



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 6-2352-00002/00002
Effective Date: 01/07/2016 Expiration Date: 01/06/2026

Permit Issued To: V S VIRKLER & SONS INC
PO BOX 669
LOWVILLE, NY 13367--669

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

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

Description:
This renewal #1 is being performed in order to create the start of the 10 year expiration period.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: LAWRENCE R AMBEAU
NYSDEC - REGION 6
317 WASHINGTON ST
WATERTOWN, NY 13601

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
 - Applications for permit renewals, modifications and transfers
 - Applications for permit renewals, modifications and transfers
 - Permit modifications, suspensions or revocations by the Department

Facility Level

- Submission of application for permit modification or renewal-REGION 6 SUBOFFICE - UTICA



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, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



Condition 4: Applications for permit renewals, modifications and transfers
Applicable State Requirement: 6 NYCRR 621.11

Item 4.1:

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

Item 4.3:

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

Condition 5: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6 NYCRR 621.13

Item 5.1:

The Department reserves the right to exercise all available authority 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 6: Submission of application for permit modification or renewal-REGION 6
SUBOFFICE - UTICA
Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 6.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 6 Sub-office
Division of Environmental Permits
State Office Building, 207 Genesee Street
Utica, NY 13501-2885
(315) 793-2555

New York State Department of Environmental Conservation

Permit ID: 6-2352-00002/00002

Facility DEC ID: 6235200002



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: V S VIRKLER & SONS INC
PO BOX 669
LOWVILLE, NY 13367--669

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

Authorized Activity By Standard Industrial Classification Code:
1442 - CONSTRUCTION SAND AND GRAVEL

Permit Effective Date: 01/07/2016

Permit Expiration Date: 01/06/2026



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- *2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- *3 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 4 6 NYCRR 211.1: Air pollution prohibited
- 5 6 NYCRR 211.1: Compliance Demonstration
- 6 6 NYCRR 225-1.2 (h): Compliance Demonstration
- 7 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 8 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 9 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 10 40CFR 63.6603(a), Subpart ZZZZ: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 11 ECL 19-0301: Contaminant List
- 12 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 13 6 NYCRR Subpart 201-5: Emission Unit Definition
- 14 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 15 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 16 6 NYCRR 211.2: Visible Emissions Limited
- 17 6 NYCRR 211.2: Compliance Demonstration

Emission Unit Level

- 18 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 19 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

EU=1-WATSN,EP=00001

- 20 6 NYCRR Subpart 201-5: General Provisions

NOTE: * preceding the condition number indicates capping.



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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 200.7

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



required to operate such device effectively.

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

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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 - 6 NYCRR 201-1.5

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.



(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Item F: Recycling and Salvage - 6 NYCRR 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 - 6 NYCRR 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 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 201-3.3 (a)

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

Item J: Required Emission Tests - 6 NYCRR 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 6 NYCRR Subpart 202-1.

Item K: Open Fires Prohibitions - 6 NYCRR 215.2
Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item L: Permit Exclusion - ECL 19-0305
The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item M: Federally Enforceable Requirements - 40 CFR 70.6 (b)
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Facility Permissible Emissions

New York State Department of Environmental Conservation

Permit ID: 6-2352-00002/00002

Facility DEC ID: 6235200002



Item 2.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 2.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

CAP:

Facility owner shall ensure that the facility-wide emissions of oxides of nitrogen (NO_x), including those from permitted, exempt, and trivial sources, remain less than 160,000 pounds during any consecutive 365 day period.

RECORDS:

Facility owner shall maintain records that verify the facility's monthly NO_x emissions. These records shall be maintained at the facility for a minimum five year period.

REPORTS:

Reports shall be submitted annually, in a format acceptable to the Department, which document that the facility's NO_x emissions during any consecutive 365 day period were less than 160,000 pounds. The annual monitoring report shall include information that documents the NO_x emissions from each emission source at the facility, including exempt and trivial activities. If requested, the report shall also include all emission factors and other data used in calculating the monthly NO_x emissions. The form "Annual Capping Certification" is required.

NONCOMPLIANCE:

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

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 160,000 pounds per year

Reference Test Method: EPA Reference Method 7E

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 1/30/2016.

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



Condition 3: Capping Monitoring Condition
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 3.1:

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

6 NYCRR 201-6.1 (a)

Item 3.2:

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

Item 3.3:

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

Item 3.4:

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

Item 3.5:

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

Item 3.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY075-00-5 PM-10

Item 3.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: MONITORING OF PROCESS OR CONTROL
DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
CAP:



Facility owner shall ensure that facility-wide emissions of particulate matter that are less than 10 microns in mean aerodynamic diameter (PM-10), including those from permitted, exempt, and trivial sources, remain less than 180,000 pounds during any consecutive 365 day period.

RECORDS:

Facility owner shall maintain records that verify the facility's monthly PM-10 emissions. These records shall be maintained at the facility for a minimum five year period.

REPORTS:

Reports shall be submitted annually, in a format acceptable to the Department, which document that the facility's PM-10 emissions during any consecutive 365 day period were less than 180,000 pounds. The annual monitoring report shall include information that documents the PM-10 emissions from each emission source at the facility, including exempt and trivial activities. If requested, the report shall also include all emission factors and other data used to calculate the monthly PM-10 emissions. The form "Annual Capping Certification" is required.

NONCOMPLIANCE:

Any noncompliance with the PM-10 emission limit in this condition shall be reported by sending a copy of such record to the NYSDEC Region 6, within 30 days of the occurrence.

Parameter Monitored: PM-10

Upper Permit Limit: 180,000 pounds per year

Reference Test Method: EPA Reference Method 1-5 & 202

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 1/30/2016.

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

Condition 4: Air pollution prohibited
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable Federal Requirement:6 NYCRR 211.1

Item 4.1:

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.



Condition 5: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable Federal Requirement:6 NYCRR 211.1

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY075-00-5 PM-10

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

- Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:
1. Have a complaint phone line available 24 hours a day, 7 days a week; the employment of an answering machine is acceptable.
 2. Investigate any possible causes of any complaint received.
 3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
 4. Fully document the complaint, results of investigation, and action taken.
 5. Annually, report in a format acceptable to the Department. Facility shall report the number of complaints (even if zero) that have been logged throughout the reporting period.

Monitoring Frequency: DAILY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 6: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable Federal Requirement:6 NYCRR 225-1.2 (h)

Item 6.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:



Emission Unit: 1-WATSN
Process: P33 Emission Source: VGEN1

Emission Unit: 1-WATSN
Process: P33 Emission Source: VHGN2

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

Item 6.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Owners and/or operators of stationary combustion installations (RICE diesels) that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent or less sulfur by weight on or after July 1, 2016. This fuel is also known as 15 ppm or as "Ultra Low Sulfur Diesel". Compliance with this limit shall be based upon fuel vendor certifications. It is the responsibility of the fuel user to only accept fuel deliveries that accompany fuel receipts that denote that fuels' sulfur content by weight.

Parameter Monitored: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Upper Permit Limit: 15 parts per million by weight

Reference Test Method: Retain Fuel Receipts

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 7: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

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

Item 7.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-WATSN Emission Point: 00001

Emission Unit: 1-WATSN Emission Point: 00002

Item 7.2:

New York State Department of Environmental Conservation

Permit ID: 6-2352-00002/00002

Facility DEC ID: 6235200002



Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the Method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Observe plume daily, do RM 9 at NYSDEC request

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 8: Compliance Demonstration



Effective between the dates of 01/07/2016 and 01/06/2026

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

Item 8.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-WATSN

Process: P11

Emission Source: 0VCR1

Emission Unit: 1-WATSN

Process: P11

Emission Source: 0VCR2

Emission Unit: 1-WATSN

Process: P22

Emission Source: 0HCR2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 8.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Opacity limit for CRUSHERS:

- 1) Rule applies to fugitive emissions from sources without capture systems, or
- 2) Rule applies to fugitive emissions that escape an installed capture system
- 3) Source must have commenced construction, modification or reconstruction between 8/31/83 and 4/22/08

Opacity limit is 15% as measured by EPA reference Method 9 (30 minute duration).

The affected source shall meet this fugitive emission limit and compliance requirements within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after the initial startup. (RM 9 required after an initial startup of new equipment)

To report annual compliance: Facility shall observe visible emissions (not RM9) once each day that the Source is in operation and then log that observation. Observer may elect to observe groupings of equipment (observe a Process). Facility shall submit 12 monthly logs per year.

New York State Department of Environmental Conservation

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Facility DEC ID: 6235200002



If heavy or unusual plumes are detected, facility shall perform root cause analysis and then follow-up corrective action. If heavy plumes persist for more than two consecutive days, facility shall then perform RM9 and document this test.

Parameter Monitored: OPACITY
Upper Permit Limit: 15 percent
Reference Test Method: Observe plume daily, do RM 9 at NYSDEC request
Monitoring Frequency: DAILY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 9: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

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

Item 9.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 1-WATSN Process: P11	Emission Source: 00VB1
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC1
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC2
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC3
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC4
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC5
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC6
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC7
Emission Unit: 1-WATSN Process: P11	Emission Source: 00VC8

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Emission Unit: 1-WATSN
Process: P11 Emission Source: 00VC9

Emission Unit: 1-WATSN
Process: P11 Emission Source: 0VSC1

Emission Unit: 1-WATSN
Process: P11 Emission Source: 0VSC3

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HB1

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC1

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC2

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC3

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC4

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC5

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC6

Emission Unit: 1-WATSN
Process: P22 Emission Source: 00HC7

Emission Unit: 1-WATSN
Process: P22 Emission Source: 0HSC1

Emission Unit: 1-WATSN
Process: P22 Emission Source: 0HSF1

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

Item 9.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Opacity limit for SCREENS, STORAGE BINS and for transfer
points on BELT CONVEYORS:

1) Rule applies to fugitive emissions from sources without

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- capture systems, or
- 2) Rule applies to fugitive emissions that escape an installed capture system
- 3) Source must have commenced construction, modification or reconstruction between 8/31/83 and 4/22/08

Opacity limit is 10% as measured by EPA reference Method 9 (30 minute duration).

The affected source shall meet this fugitive emission limit and compliance requirements within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after the initial startup. (RM 9 required after an initial startup of new equipment)

To report annual compliance: Facility shall observe visible emissions (not RM9) once each day that the Source is in operation and then log that observation. Observer may elect to observe groupings of equipment (observe a Process). Facility shall submit 12 monthly logs per year.

If heavy or unusual plumes are detected, facility shall perform root cause analysis and then follow-up corrective action. If heavy plumes persist for more than two consecutive days, facility shall then perform RM9 and document this test.

Parameter Monitored: OPACITY
Upper Permit Limit: 10 percent
Reference Test Method: Observe plume daily, do RM 9 at NYSDEC request
Monitoring Frequency: DAILY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 10: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable Federal Requirement:40CFR 63.6603(a), Subpart ZZZZ

Item 10.1:
The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 1-WATSN
Process: P33
Emission Source: VGEN1

Regulated Contaminant(s):



CAS No: 000630-08-0 CARBON MONOXIDE

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The RICE Rule, 40CFR63.6603 (Table 2d) applies to the above compression ignition diesel. Because this engine is rated between 300 and 500 HP, Virkler is required to either: limit the concentration of CO in the exhaust to 49 ppmvd @ 15% O₂ - or - to reduce CO emissions by 70% or more. This requires a stack test (once every three years or once per each 8,760 runtime hours, whichever comes first) and most likely, the installation of both a catalytic oxidizer and a datalogger. The NYSDEC has not accepted delegation of Subpart ZZZZ.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 49 parts per billion by volume (dry, corrected to 15% O₂)

Reference Test Method: EPA Reference Method 10

Monitoring Frequency: Once every three years

Averaging Method: Arithmetic average of stack test runs

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 - 6 NYCRR 201-1.10 (a)

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

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 11: Contaminant List
Effective between the dates of 01/07/2016 and 01/06/2026



Applicable State Requirement:ECL 19-0301

Item 11.1:

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

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

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

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

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

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

Condition 12: Malfunctions and start-up/shutdown activities
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR 201-1.4

Item 12.1:

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air



contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

Condition 13: Emission Unit Definition
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 13.1:

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

Emission Unit: 1-WATSN

Emission Unit Description:

The 1-WATSON emission unit consists of all operations throughout this facility, which includes the Hoch Pit, the Virkler Pit and any other areas. The Hoch Pit (Gate #2), is driven completely by grid electricity. The Virkler Pit (Gate #1) generates its own electricity via diesel genset. The main entry and business office is located at 6567 Cemetery Road. The concrete batch plant at Gate 2 is exempt per 6 NYCRR 201-3.2(c)(37). The Chieftain Powerscreen 1700 self-propelled screening/conveying unit will operate anywhere throughout this facility.

Condition 14: Renewal deadlines for state facility permits
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR 201-5.2 (c)

Item 14.1:

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Condition 15: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR 201-5.3 (c)

Item 15.1:

The Compliance Demonstration activity will be performed for the Facility.

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Item 15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources
NYS Dept. of Environmental Conservation
Region 6
State Office Building
317 Washington Ave.
Watertown, NY 13601

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 16: Visible Emissions Limited
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR 211.2

Item 16.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Condition 17: Compliance Demonstration
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR 211.2

Item 17.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as permitted by a specific part of Title 6 of the NYCRR 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 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.

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Reference Test Method: Reference Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 18: Emission Point Definition By Emission Unit
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 18.1:

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

Emission Unit: 1-WATSN

Emission Point: 00001

Height (ft.): 9 Diameter (in.): 8

NYTMN (km.): 4850.115 NYTME (km.): 468.369

Emission Point: 00002

Height (ft.): 10 Diameter (in.): 2

NYTMN (km.): 4850.115 NYTME (km.): 468.369

Condition 19: Process Definition By Emission Unit
Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 19.1:

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

Emission Unit: 1-WATSN

Process: P11

Source Classification Code: 3-05-025-01

Process Description:

The Process P11 consists of the crushing, screening and conveying of sand/gravel in the original "Virkler Pit" which has been known as Gate #1. This pit is located on the Gyore Road side of this facility.

Emission Source/Control: 00VB1 - Process

Design Capacity: 20 tons

Emission Source/Control: 00VC1 - Process

Design Capacity: 24 inches

Emission Source/Control: 00VC2 - Process

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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: 00VC5 - Process

Emission Source/Control: 00VC6 - Process

Emission Source/Control: 00VC7 - Process

Emission Source/Control: 00VC8 - Process

Emission Source/Control: 00VC9 - Process

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

Item 19.2:

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

Emission Unit: 1-WATSN

Process: P22

Source Classification Code: 3-05-025-01

Process Description:

Process P22 consists of the crushing, screening and conveying of sand/gravel in the original "Hoch Pit" which has been known as Gate #2. This pit is located on the Cemetery Road side of this facility.

Emission Source/Control: 00HB1 - Process

Design Capacity: 20 tons

Emission Source/Control: 00HC1 - Process

Design Capacity: 24 inches

Emission Source/Control: 00HC2 - Process

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: 0HCR2 - Process
Design Capacity: 210 tons per hour

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

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

Item 19.3:

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

Emission Unit: 1-WATSN

Process: P33

Source Classification Code: 2-02-001-07

Process Description:

Process P33 consists of the operation of two exempt diesel engines that are fired on #2 fuel oil. Source "VGEN1" is a 1999 Cummins 380HP diesel that is the driver for the 230 kW Onan genset; despite being exempt, this CI engine is subject to 40CFR63-Subpart ZZZZ. Source "VHGN2" is 2008 Caterpillar 111HP diesel that drives the Chieftain Powerscreen 1700, which is a self-propelled screening/conveying unit; the Rice Rule does not apply to this CI engine because this engine powers a self-propelled (bulldozer tracked) unit.

Emission Source/Control: VHGN2 - Combustion
Design Capacity: 111 horsepower (mechanical)

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

Condition 20: General Provisions

Effective between the dates of 01/07/2016 and 01/06/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 20.1:

This Condition applies to Emission Unit: 1-WATSN Emission Point: 00001



Item 20.2:

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

Item 20.3:

Any person who owns and/or operates emission sources subject to this permit shall operate and maintain all emission sources and required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate 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 control devices may be sufficient reason for the Department to revoke or deny a permit.

Item 20.4:

The owner or operator of the emission sources subject to this permit 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 during normal operating hours, for the purpose of determining compliance with this and any other state or federal air pollution control requirements, regulations or law.

