

New York State Department of Environmental Conservation
Facility DEC ID: 9042000054



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-0420-00054/00005
Effective Date: 03/26/2001 Expiration Date: No expiration date

Permit Issued To: I A CONSTRUCTION CORP
PO BOX 8
CONCORDVILLE, PA 19331-0008

Contact: THOMAS P STAYER
4451 SOUTH NINE MILE ROAD
ALLEGANY, NY 14706
(716) 373-1100

Facility: I A CONSTRUCTION CORPORATION LIPPERT GRAVEL PIT
4451 SOUTH NINE MILE RD
ALLEGANY, NY 14706

Description:

This permit is for a Sand and Gravel processing plant located in Allegany, New York. Material is mined from below the water table and is very moist when handled. The existing plant was built before the applicability date for New Source Performance Standards (NSPS) Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants and, therefore, it was previously exempt from this Subpart. However, the firm now plans to increase the output of the plant by 30 tons per hour by installing a new larger deck screen, a new larger Gysphere crusher and a new larger conveyor. This modification to the plant means that the plant now is NSPS Subpart OOO affected and a State Air Facility Permit is required before the modifications are initiated. Emission unit OEU001 represents conveyors, dewatering screws, rishers and screens and crushers. While emission unit OEU002 represents the plant's 450 hp diesel generator. Within OEU001, there are two different standards for particulate matter. According to 40CFR 60.672(b), there is an opacity limit of 10 percent for all affected facilities as they are designated in 40CFR 60.670(a)(1) except the crushers. 40CFR 60.672(c) limits any crusher to no emission greater than 15 percent opacity. Plant emissions calculations show that the plant's Potential to Emit (PTE) for regulated air contaminants are below the Title V applicability thresholds for all criteria pollutants. Therefore, the imposition of federally enforceable emission limits to avoid the permitting requirements of Title V is not necessary.

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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: RICHARD P SWEENEY
 DIVISION OF ENVIRONMENTAL PERMITS
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2999

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 9
HEADQUARTERS



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13(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: 6NYCRR 621.14

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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 9
HEADQUARTERS**
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165



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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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Permit Issued To: I A CONSTRUCTION CORP
PO BOX 8
CONCORDVILLE, PA 19331-0008

Facility: I A CONSTRUCTION CORPORATION LIPPERT GRAVEL PIT
4451 SOUTH NINE MILE RD
ALLEGANY, NY 14706

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



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 14 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3 6NYCRR 200.7: Maintenance of equipment
- 7 6NYCRR 201-1.7: Recycling and Salvage
- 8 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 10 6NYCRR 201-3.2(a): Proof of Eligibility
- 11 6NYCRR 201-3.3(a): Proof of Eligibility
- 12 6NYCRR 202-1.1: Required emissions tests
- 13 6NYCRR 211.3: Visible emissions limited.
- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 6 6NYCRR 201-1.5: Emergency Defense
- 9 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 15 40CFR 60.7(a)(1), NSPS Subpart A: Compliance Demonstration
- 16 40CFR 60.7(a)(3), NSPS Subpart A: Compliance Demonstration
- 17 40CFR 60.8(a), NSPS Subpart A: Compliance Demonstration
- 18 40CFR 60.8(b), NSPS Subpart A: Compliance Demonstration
- 19 40CFR 60.8(c), NSPS Subpart A: Compliance Demonstration
- 20 40CFR 60.8(d), NSPS Subpart A: Compliance Demonstration
- 21 40CFR 60.676(f), NSPS Subpart OOO: Compliance Demonstration

Emission Unit Level

EU=O-EU001

- 22 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 23 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 24 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration
- 25 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration
- 26 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 27 6NYCRR 201-5: General Provisions
- 28 6NYCRR 201-5: Permit Exclusion Provisions
- 29 6NYCRR 201-5: Emission Unit Definition
- 30 6NYCRR 201-5.3(b): Contaminant List
- 31 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 32 6NYCRR 201-5: Process Definition By Emission Unit GRAVEL

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Permit Expiration Date: No expiration date.



FEDERALLY ENFORCEABLE CONDITIONS

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

Condition 14: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 215

Item 14.1:

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

Condition 3: Maintenance of equipment
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 3.1:

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

Condition 7: Recycling and Salvage
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 7.1:

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

Condition 8: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 8.1:

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

Condition 10: Proof of Eligibility
Effective between the dates of 03/26/2001 and Permit Expiration Date



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

Item 10.1:

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

Condition 11: Proof of Eligibility

Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 11.1:

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

Condition 12: Required emissions tests

Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 12.1:

An acceptable report of measured emissions shall be submitted, as may be required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

Condition 13: Visible emissions limited.

Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.3

Item 13.1:

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-

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minute period per hour of not more than 57 percent opacity.

Condition 1: Sealing
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the commissioner issued in the case of the violation. Sealing means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 2: Acceptable ambient air quality
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.6

Item 2.1:

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

Condition 4: Unpermitted Emission Sources
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 4.1:

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

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(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Condition 5: Unavoidable Noncompliance and Violations
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 5.1:

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 or certificate issued for the corresponding air contamination source. 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.

(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.



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Condition 6: Emergency Defense
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 6.1:

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.

Condition 9: Public Access to Recordkeeping
Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 9.1:

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

Condition 15: Compliance Demonstration



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Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a)(1), NSPS Subpart A

Item 15.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

Notification of the date of construction shall be sent to the Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, the DEC Regional Office and the DEC Albany Office at the following addresses:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

Division of Air Resources
Regional Air Pollution Control Engineer
270 Michigan Avenue
Buffalo, NY 14203-2999

NYSDEC
Bureau of Compliance Monitoring and Enforcement
50 Wolf Road
Albany, NY 12233-3258

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



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Condition 16: Compliance Demonstration

Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a)(3), NSPS Subpart A

Item 16.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

Notification of the of the actual date of initial startup shall be sent to the Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, the DEC Regional Office and the DEC Albany Office at the following addresses:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

Division of Air Resources
Regional Air Pollution Control Engineer
270 Michigan Avenue
Buffalo, NY 14203-2999

NYSDEC
Bureau of Compliance Monitoring and Enforcement
50 Wolf Road
Albany, NY 12233-3258

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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Condition 17: Compliance Demonstration

Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 17.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 17.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 18: Compliance Demonstration

Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 18.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 18.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL



DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 19: Compliance Demonstration
Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 19.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 19.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make



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available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 20: Compliance Demonstration
Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 20.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 20.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 21: Compliance Demonstration
Effective between the dates of 03/26/2001 and Permit Expiration Date

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

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Item 21.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 21.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 to demonstrate compliance with §60.672(b) and (c)

Note: Subpart 60.676(f) discusses requirements for 60.672 (f) and (e) however, these requirements do not apply to IA Construction.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Condition 22: Compliance Demonstration

Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 22.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: O-EU001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 22.2:

New York State Department of Environmental Conservation

Permit ID: 9-0420-00054/00005

Facility DEC ID: 9042000054



Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In accordance with all applicable procedures contained in 40CFR60.8, all affected facilities specified in 60.670(a)(1), except for the crushers, shall have an initial performance test conducted. This test shall be within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup.

According to 60.672(b), no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 23: Compliance Demonstration

Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 23.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: O-EU001

Item 23.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Maximum discharge from any transfer point on belt conveyors or from any affected facility for any fugitive emissions.

Parameter Monitored: OPACITY



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Permit ID: 9-0420-00054/00005

Facility DEC ID: 9042000054

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

Condition 24: Compliance Demonstration
Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 24.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: O-EU001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 24.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In accordance with all applicable procedures within 40CFR60.8, all crushers shall have an initial performance test conducted. This test shall be within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup.

According to 60.672(c), no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 25: Compliance Demonstration
Effective between the dates of 03/26/2001 and Permit Expiration Date

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



New York State Department of Environmental Conservation

Permit ID: 9-0420-00054/00005

Facility DEC ID: 9042000054

Item 25.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: O-EU001

Item 25.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Maximum opacity for any uncontrolled crushers.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 26: Compliance Demonstration

Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 26.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: O-EU001

Item 26.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Maximum opacity for any uncontrolled crushers.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: Method 9

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

New York State Department of Environmental Conservation

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STATE ONLY ENFORCEABLE CONDITIONS

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

Condition 27: General Provisions
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 27.1:

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 27.2:

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 27.3:

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 28: Permit Exclusion Provisions
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 28.1:

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR).

The issuance of this permit by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements



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contained in such order or modification thereof unless specifically intended by this permit.

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 29: Emission Unit Definition
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 29.1:

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

Emission Unit: O-EU001

Emission Unit Description:

All affected facilities as per Subpart OOO on site. These include all conveyors, dewatering screws, crushers, screens and storage bins.

Item 29.2:

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

Emission Unit: O-EU002

Emission Unit Description:

250kw-450 H.P. Caterpillar D353 Diesel Engine Generator rated at 6.2 gallon/hour that is used power the raw material conveyor. All the stone processing uses electricity that is delivered by the local power company

Building(s): GENR

Condition 30: Contaminant List
Effective between the dates of 03/26/2001 and Permit Expiration Date

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

Item 30.1:

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



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CAS No: 0NY075-00-0

Name: PARTICULATES

Condition 31: Air pollution prohibited
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 31.1:

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

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

Condition 32: Process Definition By Emission Unit
Effective between the dates of 03/26/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 32.1:

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

Emission Unit: O-EU001

Process: P01

Source Classification Code: 3-05-040-30

Process Description:

Material is mined from below water table and is very moist when handled. Process has conveyors, crushers, dewatering screws and screens

Emission Source/Control: ES001 - Process

Design Capacity: 500 tons per hour

Item 32.2:

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

Emission Unit: O-EU002

Process: P02

Source Classification Code: 2-01-001-02

Process Description:

250 KW - 450 HP - Caterpillar D 353 Diesel engine used to power raw material transportation conveyor. The main process/plant uses electricity from a local power

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company.

Emission Source/Control: ES002 - Combustion
Design Capacity: 450 horsepower (mechanical)