.

Any noncompliance with the NO_x emission limit in the condition must be reported by sending a copy of such record to the NYSDEC, Region 6, within 30 days of the occurrence.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED WEEKLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

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

Condition 3:

Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility owner shall ensure that emissions of PM-10, including those from permitted, exempt, and trivial sources, remain less than 180,000 pounds during any consecutive 12 month period.

Facility owner must maintain records that verify the facility's monthly PM-10 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 documents that the facility's PM-10 emissions over any consecutive 12 month period were below 180,000 pounds. The annual reports must include information that documents the PM-10 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 PM-10 emissions.

Any noncompliance with the PM-10 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: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

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

Condition 4: Notification

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Applicable Federal Requirement: 6NYCRR 202-1.2

Item 4.1:

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 5: Acceptable procedures

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.3(a)

Item 5.1:

Emission testing, sampling and analytical determinations to ascertain compliance with this Subchapter shall be conducted in accordance with test methods acceptable to the commissioner. The Reference Methods contained in part 60, appendix A and part 61, appendix B of title 40 of the Code of Federal Regulations and all future technical revisions, additions or corrections made thereto shall be considered as acceptable test methods for those sources and contaminants for which they are expressly applicable, except where the commissioner has issued a specific method to be used instead of a Reference Method contained in these Federal regulations or where the commissioner determines that one or more alternate methods are also acceptable. The person who owns or operates an air contamination source shall submit the emission test report in triplicate, to the commissioner within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

Condition 6: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

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: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall sell, offer for sale, purchase or use any distillate oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil



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per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.5 percent by weight
Monitoring Frequency: PER DELIVERY
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 7: Compliance Demonstration
Effective between the dates of 09/08/2003 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.

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 09/08/2003 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

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(3) the fuel is changed to an acceptable type.

Condition 9: Corrective action.

Effective between the dates of 09/08/2003 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 09/08/2003 and Permit Expiration Date

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

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 09/08/2003 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: Emissions data requirements.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.7(b)

Item 12.1:

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

Condition 13: EPA Region 2 address.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 13.1:

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

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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 Enforcement and Compliance Assurance
625 Broadway
Albany, NY 12233-3258

Condition 14: Date of construction notification.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 14.1:

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

- 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

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30 days prior to the performance test.

Condition 15: Recordkeeping requirements.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 15.1:

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 16: Facility files for subject sources.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 16.1:

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.

Condition 17: Performance testing timeline.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 17.1:

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 18: Performance test methods.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 18.1:

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 19: Required performance test information.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 19.1:

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 20: Prior notice.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 20.1:

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

Condition 21: Number of required tests.

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 21.1:

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.

Condition 22: Availability of information.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 22.1:

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 23: Opacity standard compliance testing.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 23.1:

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);

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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 24: Circumvention.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 24.1:

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 25: Modifications.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A

Item 25.1:

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.

Condition 26: Reconstruction

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A

Item 26.1:

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



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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 27: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 27.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 27.2:

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

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

Condition 28: Process Permissible Emissions

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 28.1:

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



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Emission Unit: 1-WATSN

Process: P01

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 26.82 pounds per hour

193,112 pounds per year

Emission Unit: 1-WATSN

Process: P02

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 0.7 pounds per hour

5,658 pounds per year

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 24.5 pounds per hour

194,000 pounds per year

Condition 29: Reporting and Recordkeeping for Replacement of Equipment
Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 29.1:

This Condition applies to Emission Unit: 1-WATSN

Item 29.2:

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

(ii) The total surface area of the top screen of the replacement screening operation.

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(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 30: Test methods and procedures.

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.675, NSPS Subpart OOO

Item 30.1:

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

Item 30.2:

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 31: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 31.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HB1

Item 31.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

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



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the right to perform or require the performance of a
Method 9 opacity evaluation at any time during facility
operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 32: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 32.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC1

Item 32.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average
opacity during any six consecutive minutes of 20 percent
or greater from any process emission source, except only
the emission of uncombined water. The Department reserves
the right to perform or require the performance of a
Method 9 opacity evaluation at any time during facility
operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 33: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 33.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC2

Item 33.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 34: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 34.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC3

Item 34.2:

Compliance Demonstration shall include the following monitoring:

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



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Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 35: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 35.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC4

Item 35.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION



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Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 36: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 36.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC5

Item 36.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 37: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 37.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC6

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Item 37.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 38: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 38.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC7

Item 38.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.



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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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 39: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 39.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00HC8

Item 39.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 40: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 40.1:



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The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00VB1

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 will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 41: Compliance Demonstration

Effective between the dates of 09/08/2003 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-WATSN

Process: P01

Emission Source: 00VC1

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



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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 42: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 42.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00VC2

Item 42.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION



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Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 43: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 43.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00VC3

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 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 44.1:

The Compliance Demonstration activity will be performed for:



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Facility DEC ID: 6235200002

Emission Unit: 1-WATSN

Process: P01

Emission Source: 00VC4

Item 44.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 45: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 45.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0HCR1

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



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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

Condition 46: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 46.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0HCR2

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 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

Condition 47: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 47.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: OHGF1

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 09/08/2003 and Permit Expiration Date

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

Item 48.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: OHSC1

Item 48.2:



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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 49: Compliance Demonstration

Effective between the dates of 09/08/2003 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-WATSN

Process: P01

Emission Source: OHSF1

Item 49.2:

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 50: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 50.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0VC10

Item 50.2:

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 51: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 51.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0VC11

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 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 52: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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



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Item 52.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: OVC12

Item 52.2:

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 53: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 53.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: OVC13

Item 53.2:

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 54: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 54.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0VCR1

Item 54.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.



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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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 55: Compliance Demonstration
Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 55.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN
Process: P01 Emission Source: 0VCR2

Item 55.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 56: Compliance Demonstration
Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 56.1:



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The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0VSC1

Item 56.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 57: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

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

Item 57.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0VSC3

Item 57.2:

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



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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 58: Compliance Demonstration

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 58.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-WATSN

Process: P01

Emission Source: 0VSF1

Item 58.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

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Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



STATE ONLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: 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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 59: Contaminant List

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 59.1:

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 60: Unavoidable noncompliance and violations

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 60.1:

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 61: Emission Unit Definition

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 61.1:

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

Emission Unit: 1-WATSN

Emission Unit Description:

EMISSION UNIT 1-WATSON IS COMPOSED OF 4 CRUSHERS, 5 SCREENS, 22 CONVEYORS, 3 FEEDERS AND 5 BINS. TWO EXEMPT DIESEL ENGINES ARE USED TO SUPPLY POWER TO THE GATE 1. TWO ADDITIONAL EXEMPT DIESEL ENGINES ARE KEPT ON-SITE AS BACKUPS. ELECTRICITY IS USED TO SUPPLY POWER TO GATE 2.

Condition 62: Air pollution prohibited

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

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Item 62.1:

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 63: Process Definition By Emission Unit

Effective between the dates of 09/08/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 63.1:

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

Emission Unit: 1-WATSN

Process: P01

Process Description:

SAND AND GRAVEL IS PROCESSED THROUGH A SERIES OF CRUSHERS, SCREENS AND CONVEYORS WHERE IT IS SIZED AND SORTED FOR SALE AS CONSTRUCTION AGGREGATE. TWO SEPARATE PLANTS ARE OPERATED ON NEIGHBORING SITES REFERRED TO AS GATE 1 AND GATE 2. GATE 1 IS THE OLD VIR KLER SAND AND GRAVEL OPERATION WHILE GATE 2 IS THE OLD HOCH OPERATION. EMISSION SOURCE IDENTIFIER LOCATIONS CAN BE DETERMINED BY THE PREFIX "V" FOR VIRKLER (GATE 1) OR "H" FOR HOCH (GATE 2).

Emission Source/Control: 00HB1 - Process

Design Capacity: 20 tons

Emission Source/Control: 00HC1 - Process

Design Capacity: 24 inches

Emission Source/Control: 00HC2 - Process

Design Capacity: 24 inches

Emission Source/Control: 00HC3 - Process

Design Capacity: 24 inches



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Emission Source/Control: 00HC4 - Process
Design Capacity: 24 inches

Emission Source/Control: 00HC5 - Process
Design Capacity: 24 inches

Emission Source/Control: 00HC6 - Process
Design Capacity: 24 inches

Emission Source/Control: 00HC7 - Process
Design Capacity: 24 inches

Emission Source/Control: 00HC8 - Process
Design Capacity: 18 inches

Emission Source/Control: 00VB1 - Process
Design Capacity: 20 tons

Emission Source/Control: 00VC1 - Process
Design Capacity: 24 inches

Emission Source/Control: 00VC2 - Process
Design Capacity: 24 inches

Emission Source/Control: 00VC3 - Process
Design Capacity: 24 inches

Emission Source/Control: 00VC4 - Process
Design Capacity: 24 inches

Emission Source/Control: 0HCR1 - Process
Design Capacity: 187 tons per hour

Emission Source/Control: 0HCR2 - Process
Design Capacity: 210 tons per hour

Emission Source/Control: 0HGF1 - Process
Design Capacity: 42 inches

Emission Source/Control: 0HSC1 - Process
Design Capacity: 48 square feet

Emission Source/Control: 0HSF1 - Process
Design Capacity: 30 inches

Emission Source/Control: 0VC10 - Process



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Design Capacity: 30 inches

Emission Source/Control: 0VC11 - Process

Design Capacity: 30 inches

Emission Source/Control: 0VC12 - Process

Design Capacity: 30 inches

Emission Source/Control: 0VC13 - Process

Design Capacity: 30 inches

Emission Source/Control: 0VCR1 - Process

Design Capacity: 300 tons per hour

Emission Source/Control: 0VCR2 - Process

Design Capacity: 110 tons per hour

Emission Source/Control: 0VSC1 - Process

Design Capacity: 48 square feet

Emission Source/Control: 0VSC3 - Process

Design Capacity: 32 square feet

Emission Source/Control: 0VSF1 - Process

Design Capacity: 30 inches

Item 63.2:

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

Emission Unit: 1-WATSN

Process: P02

Process Description:

THIS PROCESS IS COMPOSED OF 5 EXEMPT (LESS THAN 400 HORSE POWER) DIESEL POWERED ENGINES AND GENERATORS SUPPLYING POWER TO THE CRUSHING PLANTS. ONE STATIONARY DIESEL ENGINE (VGEN1) IS USED TO SUPPLY POWER TO THE GATE 1 PLANT. ONE DIESEL ENGINE (VGEN3) IS USED TO RUN THE GYRO CRUSHER AT GATE 1. TWO ENGINES (VGEN2 AND HGEN1) ARE KEPT ON SITE AS BACKUPS TO THE TWO IN OPERATION. ONE ENGINE (VGEN4) IS USED TO RUN THE PORTABLE POWERSCREEN (CHIEFTON) PLANT.

Emission Source/Control: HGEN1 - Process

Design Capacity: 117 horsepower (electric)



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Facility DEC ID: 6235200002

Emission Source/Control: VGEN1 - Process
Design Capacity: 345 horsepower (electric)

Emission Source/Control: VGEN2 - Process
Design Capacity: 360 horsepower (electric)

Emission Source/Control: VGEN3 - Process
Design Capacity: 165 horsepower (electric)

Emission Source/Control: VGEN4 - Process
Design Capacity: 50 horsepower (electric)