

**New York State Department of Environmental Conservation
Facility DEC ID: 9044400002**



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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-0444-00002/00009
Effective Date: 07/06/2004 Expiration Date: No expiration date

Permit Issued To: GERNATT ASPHALT PRODUCTS INC
13870 TAYLOR HOLLOW RD
PO BOX 400
COLLINS, NY 14034

Contact: RICHARD I PECNIK
TAYLOR HOLLOW ROAD
P.O. BOX 400
COLLINS, NY 14034
(716) 532-3371

Facility: GERNATT BEDROCK GRAVEL PIT
SOUTH OF RT 219 & WEST OF HORTON RD
GREAT VALLEY, NY 14741

Contact: RICHARD I PECNIK
TAYLOR HOLLOW ROAD
P.O. BOX 400
COLLINS, NY 14034
(716) 532-3371

Description:

This Air State Facility permit is for the installation of new gravel processing equipment at the bedrock pit. The facility is subject to 40 CFR 60 Subpart OOO, Standard of Performance for Nonmetallic Mineral Processing Plants. The bedrock pit is an existing gravel and sand mining processing facility. The new processing equipment, which will constitute the stationary emission sources requiring an air permit, will be located at the new plant site at McDonald Road and will include crushers, screens, and conveyors. All processing equipment is electrically powered. Electricity may be generated by a diesel powered generator. This permit contains a state and federally enforceable condition for limiting the operation of the generator to 4000 hours per year to maintain oxide of nitrogen emissions below the 100 ton per year Title V permitting applicability threshold.

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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: KENNETH C TAFT
 DIVISION OF ENVIRONMENTAL PERMITS
 182 EAST UNION - SUITE 3
 ALLEGANY, NY 14706-1328

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

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 and Modifications

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

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 1: Facility Inspection by the Department
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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



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requirements contained in such order or determination.

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

Item 2.1:

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

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

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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

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

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Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

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

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

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 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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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: GERNATT ASPHALT PRODUCTS INC
13870 TAYLOR HOLLOW RD
PO BOX 400
COLLINS, NY 14034

Facility: GERNATT BEDROCK GRAVEL PIT
SOUTH OF RT 219 & WEST OF HORTON RD
GREAT VALLEY, NY 14741

Authorized Activity By Standard Industrial Classification Code:



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Emission Unit Level

EU=1-GRAVL,Proc=P01

- 1 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 2 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration
- 3 40CFR 60.672(h), NSPS Subpart OOO: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 4 ECL 19-0301: Contaminant List
- 5 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 6 6NYCRR 201-5: Emission Unit Definition
- 7 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 8 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 9 6NYCRR 201-5: Process Definition By Emission Unit
- 10 6NYCRR 201-7: Emission Unit Permissible Emissions

EU=1-GENST,Proc=G01,ES=DIESL

- *11 6NYCRR 201-7: Capping Monitoring Condition

NOTE: * preceding the condition number indicates capping. 1442 - CONSTRUCTION SAND AND GRAVEL

Permit Effective Date: 07/06/2004

Permit Expiration Date: No expiration date.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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

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

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

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

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

Item E: Emergency Defense - 6NYCRR Part 201-1.5

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

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

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event



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occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

Item F: Recycling and Salvage - 6NYCRR Part 201-1.7

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

Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8

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

Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)

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

Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific



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

Item J: Required Emission Tests - 6 NYCRR Part 202-1.1

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

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item L: Open Fires - 6 NYCRR Part 215

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

Item M: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not

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limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

FEDERAL APPLICABLE REQUIREMENTS

The following conditions are federally enforceable.

Condition 1: Compliance Demonstration

Effective between the dates of 07/06/2004 and Permit Expiration Date

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

Item 1.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GRAVL

Process: P01

Item 1.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

This requirement applies to all TRANSFER POINTS ON 36
BELT CONVEYORS.

1.) A notification of the actual date of initial startup

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of each affected facility shall be submitted to this Department at 270 Michigan Avenue, Buffalo, New York 14203. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

2.) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any transfer point on belt conveyors fugitive emissions which exhibit greater than 10 percent opacity.

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, the owner or operator of such facility shall conduct performance test(s). The owner or operator shall provide the Department at least 30 days prior notice of any performance test, afford the Department the opportunity to have an observer present.

If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Department by mutual agreement.

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

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

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4.) 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(c). The performance report shall be submitted to the EPA Region 2 Administrator and to this Department Region 9 Office at 270 Michigan Avenue, Buffalo, New York 14203 within 30 days of completion.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2: Compliance Demonstration
Effective between the dates of 07/06/2004 and Permit Expiration Date

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

Item 2.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GRAVL

Process: P01

Item 2.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

This requirement applies to EACH CRUSHER - CR1(Pioneer Jaw), CR2(Pulvo-a-matic) and CR3(HP300).

1.) A notification of the actual date of initial startup of each affected facility shall be submitted to this Department at 270 Michigan Avenue, Buffalo, New York 14203. The notification shall be postmarked within 15 days

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after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

2.) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under § 60.11 of this part, 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. 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, the owner or operator of such facility shall conduct performance test(s). The owner or operator shall provide the Administrator at least 30 days prior notice of any performance test, afford the Department the opportunity to have an observer present.

If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Department by mutual agreement.

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

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

4.) 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

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standards set forth in § 60.672 of this subpart, including reports of opacity observations made using Method 9 to demonstrate compliance with § 60.672(c). The performance report shall be submitted to the EPA Region 2 Administrator and to this Department Region 9 Office at 270 Michigan Avenue, Buffalo, New York 14203 within 30 days of completion.

Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 3: Compliance Demonstration
Effective between the dates of 07/06/2004 and Permit Expiration Date

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

Item 3.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GRAVL

Process: P01

Item 3.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

This requirement applies to SIX WET SCREENING OPERATIONS SC1(TyTock), SC2(SECO), SC3(SECO), SC4(SECO), SC5(Diester) and SC6(Diester), WET BUCKET ELEVATORS AND WET BELT CONVEYORS .

1.) A notification of the actual date of initial startup of each affected facility shall be submitted to this Department at 270 Michigan Avenue, Buffalo, New York 14203. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

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

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

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

3.) Initial Method 9 performance tests under § 60.11 of this part and § 60.675 of this subpart are not required for saturated wet processes described in item 1 above. However if the facility processes unsaturated materials, it shall submit a report of this change within 30 days following such change to the Administrator and to the Department. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in § 60.672(b) and the emission test requirements of § 60.11 and this subpart.

Parameter Monitored: VISIBLE EMISSIONS

Upper Permit Limit: 0 percent

Reference Test Method: EPA Method 22

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 22)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)

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

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

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

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



law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 4: Contaminant List
Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 4.1:

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 5: Unavoidable noncompliance and violations
Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State 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 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



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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 6: Emission Unit Definition
Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 6.1:

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

Emission Unit: 1-GENST

Emission Unit Description:

THIS EMISSION UNIT CONSISTS OF A DIESEL
POWERED GENERATOR SET WHICH INCLUDES AN 840
HP DIESEL ENGINE, COUPLED TO A 610 KW
ELECTRICAL GENERATOR.

Item 6.2:

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

Emission Unit: 1-GRAVL

Emission Unit Description:

THIS EMISSION UNIT INCLUDES THE AGGREGATE
PROCESSING EQUIPMENT, INCLUDING 3 CRUSHERS,
6 SCREENS, AND 35 CONVEYORS. ALL
PROCESSING EQUIPMENT COMPONENTS ARE
EQUIPPED WITH WATER SPRAYS FOR DUST
CONTROL, OR USE WASH WATER FOR SEPARATION
OF FINES.

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Condition 7: Air pollution prohibited
Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 7.1:

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 8: Emission Point Definition By Emission Unit
Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 8.1:

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

Emission Unit: 1-GENST

Emission Point: EXHST

Height (ft.): 14 Diameter (in.): 4
NYTMN (km.): 4676.9 NYTME (km.): 197.1

Condition 9: Process Definition By Emission Unit
Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 9.1:

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

Emission Unit: 1-GENST

Process: G01

Process Description:

ELECTRICITY IS GENERATED USING A DIESEL
POWERED GENERATOR SET WHICH INCLUDES AN 840
HP DIESEL ENGINE, COUPLED TO A 610 KW
ELECTRICAL GENERATOR.

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Emission Source/Control: DIESL - Combustion
Design Capacity: 840 horsepower (mechanical)

Item 9.2:

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

Emission Unit: 1-GRAVL

Process: P01

Process Description:

SAND AND GRAVEL IS PROCESSED THROUGH CRUSHERS, SCREENS, AND CONVEYORS TO SIZE AND SEPARATE AGGREGATE PRODUCTS. THE AGGREGATE PROCESSING EQUIPMENT AT THE EXPANDED BEDROCK FACILITY WILL INCLUDE 3 CRUSHERS, 6 SCREENS, AND 35 CONVEYORS.

Emission Source/Control: 00CR1 - Process
Design Capacity: 125 tons per hour

Emission Source/Control: 00CR2 - Process
Design Capacity: 345 tons per hour

Emission Source/Control: 00CR3 - Process
Design Capacity: 200 tons per hour

Emission Source/Control: 00SC1 - Process
Design Capacity: 72 square feet

Emission Source/Control: 00SC2 - Process
Design Capacity: 160 square feet

Emission Source/Control: 00SC3 - Process
Design Capacity: 160 square feet

Emission Source/Control: 00SC4 - Process
Design Capacity: 160 square feet

Emission Source/Control: 00SC5 - Process
Design Capacity: 18 square feet

Emission Source/Control: 00SC6 - Process
Design Capacity: 18 square feet

Emission Source/Control: 0CON1 - Process

Condition 10: Emission Unit Permissible Emissions



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Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7

Item 10.1:

The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 1-GENST

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 80,800 pounds per year

Condition 11: Capping Monitoring Condition

Effective between the dates of 07/06/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-7

Item 11.1:

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:

6NYCRR 201-6

Item 11.2:

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

Item 11.3:

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 11.4:

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 11.5:

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 11.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GENST
Process: G01 Emission Source: DIESL

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 11.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

- 1.) The facility will limit the total emissions from this emission unit of oxides of nitrogen from operation of the diesel powered engine by limiting its hours of operation during any 12 month period to 4000 hours. Using AP-42 emission factors, the emissions from this source are estimated to be one half the Title V applicability level of 100 tons per year. This limit in the hours of operation of the diesel generator is due to some uncertainty associated with the AP-42 emission factor and the unlikely event that the facility would ever need to operate the plant more than 4000 hours per year.
- 2.) The facility shall track hours of operation by the installation and use of an accurate time recording device. The device shall be checked for accuracy at least monthly and the accuracy check documented.
- 3.) The facility shall determine hours of operation by the 15th day of each month for the preceding 12 month period. This 12 month period shall be from the 1st day of the 1st month and end on the last day of the last month.
- 4.) This facility shall maintain all tracking and timer accuracy 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 the facility during normal operating hours, for the purpose of determining compliance with this record keeping requirement.

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6.) On an annual basis, 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 this emission unit 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 those threshold levels that would require the submission of an application for a Title V facility permit, or compliance with an applicable requirement.

7.) 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 this Part and of the Act.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 80800 pounds per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 08/04/2005 for the period 07/06/2004 through 07/05/2005