New York State Department of Environmental Conservation
Facility DEC ID: 9990900090

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-9909-00090/00007
Effective Date: 06/03/2004 Expiration Date: No expiration date

Permit Issued To: METZGER REMOVAL INC
24 GATH TERRACE
TONAWANDA, NY 14150-5292

Contact: GARY J METZGER
METZGER REMOVAL INC
235 RIVER ROAD
NORTH TONAWANDA, NY 14120
(716) 692-1810

Facility: METZGER REMOVAL INC
235 RIVER RD|PORTABLE UNIT
NORTH TONAWANDA, NY 14120

Contact: GARY J METZGER
METZGER REMOVAL INC
235 RIVER ROAD
NORTH TONAWANDA, NY 14120
(716) 692-1810

Description:
This state facility permit is issued to Metzger Removal Incorporated for the crushing of waste concrete through one Kolberg-Pioneer CS5260 Portable Impactor Plant and screening through a Kolberg-Pioneer 620 E1 Portable Screening Plant. The portable crusher and screener are powered by a 125 KW generator which is exempt from air permitting. This permit is valid in all Regions of the New York State Department of Environmental Conservation (Department). The machines will generally be relocated among the following locations:

235 River Road
North Tonawanda, New York 14120

783 River Road
North Tonawanda, New York 14120

6411 Walmore Road
Niagara Falls, New York 14304

Included in this permit are conditions requiring Metzger Removal Inc. to use good management practices

for controlling dust both on and off-site, as well as the proper management of any concrete and crushed stone piles.

Metzger Removal Inc. must notify the Department and any affected municipality in writing prior to relocating the portable crusher and portable screen.

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 S DENK
DIVISION OF ENVIRONMENTAL PERMITS
270 MICHIGAN AVE
BUFFALO, NY 14203-2999

Authorized Signature: _____ Date: ___ / ___ / _____

New York State Department of Environmental Conservation
Facility DEC ID: 9990900090

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.

New York State Department of Environmental Conservation
Facility DEC ID: 9990900090

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

Item 3.1:
The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

Item 3.2:
The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:
Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual

transfer of ownership.

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

****** 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

New York State Department of Environmental Conservation
Permit ID: 9-9909-00090/00007 Facility DEC ID: 9990900090

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: METZGER REMOVAL INC
24 GATH TERRACE
TONAWANDA, NY 14150-5292

Facility: METZGER REMOVAL INC
235 RIVER RD|PORTABLE UNIT
NORTH TONAWANDA, NY 14120

Authorized Activity By Standard Industrial Classification Code:
1429 - CRUSHED AND BROKEN STONE NEC

Permit Effective Date: 06/03/2004 Permit Expiration Date: No expiration date.

LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS
Facility Level
1 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
2 40CFR 60.676(f), NSPS Subpart OOO: Compliance Demonstration
Emission Unit Level

EU=P-00001
3 40CFR 60, NSPS Subpart A: Applicability of General Provisions of 40 CFr 60 Subpart A
4 40CFR 60.7(a), NSPS Subpart A: Compliance Demonstration
5 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
6 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
7 40CFR 60.8(d), NSPS Subpart A: Prior notice.
8 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
9 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
10 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration
11 40CFR 60.675, NSPS Subpart OOO: Test methods and procedures.
12 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
13 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS
Facility Level
14 ECL 19-0301: Contaminant List
15 6NYCRR 201-1.4: Unavoidable noncompliance and violations
16 6NYCRR 201-5: Emission Unit Definition
17 6NYCRR 201-5: Compliance Demonstration
18 6NYCRR 211.2: Air pollution prohibited
Emission Unit Level
19 6NYCRR 201-5: Emission Point Definition By Emission Unit
20 6NYCRR 201-5: Process Definition By Emission Unit

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

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

Item A: **Sealing - 6NYCRR Part 200.5**

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

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

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

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

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

Item C: **Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

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

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

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

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: **EPA Region 2 address.**
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 1.1:
All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance
USEPA Region 2
290 Broadway, 21st Floor
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC
Bureau of Quality Assurance
625 Broadway

Albany, NY 12233-3258

Condition 2: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 2.1:
The Compliance Demonstration activity will be performed for the Facility.

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

Item 2.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The facility shall submit written reports of all performance tests of all affected equipment, including opacity observations using Method 9 and Method 22.

Reference Test Method: Methods 9 & 22
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Condition 3: Applicability of General Provisions of 40 CFr 60 Subpart A
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 3.1:
This Condition applies to Emission Unit: P-00001

Item 3.2:
This emission source is subject to the applicable general provisions of 40 CFR 60. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

Condition 4: Compliance Demonstration

Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 4.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 4.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Any owner or operator subject to this part shall furnish the Administrator with the following information:

1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;

2) a notification of the anticipated date of initial start up, post marked not more than 60 days and not less than 30 days prior to such date;

3) a notification of the actual date of initial start up, post marked within 15 days after such date;

4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting

the opacity observations, post marked not less than 30 days prior to such date; and

7) a notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during the performance test, post marked not less than 30 days prior to the performance test.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 5: Performance testing timeline.
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 5.1:
This Condition applies to Emission Unit: P-00001

Item 5.2:
Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 6: Performance test methods.
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 6.1:
This Condition applies to Emission Unit: P-00001

Item 6.2:
Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 7: Prior notice.
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 7.1:
This Condition applies to Emission Unit: P-00001

Item 7.2:

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

Condition 8: Opacity standard compliance testing.
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 8.1:
This Condition applies to Emission Unit: P-00001

Item 8.2:
The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A or this Part 40 CFR 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

Condition 9: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 9.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 9.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which

exhibit
greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

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

Condition 10: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 10.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 10.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.

Parameter Monitored: OPACITY
Upper Permit Limit: 15 percent
Reference Test Method: Method 9
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 11: Test methods and procedures.
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.675, NSPS Subpart OOO

Item 11.1:
This Condition applies to Emission Unit: P-00001

Item 11.2:
The owner or operator shall determine initial compliance using the test methods and procedures as required in section 40 CFR 60-OOO.675 and 40 CFR 60 Appendix A.

Condition 12: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO

Item 12.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 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 13: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO

Item 13.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 13.2:
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

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 14: Contaminant List
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 14.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

Condition 15: Unavoidable noncompliance and violations
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 15.1:
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 16: Emission Unit Definition
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 16.1:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: P-00001
Emission Unit Description:
Portable waste concrete crushing and screening performed with one portable impaction plant and one portable screening plant.

Condition 17: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 17.1:
The Compliance Demonstration activity will be performed for the Facility.

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

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

1. Metzger Removal Inc (Metzger) must notify the regional New York State Department of Environmental Conservation's (Department) Division of Air Resources Office in writing prior to the intended relocation of the portable crusher, portable screen and diesel generator. This letter will identify the site location and show the intended setup and staging area for the crusher, screen, diesel generator, water source, raw material piles and finished product piles. The project duration and phasing shall be included along with the name and telephone number of the responsible person on the site.

2. Metzger will be responsible for obtaining and maintaining any and all permits required specifically for Metzger by the municipality having jurisdiction where the crushing is to occur. Metzger will verify with the contractor he is supplying services to that all permits are in place prior to proceeding. If the permits are not in order, Metzger shall contact the Department.

3. The processed material piles will not exceed the design capability of the stacking conveyor utilized by Metzger. This height, excluding ground topography will not exceed 30 feet while conducting operations within a site/project specific area and citing NYSDOT stockpiling regulations. While conducting operations on a Metzger controlled site, local ordinances regulating height apply.

4. A reliable, continuous water source must be available at all sites to supply a sufficient amount of water to the crushing and screening points to maintain continuous compliance. If necessary, additional water sprays may be required.

5. Processed storage piles shall be maintained in a manner which will prevent dust from blowing off site. In the event of dry, windy weather conditions, Metzger shall wet the piles.

6. Metzger, while conducting business on his own facilities, shall take steps to minimize the carryout of material onto public roadways. This would include the

spreading and maintaining passageways with millings. Metzger will notify the Department's Division of Air Resources if there is a problem on a site where he is a subcontractor and has no authority to resolve any fugitive dust and debris issues.

7. Metzger shall keep a log of " Hours of Operation " and " Tons of Material Processed " for the portable crushing unit. This log will determine the particulate emissions each month and ultimately each year. If this crushing unit is located at a NYSDEC Permitted Facility, the emissions must be counted towards that facility's emission inventory.

Monitoring Frequency: MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2005.
Subsequent reports are due every 12 calendar month(s).

Condition 18: Air pollution prohibited
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 18.1:
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 19: Emission Point Definition By Emission Unit
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 19.1:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: P-00001

Emission Point: EP001
Height (ft.): 8 Diameter (in.): 6

Condition 20: Process Definition By Emission Unit
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 20.1:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: P-00001
Process: C01 Source Classification Code: 3-05-020-01
Process Description:
Crushing and screening of waste concrete through a portable plant. A diesel generator will supply the power. Note that the crusher and screen may operate independently of each other. The unit will operate at various locations.

Emission Source/Control: PIP01 - Process
Design Capacity: 250 tons per hour

Emission Source/Control: PSC01 - Process
Design Capacity: 250 tons per hour

New York State Department of Environmental Conservation
Facility DEC ID: 9990900090

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-9909-00090/00007
Effective Date: 06/03/2004 Expiration Date: No expiration date

Permit Issued To: METZGER REMOVAL INC
24 GATH TERRACE
TONAWANDA, NY 14150-5292

Contact: GARY J METZGER
METZGER REMOVAL INC
235 RIVER ROAD
NORTH TONAWANDA, NY 14120
(716) 692-1810

Facility: METZGER REMOVAL INC
235 RIVER RD|PORTABLE UNIT
NORTH TONAWANDA, NY 14120

Contact: GARY J METZGER
METZGER REMOVAL INC
235 RIVER ROAD
NORTH TONAWANDA, NY 14120
(716) 692-1810

Description:
This state facility permit is issued to Metzger Removal Incorporated for the crushing of waste concrete through one Kolberg-Pioneer CS5260 Portable Impactor Plant and screening through a Kolberg-Pioneer 620 E1 Portable Screening Plant. The portable crusher and screener are powered by a 125 KW generator which is exempt from air permitting. This permit is valid in all Regions of the New York State Department of Environmental Conservation (Department). The machines will generally be relocated among the following locations:

235 River Road
North Tonawanda, New York 14120

783 River Road
North Tonawanda, New York 14120

6411 Walmore Road
Niagara Falls, New York 14304

Included in this permit are conditions requiring Metzger Removal Inc. to use good management practices

for controlling dust both on and off-site, as well as the proper management of any concrete and crushed stone piles.

Metzger Removal Inc. must notify the Department and any affected municipality in writing prior to relocating the portable crusher and portable screen.

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 S DENK
DIVISION OF ENVIRONMENTAL PERMITS
270 MICHIGAN AVE
BUFFALO, NY 14203-2999

Authorized Signature: _____ Date: ___ / ___ / _____

New York State Department of Environmental Conservation
Facility DEC ID: 9990900090

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.

New York State Department of Environmental Conservation
Facility DEC ID: 9990900090

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

Item 3.1:
The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

Item 3.2:
The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:
Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual

transfer of ownership.

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

****** 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

New York State Department of Environmental Conservation
Permit ID: 9-9909-00090/00007 Facility DEC ID: 9990900090

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: METZGER REMOVAL INC
24 GATH TERRACE
TONAWANDA, NY 14150-5292

Facility: METZGER REMOVAL INC
235 RIVER RD|PORTABLE UNIT
NORTH TONAWANDA, NY 14120

Authorized Activity By Standard Industrial Classification Code:
1429 - CRUSHED AND BROKEN STONE NEC

Permit Effective Date: 06/03/2004 Permit Expiration Date: No expiration date.

LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS
Facility Level
1 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
2 40CFR 60.676(f), NSPS Subpart OOO: Compliance Demonstration
Emission Unit Level

EU=P-00001
3 40CFR 60, NSPS Subpart A: Applicability of General Provisions of 40 CFr 60 Subpart A
4 40CFR 60.7(a), NSPS Subpart A: Compliance Demonstration
5 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
6 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
7 40CFR 60.8(d), NSPS Subpart A: Prior notice.
8 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
9 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
10 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration
11 40CFR 60.675, NSPS Subpart OOO: Test methods and procedures.
12 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration
13 40CFR 60.676, NSPS Subpart OOO: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS
Facility Level
14 ECL 19-0301: Contaminant List
15 6NYCRR 201-1.4: Unavoidable noncompliance and violations
16 6NYCRR 201-5: Emission Unit Definition
17 6NYCRR 201-5: Compliance Demonstration
18 6NYCRR 211.2: Air pollution prohibited
Emission Unit Level
19 6NYCRR 201-5: Emission Point Definition By Emission Unit
20 6NYCRR 201-5: Process Definition By Emission Unit

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

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

Item A: **Sealing - 6NYCRR Part 200.5**

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

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

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

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

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

Item C: **Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

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

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

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

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: **EPA Region 2 address.**
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 1.1:
All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance
USEPA Region 2
290 Broadway, 21st Floor
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC
Bureau of Quality Assurance
625 Broadway

Albany, NY 12233-3258

Condition 2: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 2.1:
The Compliance Demonstration activity will be performed for the Facility.

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

Item 2.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The facility shall submit written reports of all performance tests of all affected equipment, including opacity observations using Method 9 and Method 22.

Reference Test Method: Methods 9 & 22
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Condition 3: Applicability of General Provisions of 40 CFr 60 Subpart A
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 3.1:
This Condition applies to Emission Unit: P-00001

Item 3.2:
This emission source is subject to the applicable general provisions of 40 CFR 60. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

Condition 4: Compliance Demonstration

Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 4.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 4.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Any owner or operator subject to this part shall furnish the Administrator with the following information:

1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;

2) a notification of the anticipated date of initial start up, post marked not more than 60 days and not less than 30 days prior to such date;

3) a notification of the actual date of initial start up, post marked within 15 days after such date;

4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting

the opacity observations, post marked not less than 30 days prior to such date; and

7) a notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during the performance test, post marked not less than 30 days prior to the performance test.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 5: Performance testing timeline.
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 5.1:
This Condition applies to Emission Unit: P-00001

Item 5.2:
Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 6: Performance test methods.
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 6.1:
This Condition applies to Emission Unit: P-00001

Item 6.2:
Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 7: Prior notice.
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 7.1:
This Condition applies to Emission Unit: P-00001

Item 7.2:

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

Condition 8: Opacity standard compliance testing.
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 8.1:
This Condition applies to Emission Unit: P-00001

Item 8.2:
The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A or this Part 40 CFR 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

Condition 9: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 9.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 9.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which

exhibit
greater than 10 percent opacity, except as provided in paragraphs 40 CFR Part 60.672(c), (d), and (e) of this section.

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

Condition 10: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

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

Item 10.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 10.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 CFR Part 60.11, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.

Parameter Monitored: OPACITY
Upper Permit Limit: 15 percent
Reference Test Method: Method 9
Monitoring Frequency: SINGLE OCCURRENCE
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 11: Test methods and procedures.
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.675, NSPS Subpart OOO

Item 11.1:
This Condition applies to Emission Unit: P-00001

Item 11.2:
The owner or operator shall determine initial compliance using the test methods and procedures as required in section 40 CFR 60-OOO.675 and 40 CFR 60 Appendix A.

Condition 12: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO

Item 12.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 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 13: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.676, NSPS Subpart OOO

Item 13.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 13.2:
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

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 14: Contaminant List
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 14.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

Condition 15: Unavoidable noncompliance and violations
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 15.1:
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 16: Emission Unit Definition
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 16.1:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: P-00001
Emission Unit Description:
Portable waste concrete crushing and screening performed with one portable impaction plant and one portable screening plant.

Condition 17: Compliance Demonstration
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 17.1:
The Compliance Demonstration activity will be performed for the Facility.

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

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

1. Metzger Removal Inc (Metzger) must notify the regional New York State Department of Environmental Conservation's (Department) Division of Air Resources Office in writing prior to the intended relocation of the portable crusher, portable screen and diesel generator. This letter will identify the site location and show the intended setup and staging area for the crusher, screen, diesel generator, water source, raw material piles and finished product piles. The project duration and phasing shall be included along with the name and telephone number of the responsible person on the site.

2. Metzger will be responsible for obtaining and maintaining any and all permits required specifically for Metzger by the municipality having jurisdiction where the crushing is to occur. Metzger will verify with the contractor he is supplying services to that all permits are in place prior to proceeding. If the permits are not in order, Metzger shall contact the Department.

3. The processed material piles will not exceed the design capability of the stacking conveyor utilized by Metzger. This height, excluding ground topography will not exceed 30 feet while conducting operations within a site/project specific area and citing NYSDOT stockpiling regulations. While conducting operations on a Metzger controlled site, local ordinances regulating height apply.

4. A reliable, continuous water source must be available at all sites to supply a sufficient amount of water to the crushing and screening points to maintain continuous compliance. If necessary, additional water sprays may be required.

5. Processed storage piles shall be maintained in a manner which will prevent dust from blowing off site. In the event of dry, windy weather conditions, Metzger shall wet the piles.

6. Metzger, while conducting business on his own facilities, shall take steps to minimize the carryout of material onto public roadways. This would include the

spreading and maintaining passageways with millings. Metzger will notify the Department's Division of Air Resources if there is a problem on a site where he is a subcontractor and has no authority to resolve any fugitive dust and debris issues.

7. Metzger shall keep a log of " Hours of Operation " and " Tons of Material Processed " for the portable crushing unit. This log will determine the particulate emissions each month and ultimately each year. If this crushing unit is located at a NYSDEC Permitted Facility, the emissions must be counted towards that facility's emission inventory.

Monitoring Frequency: MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2005.
Subsequent reports are due every 12 calendar month(s).

Condition 18: Air pollution prohibited
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 18.1:
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 19: Emission Point Definition By Emission Unit
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 19.1:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: P-00001

Emission Point: EP001
Height (ft.): 8 Diameter (in.): 6

Condition 20: Process Definition By Emission Unit
Effective between the dates of 06/03/2004 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 20.1:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: P-00001
Process: C01 Source Classification Code: 3-05-020-01
Process Description:
Crushing and screening of waste concrete through a portable plant. A diesel generator will supply the power. Note that the crusher and screen may operate independently of each other. The unit will operate at various locations.

Emission Source/Control: PIP01 - Process
Design Capacity: 250 tons per hour

Emission Source/Control: PSC01 - Process
Design Capacity: 250 tons per hour