



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 8-3422-00007/00015  
Mod 0 Effective Date: 03/02/1999 Expiration Date: No expiration date.  
Mod 1 Effective Date: 03/29/2000 Expiration Date: No expiration date.  
Mod 2 Effective Date: 07/27/2010 Expiration Date: No expiration date.

Permit Issued To: KEELER CONSTRUCTION CO INC  
13519 W LEE RD  
ALBION, NY 14411-9210

Contact: SCOTT B SCHARPING  
KEELER CONSTRUCTION CO INC  
13519 WEST LEE RD  
ALBION, NY 14411-9210  
(585) 589-4481

Facility: WILSON QUARRY  
14120 WEST LEE RD  
ALBION, NY 14411

Contact: SCOTT B SCHARPING  
KEELER CONSTRUCTION CO INC  
13519 WEST LEE RD  
ALBION, NY 14411-9210  
(585) 589-4481

Description:  
Department Initiated Modification of the existing Air State Facility Permit for the Wilson Quarry, last modified March 29, 2000, to revise and update Title V capping and Compliance Demonstration Conditions. Emissions of CO are now capped, in addition to the original NOx cap, below the 100 ton per year Part 201-6 (Title V) threshold. Keeler also continues to be subject to NSPS Subparts I and OOO for their hot mix asphalt plant and nonmetallic mineral processing operation.

This Department Initiated Modification changes the method of calculation of emissions from the diesel powered generator units. Emissions are based on the hours of operation of each unit and the manufacturer's emission specifications. The hot mix asphalt plant NOx and CO emissions are based on EPA's updated AP-42 emission rates for batch type asphalt plants using number 2 fuel oil or waste oil A, at the current values of 0.12 pounds NOx per



ton of hot mix asphalt produced, and 0.40 pounds CO per ton of hot mix asphalt produced.

The modified Permit also authorizes the use of "Waste Oil A", as defined in 6 NYCRR Part 225-2.2.

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:

DAVID L BIMBER  
DIVISION OF ENVIRONMENTAL

PERMITS

6274 EAST AVON LIMA RD  
AVON, NY 14414-9519

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
- Facility Inspection by the Department
- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for permit renewals, modifications and transfers
- Permit modifications, suspensions or revocations by the Department
- 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 8 HEADQUARTERS
- Submission of application for permit modification or renewal-REGION 8 HEADQUARTERS



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

**Condition 2-1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 19-0305**

**Item 2-1.1:**

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 2-1.2:**

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 2-1.3:**

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

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

**Item 1-1.1:**

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

**Item 1-1.2:**

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

**Item 1-1.3:**

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

**Condition 1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 3-0301 (2) (g)**

**Expired by Mod No: 1**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental



Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when 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. 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 2-2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2-2.1:**

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 2-3: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 2-3.1:**

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 2-3.2:**

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 2-3.3:**

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 2-4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**



**Item 2-4.1:**

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.

**Condition 3: Applications for Permit Renewals and Modifications**

**Applicable State Requirement: 6 NYCRR 621.13 (a)**

**Item 3.1:**

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

**Item 3.2:**

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

**Condition 4: Permit Modifications, Suspensions, and Revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.14**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

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

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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 8 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.5 (a)**

**Item 5.1:**



Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 8 Headquarters  
Division of Environmental Permits  
6274 Avon-Lima Road  
Avon, NY 14414-9519  
(716) 226-2466

**Condition 2-5: Submission of application for permit modification or renewal-REGION 8**

**HEADQUARTERS**

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

**Item 2-5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 8 Headquarters  
Division of Environmental Permits  
6274 Avon-Lima Road  
Avon, NY 14414-9519  
(585) 226-2466

**New York State Department of Environmental Conservation**

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: KEELER CONSTRUCTION CO INC  
13519 W LEE RD  
ALBION, NY 14411-9210

Facility: WILSON QUARRY  
14120 WEST LEE RD  
ALBION, NY 14411

Authorized Activity By Standard Industrial Classification Code:  
1422 - CRUSHED AND BROKEN LIMESTONE  
2951 - PAVING MIXTURES AND BLOCKS

Mod 0 Permit Effective Date: 03/02/1999  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 03/29/2000  
date.

Permit Expiration Date: No expiration

Mod 2 Permit Effective Date: 07/27/2010  
date.

Permit Expiration Date: No expiration



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 2-1 6 NYCRR 201-7.2: Facility Permissible Emissions
- \*2-2 6 NYCRR 201-7.2: Capping Monitoring Condition
- \*2-3 6 NYCRR 201-7.2: Capping Monitoring Condition
- 2-4 6 NYCRR 225-2.3 (b) (1): Compliance Demonstration
- 2-5 6 NYCRR 225-2.4 (b): Compliance Demonstration
- 2-6 6 NYCRR 225-2.4 (b): Compliance Demonstration
- 2-7 6 NYCRR 225-2.4 (b): Compliance Demonstration
- 2-8 6 NYCRR 225-2.4 (b): Compliance Demonstration
- 2-9 6 NYCRR 225-2.4 (b): Compliance Demonstration
- 2-10 6 NYCRR 225-2.6 (d): Purchase of waste fuel prohibitions.
- 2-11 6 NYCRR 225-2.7 (a): Compliance Demonstration

#### Emission Unit Level

##### EU=1-PLANT

- 2-12 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 2-13 40CFR 60.92(a)(1), NSPS Subpart I: Compliance Demonstration
- 2-14 40CFR 60.92(a)(2), NSPS Subpart I: Compliance Demonstration

##### EU=2-CRUSH

- 2-15 40CFR 60.672, NSPS Subpart OOO: Compliance Demonstration
- 2-16 40CFR 60.672, NSPS Subpart OOO: Compliance Demonstration
- 31 40CFR 60.675, NSPS Subpart OOO: Test methods and procedures.
- 1-12 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration

##### EU=3-SCREE

- 2-17 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 2-18 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 35 40CFR 60.675, NSPS Subpart OOO: Test methods and procedures.
- 36 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
- 1-15 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration

##### EU=4-GENST

- 2-19 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 2-20 40CFR 63.6595(a)(1), Subpart ZZZZ: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 2-21 ECL 19-0301: Contaminant List
- 2-22 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 1-28 6 NYCRR Subpart 201-5: General Provisions
- 47 6 NYCRR Subpart 201-5: General Provisions: Facilities Subject to Subpart 201-5 but not 201-6
- 48 6 NYCRR Subpart 201-5: Emission Unit Definition
- 2-23 6 NYCRR 211.2: Air pollution prohibited
- 50 6 NYCRR 217-3.2 (b): Idling of diesel trucks limited
- 2-24 6 NYCRR 225-1.2 (d): Compliance Demonstration



**Emission Unit Level**

- 52 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 53 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 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: Visible Emissions Limited - 6 NYCRR 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 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 M: Permit Exclusion - ECL 19-0305**

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

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

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



regulations.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 2-1: Facility Permissible Emissions**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-1.1:**

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:

per year CAS No: 000630-08-0 (From Mod 2) PTE: 199,800 pounds

Name: CARBON MONOXIDE

per year CAS No: 0NY210-00-0 (From Mod 2) PTE: 199,800 pounds

Name: OXIDES OF NITROGEN

**Condition 2-2: Capping Monitoring Condition**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-2.1:**

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) (1)

6 NYCRR 212.10

**Item 2-2.2:**

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

**Item 2-2.3:**

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 2-2.4:**

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 2-2.5:**

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 2-2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 2-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NOx

The facilities total NOx emissions shall not exceed 199,800 pounds per year based on a 12 month total rolled monthly. NOx emissions for each diesel power unit shall be calculated based on monthly hours of operation and the following manufacturer's emission specifications. GEN01 (810 H.P. Caterpillar 3412 TA) and GEN02 (810 H.P. Caterpillar 3412 TA) shall be calculated at 13.61 pounds per hour; GEN03 (1220 H.P. Caterpillar 3508 TA) shall be calculated at 29.63 pounds per hour. GEN04 (475 H.P. Caterpillar 3406 B) shall be calculated at 8.69 pounds per hour. GEN05 (947 H.P. Caterpillar D 3412) shall be calculated at 22.01 pounds per hour.

Hot mix asphalt plant NOx emissions shall be based on AP-42 emission rates for batch type using number 2 fuel oil or waste oil A at 0.12 pounds NOx per ton of hot mix asphalt produced.

Monitoring Frequency: MONTHLY

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 2-3:      Capping Monitoring Condition**



Effective between the dates of 07/27/2010 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

**Item 2-3.1:**

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) (1)

**Item 2-3.2:**

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

**Item 2-3.3:**

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 2-3.4:**

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 2-3.5:**

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 2-3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 2-3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

CO

The facilities total CO emissions shall not exceed 199,800 pounds per year based on a 12 month total rolled monthly.



CO emissions for each diesel power unit shall be calculated based on monthly hours of operation and the following manufacturer's emission specifications. GEN01 (810 H.P. Caterpillar 3412 TA) and GEN02 (810 H.P. Caterpillar 3412 TA) shall be calculated at 0.48 pounds per hour; GEN03 (1220 H.P. Caterpillar 3508 TA) shall be calculated at 6.79 pounds per hour. GEN04 (475 H.P. Caterpillar 3406 B) shall be calculated at 1.87 pounds per hour. GEN05 (947 H.P. Caterpillar D 3412) shall be calculated at 2.48 pounds per hour.

Hot mix asphalt plant CO emissions shall be based on AP-42 emission rates for batch type using number 2 fuel oil or waste oil A at 0.40 pounds CO per ton of hot mix asphalt produced.

Monitoring Frequency: MONTHLY  
Averaging Method: 12-month total, rolled monthly  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 12 calendar month(s).

**Condition 2-4: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement: 6 NYCRR 225-2.3 (b) (1)**

**Item 2-4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-4.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

An owner or operator of a stationary combustion unit, located outside of New York County, may burn Waste Fuel A, subject to the following conditions:

- the maximum operating heat input of the fuel must be 20 million BTU per hour or greater; and
- the combustion efficiency of the stationary combustion unit must be at least 99 percent while burning Waste Fuel A. Combustion efficiency shall be determined annually using measurements of carbon monoxide and carbon dioxide emissions.

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Monitoring Frequency: ANNUALLY

**New York State Department of Environmental Conservation**

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 03/31/2011 for the period 07/27/2010 through 03/01/2011

**Condition 2-5: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 2-5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The maximum concentration of lead in the waste fuel shall  
not exceed 250 parts per million.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 250 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-6: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 2-6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The minimum fuel heat content of the waste oil shall be  
at least 125,000 BTU/gallon on fuel.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: HEAT CONTENT

Lower Permit Limit: 125000 British thermal units per  
gallon

**New York State Department of Environmental Conservation**

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED  
VALUE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-7: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 2-7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The total concentration of polychlorinated biphenyls  
(PCBs) shall not exceed 50 parts per million.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 50 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-8: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 2-8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The maximum concentration of sulfur in the waste fuel  
shall not exceed the limit cited below.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

New York State Department of Environmental Conservation

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-9: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.4 (b)**

**Item 2-9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

The total concentration of halogens in the waste oil  
shall not exceed 1,000 parts per million.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 1000 parts per million by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL  
CHANGE

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-10: Purchase of waste fuel prohibitions.**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.6 (d)**

**Item 2-10.1: No owner or operator of a facility proposing to burn waste fuel or transporter of waste fuel may purchase, accept delivery, pick up or accept in trade any waste fuel unless the facility is receiving or proposing to burn waste fuel that that meets the applicable requirements of this Subpart and the regulations promulgated pursuant to article 27, titles 7 and 9 and article 23, title 23 of the ECL and the transporter of the waste fuel is permitted under 6 NYCRR Part 364.**

**Condition 2-11: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 225-2.7 (a)**

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Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



**Item 2-11.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2-11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must sample and analyze each received batch of waste fuel A to demonstrate compliance with requirements of Part 225-2.4(b). Certified analyses from the fuel vendor may be used for this purpose. Records of all analyses must be kept on site for a minimum of three years.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 2-12: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.92(a)(1), NSPS Subpart I**

**Item 2-12.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-PLANT

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-12.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The owner or operator shall monitor the pressure drop across the fabric filters as indicated on the magnehelic pressure gauge. The pressure drop must remain within the stated range. The indicated pressure drop shall be recorded daily in a log book or other format acceptable to the Department.

Parameter Monitored: PRESSURE DROP

Lower Permit Limit: 2.0 inches of water

Upper Permit Limit: 6.0 inches of water

Monitoring Frequency: DAILY

New York State Department of Environmental Conservation

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-13: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.92(a)(1), NSPS Subpart I**

**Item 2-13.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-PLANT

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-13.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator shall discharge or cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.04 grains per dry standard cubic foot.

The Department reserves the right to require the performance of a Method 5 particulate emissions test at any time during the term of the permit.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.04 dry standard cubic feet per  
minute

Reference Test Method: Method 5

Monitoring Frequency: DAILY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-14: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.92(a)(2), NSPS Subpart I**

**Item 2-14.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-PLANT

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES



**Item 2-14.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. 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 immediately notify the Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be recorded in a logbook or other format acceptable to the Department. The logbook must be retained at the facility for five (5) years after the date of the last entry.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-15: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-CRUSH

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Water spray control equipment shall be checked for proper operation on a daily basis during the operation of the crusher. Notation of proper operation shall be recorded in a log book or other format acceptable to the Department.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-16: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-16.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-CRUSH

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-16.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator shall discharge from any crusher, at



which a capture system is not used, fugitive emissions which exceed an average opacity during any six consecutive minutes of 15 percent or greater. 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 immediately notify the Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be recorded in a logbook or other format acceptable to the Department. The logbook must be retained at the facility for five (5) years after the date of the last entry.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 31: Test methods and procedures.**  
**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 31.1:**

This Condition applies to Emission Unit: 2-CRUSH

**Item 31.2:**

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 1-12: Compliance Demonstration**  
**Effective between the dates of 03/29/2000 and Permit Expiration Date**



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

**Item 1-12.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-CRUSH

**Item 1-12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 2-17: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-17.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-SCREE

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Water spray control equipment shall be checked for proper operation on a daily basis during the operation of the screens and conveyors. Notation of proper operation shall be recorded in a log book or other format acceptable to the Department.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**Condition 2-18: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-18.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-SCREE

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-18.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator shall discharge from any transfer point on belt conveyors, screening operations or from any affected facility for any fugitive emissions which exceed an average opacity during any six consecutive minutes of 10 percent or greater. 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 immediately notify the Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be recorded in a logbook or other format acceptable to the Department. The logbook must be retained at the facility for five (5) years after the date of the last entry.

Parameter Monitored: OPACITY

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Permit ID: 8-3422-00007/00015

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

**Condition 35: Test methods and procedures.**  
**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 35.1:**  
This Condition applies to Emission Unit: 3-SCREE

**Item 35.2:**  
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 36: Compliance Demonstration**  
**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 36.1:**  
The Compliance Demonstration activity will be performed for:

Emission Unit: 3-SCREE

**Item 36.2:**  
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

1) the width of the existing belt being replaced, and

2) the width of the replacement conveyor belt.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 1-15: Compliance Demonstration**  
**Effective between the dates of 03/29/2000 and Permit Expiration Date**

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

**Item 1-15.1:**

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Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



The Compliance Demonstration activity will be performed for:

Emission Unit: 3-SCREE

**Item 1-15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 2-19: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-19.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 4-GENST

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 2-19.2:**

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 six-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 to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate,

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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 immediately notify the Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be recorded in a logbook or other format acceptable to the Department. The logbook must be retained at the facility for five (5) years after the date of the last entry.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2-20: Compliance Demonstration**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 63.6595(a)(1), Subpart ZZZZ**

**Item 2-20.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 4-GENST

**Item 2-20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Effective May 3, 2013 existing stationary CI RICE (Compression Ignition Reciprocating Internal Combustion Engine) located at an area source of HAP emissions must comply with the emission limits in table 2 d as contained in 40 CFR 63 Subpart ZZZZ. Initial notification is due 120 days after the effective date of the rule or 120 days after becoming subject to the rule.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**



**Condition 2-21: Contaminant List**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-21.1:**

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: 007704-34-9  
Name: SULFUR

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

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

**Condition 2-22: Unavoidable noncompliance and violations**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**

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

**Item 2-22.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after



becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 1-28: General Provisions**

**Effective between the dates of 03/29/2000 and Permit Expiration Date**

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

**Replaces Condition(s) 46**

**Item 1-28.1:**

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

**Item 1-28.2:**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

**Item 1-28.3:**

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

**Condition 47: General Provisions: Facilities Subject to Subpart 201-5**



**but not 201-6**

**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 47.1:**

The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility permit or other applicable requirements constitutes a violation of Part 201 and of the Act.

**Condition 48: Emission Unit Definition**

**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 48.1(From Mod 2):**

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

Emission Unit: 1-PLANT

Emission Unit Description:

Emission unit 1PLANT is composed of a distillate oil or waste oil a fired 6-ton batch hot mix asphalt plant with associated control equipment. The control equipment consists of a knock-out box and a baghouse.

**Item 48.2(From Mod 2):**

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

Emission Unit: 2-CRUSH

Emission Unit Description:

Emission unit 2CRUSH is composed of 5 crushers, all of which are equipped with water spray equipment to control dust emissions.

**Item 48.3(From Mod 2):**

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

Emission Unit: 3-SCREE

Emission Unit Description:

Emission unit 3SCREE is composed of 4 screens, 32 conveyors, and 1 stone bin. The equipment is equipped with water spray to control dust emissions.

**Item 48.4(From Mod 2):**

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

Emission Unit: 4-GENST

Emission Unit Description:

Emission unit 4GENST is composed of 5 diesel powered generators providing power to the asphalt plant and stone plant. One generator is associated with the asphalt plant, while the other four are associated with the stone plant.

**Condition 2-23: Air pollution prohibited**

**Effective between the dates of 07/27/2010 and Permit Expiration Date**



**Applicable State Requirement:6 NYCRR 211.2**

**Item 2-23.1:**

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 50: Idling of diesel trucks limited**  
**Effective between the dates of 03/02/1999 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 217-3.2 (b)**

**Item 50.1:**

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

**Condition 2-24: Compliance Demonstration**  
**Effective between the dates of 07/27/2010 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 225-1.2 (d)**

**Item 2-24.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 007704-34-9 SULFUR

**Item 2-24.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any distillate oil fuel which contains sulfur in a quantity exceeding 1.5% by weight per 6 NYCRR 225-1.2(d), Table 2. Records of fuel purchases shall be recorded in a format acceptable to the Department and submitted on an annual basis.

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

**New York State Department of Environmental Conservation**

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



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

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 03/31/2011 for the period 07/27/2010 through 03/01/2011

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

**Condition 52: Emission Point Definition By Emission Unit**  
**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 52.1(From Mod 2):**

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

Emission Unit: 1-PLANT

Emission Point: 001A1

Height (ft.): 32

Diameter (in.): 54

**Item 52.2(From Mod 2):**

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

Emission Unit: 4-GENST

Emission Point: GEN01

Height (ft.): 14

Diameter (in.): 8

Emission Point: GEN02

Height (ft.): 14

Diameter (in.): 8

Emission Point: GEN03

Height (ft.): 14

Diameter (in.): 10

Emission Point: GEN04

Height (ft.): 14

Diameter (in.): 7

Emission Point: GEN05

Height (ft.): 10

Diameter (in.): 8

**Condition 53: Process Definition By Emission Unit**  
**Effective between the dates of 03/02/1999 and Permit Expiration Date**

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

**Item 53.1(From Mod 2):**

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

Emission Unit: 1-PLANT

Process: P01

Source Classification Code: 3-05-002-40

**New York State Department of Environmental Conservation**

Permit ID: 8-3422-00007/00015

Facility DEC ID: 8342200007



Process Description:

Aggregate is dried in a no. 2 fuel oil fired rotary dryer. The dried aggregate is mixed with hot liquid asphalt in a pug mill and is either loaded into haul trucks or into a storage silo for later sale.

Emission Source/Control: 000KB - Control  
Control Type: GRAVITY COLLECTOR

Emission Source/Control: 00BH1 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: 000D1 - Process

**Item 53.2(From Mod 2):**

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

Emission Unit: 2-CRUSH

Process: P02

Source Classification Code: 3-05-020-01

Process Description:

Broken rock is sent through crushers as part of the stone processing operation. The rock may be crushed by as many as five different crushers to get the right size and shape required for product sale.

Emission Source/Control: 00WS1 - Control  
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00CR4 - Process

Emission Source/Control: 00CR5 - Process

Emission Source/Control: 00CR6 - Process

Emission Source/Control: 00CR7 - Process

Emission Source/Control: 00CR8 - Process

**Item 53.3(From Mod 2):**

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

Emission Unit: 3-SCREE

Process: P03

Source Classification Code: 3-05-040-34

Process Description:

Crushed rock is sent through a series of screens and conveyors where it is sized and separated. The aggregate is sent to stock piles or to a wet processing plant for further sizing and separation.

Emission Source/Control: 00WS2 - Control  
Control Type: DUST SUPPRESSION BY WATER SPRAY



- Emission Source/Control: 00SC1 - Process
- Emission Source/Control: 00SC2 - Process
- Emission Source/Control: 00SC3 - Process
- Emission Source/Control: 00SC4 - Process
- Emission Source/Control: 0CON1 - Process
- Emission Source/Control: 0CON2 - Process
- Emission Source/Control: 0CON3 - Process
- Emission Source/Control: 0CON4 - Process
- Emission Source/Control: 0CON5 - Process
- Emission Source/Control: 0CON6 - Process
- Emission Source/Control: CON27 - Process

**Item 53.4(From Mod 2):**

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

- Emission Unit: 4-GENST
- Process: 0G1 Source Classification Code: 2-02-001-02
- Process Description:
  - 810 horse power caterpillar 3412 TA diesel fired reciprocating internal combustion used to supply power to the stone crushing operations.
- Emission Source/Control: 000G1 - Combustion
- Design Capacity: 810 horsepower (mechanical)

**Item 53.5(From Mod 2):**

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

- Emission Unit: 4-GENST
- Process: 0G2 Source Classification Code: 2-02-001-02
- Process Description:
  - 810 horse power caterpillar 3412 TA diesel fired reciprocating internal combustion engine used to supply electrical power to the stone crushing operations.
- Emission Source/Control: 000G2 - Combustion
- Design Capacity: 810 horsepower (mechanical)

**Item 53.6(From Mod 2):**

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

- Emission Unit: 4-GENST



Process: 0G3 Source Classification Code: 2-02-001-02  
Process Description:  
1220 horse power caterpillar 3508 TA diesel fired  
reciprocating internal combustion engine used to supply  
electrical power to the asphalt production processes.

Emission Source/Control: 000G3 - Combustion  
Design Capacity: 1,220 horsepower (mechanical)

**Item 53.7(From Mod 2):**

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

Emission Unit: 4-GENST  
Process: 0G4 Source Classification Code: 2-02-001-02  
Process Description:  
475 horse power caterpillar 3412 TA diesel fired  
reciprocating internal combustion engine used to supply  
electrical power to the stone crushing operations.

Emission Source/Control: 000G4 - Combustion  
Design Capacity: 475 horsepower (mechanical)

**Item 53.8(From Mod 2):**

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

Emission Unit: 4-GENST  
Process: P04 Source Classification Code: 2-02-001-02  
Process Description:  
947 horse power caterpillar D 3412 diesel fired  
reciprocating internal combustion engine used to supply  
electrical power to the stone crushing operations.

Emission Source/Control: 000G5 - Combustion  
Design Capacity: 947 horsepower (mechanical)

