



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 3-5148-00084/00025**

**Renewal Number: 2  
12/20/2010**

**Facility Identification Data**

Name: NORTHEAST SOLITE CORPORATION  
Address: 962 OLD KINGS HWY  
MT MARION, NY 12456

**Owner/Firm**

Name: NORTHEAST SOLITE CORP  
Address: PO BOX 437  
MOUNT MARION, NY 12456-0437, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
Name: KENNETH R GRZYB  
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21 S PUTT CORNERS RD  
NEW PALTZ, NY 12561  
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Division of Air Resources:  
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21 SOUTH PUTT CORNERS ROAD  
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Air Permitting Facility Owner Contact:  
Name: IAN LEANING  
Address: NORTHEAST SOLITE CORPORATION  
PO BOX 437  
MOUNT MARION, NY 12456  
Phone:8452462177

**Permit Description**

**Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

Application for renewal of Air Title V Facility Permit. The application also includes five new conveyors as emission sources in the Finish Material Processing Area. Potential PM-10 emissions (without emission controls) from the new sources are about 4.8 tons per year.



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**Attainment Status**

NORTHEAST SOLITE CORPORATION is located in the town of SAUGERTIES in the county of ULSTER.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	TRANSPORT REGION (NON-ATTAINMENT)
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

\*\* NOx has a separate ambient air quality standard in addition to being an ozone precursor.

**Facility Description:**

THE FACILITY MANUFACTURES LIGHTWEIGHT AGGREGATE MATERIAL. SHALE, EITHER QUARRIED ON-SITE OR OFF-SITE, IS PROCESSED ON SITE TO BE EITHER SOLD AS A PRODUCT OR USED AS A RAW MATERIAL IN THREE ON-SITE ROTARY KILNS IN THE PRODUCTION OF LIGHTWEIGHT AGGREGATE. RECYCLED AGGREGATE MATERIAL FROM OFF SITE CAN ALSO BE USED IN THE PRODUCTION PROCESS. THE FACILITY CONSISTS OF THREE ROTARY KILNS, A CLINKER COOLER, AND ASSOCIATED CRUSHING, SCREENING, AND CONVEYING EQUIPMENT.

**Permit Structure and Description of Operations**

The Title V permit for NORTHEAST SOLITE CORPORATION is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types: combustion - devices which burn fuel to generate heat, steam or power



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incinerator - devices which burn waste material for disposal  
control - emission control devices  
process - any device or contrivance which may emit air contaminants  
that is not included in the above categories.

NORTHEAST SOLITE CORPORATION is defined by the following emission unit(s):

Emission unit U00002 - RAW MATERIAL PROCESSING AREA. INCLUDES CRUSHING, SCREENING, AND CONVEYING OF RAW MATERIAL EITHER FOR USE AS A PRODUCT OR A RAW MATERIAL IN THE PRODUCTION OF LIGHTWEIGHT AGGREGATE IN THE THREE ON-SITE ROTARY KILNS. ALTERNATELY, FINISHED MATERIAL OR OTHER AGGREGATES, SUCH AS RECYCLED MATERIAL FROM OFF SITE, MAY BE CRUSHED, SCREENED, AND CONVEYED.

Process: P05 RAW MATERIAL, FINISHED PRODUCT, OR OTHER AGGREGATE MATERIAL IS CRUSHED IN A 30" x 42" JAW CRUSHER AND A 5 1/2' CONE CRUSHER.

Process: P06 RAW MATERIAL, FINISHED PRODUCT, OR OTHER AGGREGATE MATERIAL IS SCREENED TO SIZE IN TWO 7' X 16' SCREENERS.

Process: P07 RAW MATERIAL, FINISHED PRODUCT, OR OTHER AGGREGATE MATERIAL IS TRANSPORTED THROUGHOUT THE PLANT USING A SERIES OF DIFFERENT SIZED CONVEYOR BELTS AND THREE BUCKET ELEVATORS.

Emission unit U00003 - FINISHED MATERIAL PROCESSING AREA. INCLUDES CRUSHING, SCREENING, AND CONVEYING OF LIGHTWEIGHT AGGREGATE MATERIAL AND OTHER AGGREGATES, SUCH AS RECYCLED MATERIAL FROM OFF SITE.

Process: P08 LIGHTWEIGHT AGGREGATE MATERIAL AND OTHER AGGREGATE MATERIAL IS CRUSHED IN A 24" x 36" JAW CRUSHER AND TWO 4 1/4' CONE CRUSHERS.

Process: P09 LIGHTWEIGHT AGGREGATE MATERIAL AND OTHER AGGREGATE MATERIAL IS SCREENED TO SIZE IN A 5' x 12' DOUBLE SCREENER AND A 7' x 20' SCREENER.

Process: P10 LIGHTWEIGHT AGGREGATE MATERIAL AND OTHER AGGREGATE MATERIAL IS TRANSPORTED THROUGHOUT THE PLANT USING A SERIES OF DIFFERENT SIZED CONVEYOR BELTS AND TWO SCREW CONVEYORS.

Emission unit U00004 - COAL PROCESSING SYSTEM. INCLUDES PROCESSING AND CONVEYING EQUIPMENT FOR COAL USED AS FUEL IN THE THREE ON-SITE ROTARY KILNS.

Process: P11 COAL PROCESSING. BITUMINOUS COAL IS PROCESSED FOR USE AS A FUEL FOR THE THREE ON-SITE ROTARY KILNS. COAL IS LOADED INTO A LOADING HOPPER AND THEN TRANSPORTED VIA CONVEYOR BELTS TO TWO (2) KILN FEED HOPPERS.



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Emission unit U00005 - LIME IS USED AT THE FACILITY TO HELP CONTROL PH OF THE SCRUBBER WATER. LIME IS SLURRIED WITH WATER AND DISCHARGED INTO THE WET SCRUBBER EFFLUENT. THE LIME IS STORED IN A SILO, EQUIPPED WITH A BAGHOUSE. LIME IS ALSO MIXED WITH COAL IN THE MILL AND BLOWN INTO THE KILN'S FLAME WITH COAL. THIS IS ACCOMPLISHED EITHER BY MIXING THE LIME WITH THE COAL DIRECTLY IN THE COAL HOPPER OR VIA A SEPARATE LIME HOPPER AND LIME SCREW CONVEYOR THAT FEEDS IT DIRECTLY INTO THE COAL MILL. THE LIME IS STORED IN A PILE, UNDER COVER ADJACENT TO THE COAL PROCESSING AREA.

Process: P12 THE USE OF LIME TO HELP CONTROL PH OF THE SCRUBBER WATER AND TO ADD TO THE COAL IN THE MILL.

Emission unit U00001 - THREE (3) ROTARY KILNS, AND ASSOCIATED CONTROL EQUIPMENT, USED IN THE PYRO-PROCESSING OF SHALE TO PRODUCE LIGHTWEIGHT AGGREGATE. THE KILNS ARE FIRED WITH BITUMINOUS COAL OR DISTILLATE OIL. PROPANE IS USED DURING START-UP AND OCCASIONALLY AS A SUPPLEMENTARY FUEL SOURCE. KILN NO.3 HAS AN ASSOCIATED CLINKER COOLER AND CONVEYORS TO MANAGE THE CLINKER DISCHARGED FROM THE KILN. ALTERNATIVELY, A BY-PASS CHUTE MAY BE USED IN PLACE OF THE CLINKER COOLER AND CONVEYORS TO MANAGE THE DISCHARGE FROM THE KILN.

Emission unit U00001 is associated with the following emission points (EP):

000K1, 000K2, 000K3, K3CLR

Process: P01 is located at MAIN PLANT AREA - THREE ROTARY KILNS FIRING ON BITUMINOUS COAL.

Process: P02 is located at MAIN PLANT AREA - THREE ROTARY KILNS FIRING ON NO.2 FUEL OIL.

Process: P03 PYRO-PROCESS SHALE ROCK IS EXPANDED IN EACH OF THE THREE KILNS AT APPROXIMATELY 2050 DEGREES FAHRENHEIT PROCESS TEMPERATURE.

Process: P04 CLINKER COOLING. CLINKER EXITING KILN NO. 3 IS COOLED IN A 6' x 29' COOLER PRIOR TO BEING COLLECTED IN STOCKPILES AND PROCESSED INTO LIGHTWEIGHT AGGREGATE.

**Title V/Major Source Status**

NORTHEAST SOLITE CORPORATION is subject to Title V requirements. This determination is based on the following information:

Emissions of oxides of nitrogen (NO<sub>x</sub>), particulates, PM-10, and sulfur dioxide from the facility are above major source thresholds, as defined by the federal Clean Air Act.

**Program Applicability**



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The following chart summarizes the applicability of NORTHEAST SOLITE CORPORATION with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

**NOTES:**

**PSD** Prevention of Significant Deterioration (40 CFR 52) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NSR** New Source Review (6 NYCRR Part 231) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

**MACT** Maximum Achievable Control Technology (40 CFR 63) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

**NSPS** New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.



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Title IV Acid Rain Control Program (40 CFR 72 thru 78) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis

of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

**SIC Code**

**Description**

3295

MINERALS, GROUND OR TREATED

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents

a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

**SCC Code**

**Description**

3-05-004-05

MINERAL PRODUCTS  
MINERAL PRODUCTS - CALCIUM CARBIDE  
Primary/Secondary Crushing

3-05-006-11

MINERAL PRODUCTS  
MINERAL PRODUCTS - CEMENT MANUFACTURE (DRY PROCESS)  
Screening

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3-05-009-04	MINERAL PRODUCTS MINERAL PRODUCTS - CLAY & FLY ASH SINTERING Raw Clay/Shale Crushing/Screening
3-05-009-05	MINERAL PRODUCTS MINERAL PRODUCTS - CLAY & FLY ASH SINTERING Raw Clay/Shale Transfer/Conveying
3-05-009-09	MINERAL PRODUCTS MINERAL PRODUCTS - CLAY & FLY ASH SINTERING Expanded Shale Clinker Cooling
3-05-009-15	MINERAL PRODUCTS MINERAL PRODUCTS - CLAY & FLY ASH SINTERING Rotary Kiln
3-05-016-13	MINERAL PRODUCTS MINERAL PRODUCTS - LIME MANUFACTURE Lime Silos
3-05-025-03	MINERAL PRODUCTS MINERAL PRODUCTS - CONSTRUCTION SAND AND GRAVEL Material Transfer and Conveying
3-05-105-03	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS LOADING OPERATION Coal

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
007440-36-0	ANTIMONY	> 0	but < 10 tpy
007440-38-2	ARSENIC	> 0	but < 10 tpy
007440-41-7	BERYLLIUM	> 0	but < 10 tpy
007440-43-9	CADMIUM	> 0	but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 40	tpy but < 50 tpy
016065-83-1	CHROMIUM (III)	> 0	but < 10 tpy
007440-48-4	COBALT	> 0	but < 10 tpy
000050-00-0	FORMALDEHYDE	> 0	but < 10 tpy
0NY100-00-0	HAP	>= 2.5	tpy but < 10 tpy

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007647-01-0	HYDROGEN CHLORIDE	19174	
007664-39-3	HYDROGEN FLUORIDE		> 0 but < 10 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
007439-96-5	MANGANESE		> 0 but < 10 tpy
022967-92-6	MERCURY (1+), METHYL-		> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES		>= 250 tpy but < 75,000 tpy
0NY075-00-5	PM-10		>= 100 tpy but < 250 tpy
007782-49-2	SELENIUM		> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
0NY998-00-0	VOC		>= 2.5 tpy but < 10 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

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

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

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

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

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

**Item B: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item C: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.3(a)(4)**

Owners and/or operators of facilities having an issued Title V permit shall submit a



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complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.5(a)(5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

**Item H: Property Rights - 6 NYCRR 201-6.5(a)(6)**

This permit does not convey any property rights of any sort or any exclusive privilege.

**Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item J: Permit Shield - 6 NYCRR Part 201-6.5(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

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- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item K: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for

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

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

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: 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.

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
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FACILITY	ECL 19-0301	46	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 60-A.7(a)	35	Notification and Recordkeeping
FACILITY	40CFR 60-000.672(b)	36	Rock, gravel, sand, and clay processing and conveying - standard for particulate matter
FACILITY	40CFR 60-	37	Opacity Procedures -



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	000.675 (c) (1)		Method 9 with
FACILITY	40CFR 68	21	Following Additions
FACILITY	40CFR 82-F	22	Chemical accident
			prevention provisions
FACILITY	6NYCRR 200.6	1	Protection of
FACILITY	6NYCRR 200.7	10	Stratospheric Ozone -
U-00001	6NYCRR 200.7	40, 41	recycling and
FACILITY	6NYCRR 201-1.4	47	emissions reduction
			Acceptable ambient
FACILITY	6NYCRR 201-1.7	11	air quality.
FACILITY	6NYCRR 201-1.8	12	Maintenance of
			equipment.
			Maintenance of
			equipment.
			Unavoidable
			noncompliance and
			violations
			Recycling and Salvage
			Prohibition of
			reintroduction of
			collected
			contaminants to the
			air
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities -
FACILITY	6NYCRR 201-3.3 (a)	14	Proof of eligibility
FACILITY	6NYCRR 201-6	23, 38, 39	Trivial Activities -
			proof of eligibility
			Title V Permits and
			the Associated Permit
			Conditions
FACILITY	6NYCRR 201-6.5 (a) (4)	15	General conditions
FACILITY	6NYCRR 201-6.5 (a) (7)	2	General conditions
			Fees
FACILITY	6NYCRR 201-6.5 (a) (8)	16	General conditions
U-00001	6NYCRR 201-6.5 (b) (3)	42	Permit conditions for
			monitoring
FACILITY	6NYCRR 201-6.5 (c)	3	Permit conditions for
			Recordkeeping and
			Reporting of
			Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (2)	4	Permit conditions for
			Recordkeeping and
			Reporting of
			Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	5	Permit conditions for
			Recordkeeping and
			Reporting of
			Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (d) (5)	17	Compliance schedules
FACILITY	6NYCRR 201-6.5 (e)	6	Compliance
			Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	18	Off Permit Changes
FACILITY	6NYCRR 201-6.5 (g)	24	Permit shield
FACILITY	6NYCRR 202-1.1	19	Required emissions
			tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements -
			Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements -
			record keeping
			requirements.
FACILITY	6NYCRR 211.2	48	General Prohibitions
			- air pollution
			prohibited.
FACILITY	6NYCRR 211.3	20	General Prohibitions



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FACILITY	6NYCRR 212.10(c)	29	- visible emissions limited
FACILITY	6NYCRR 212.6(a)	25, 26	NOx and VOC RACT required at major facilities
FACILITY	6NYCRR 212.9(d)	27, 28	General Process Emission Sources - opacity of emissions limited
U-00001	6NYCRR 212.9(d)	43	Tables.
U-00001/000K3/P01	6NYCRR 212.9(d)	44	Tables.
U-00001/000K3/P02	6NYCRR 212.9(d)	45	Tables.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2	30, 31, 32, 33	Sulfur in Fuel Limitations.
FACILITY	6NYCRR 225-1.8(a)	34	Reports, sampling and analysis.

**Applicability Discussion:**

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.



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6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.5 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.5 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.5 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.5 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.5 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.



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6 NYCRR 201-6.5 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.5 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.5 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.5 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 201-6.5 (g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

6 NYCRR 211.3

This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

6 NYCRR 215.2



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Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, NORTHEAST SOLITE CORPORATION has been determined to be subject to the following regulations:

40 CFR 60.672 (b)

The fugitive emission limits and compliance requirements in Table 3 of Subpart OOO must be met no later than 180 days after initial start-up of new equipment.

40 CFR 60.675 (c) (1)

Method 9 of 40 CFR 60 Appendix A and the procedures in 40 CFR 60.11 shall be used in determining compliance with opacity standards. This section also specifies additional requirements to follow when determining compliance with the opacity standards.

40 CFR 60.7 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance testing for continuous monitors and anticipated date for opacity observations as required. The facility is subject to Subpart OOO, which allows these notifications to be sent only to the delegated state, and which waives the notification requirement for construction or reconstruction.

6 NYCRR 201-6.5 (b) (3)

This citation is for requirements concerning the use, maintenance, and installation of monitoring equipment or methods. Specifically, the facility must operate the scrubber whenever the associated kiln is being operated, and must maintain and test kiln fuel shut off interlocks for shutting off the kilns when there is no water flow to the scrubber.



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6 NYCRR 212.10 (c)

This regulation sets forth the requirements for reasonably available control technology (RACT) and RACT compliance plans for facilities that are major sources of oxides of nitrogen or volatile organic compounds.

6 NYCRR 212.6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6 NYCRR 212.9 (d)

This section of the rule determines the permissible solid particulate emission rate based on process weight. It applies to several different processes, including expanded aggregate kilns at lightweight aggregate plants. For this facility, the equation in this section is used to determine the particulate emission limit for each of the kilns when burning different fuels. The process weights used are from the initial Title V Permit.

6 NYCRR 225-1.2

This regulation limits the amount of sulfur present in the oil and coal burned at the facility.

6 NYCRR 225-1.8 (a)

Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years

**Compliance Certification**

**Summary of monitoring activities at NORTHEAST SOLITE CORPORATION:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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FACILITY	35	record keeping/maintenance procedures
FACILITY	36	monitoring of process or control device parameters as surrogate
U-00001	40	record keeping/maintenance procedures
U-00001	41	monitoring of process or control device parameters as surrogate
U-00001	42	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures



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FACILITY	7	record keeping/maintenance procedures
FACILITY	29	record keeping/maintenance procedures
FACILITY	25	monitoring of process or control device parameters as surrogate
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	intermittent emission testing
FACILITY	28	intermittent emission testing
U-00001	43	monitoring of process or control device parameters as surrogate
U-00001/000K3/P01	44	intermittent emission testing
U-00001/000K3/P02	45	intermittent emission testing
FACILITY	30	work practice involving specific operations
FACILITY	31	work practice involving specific operations
FACILITY	32	work practice involving specific operations
FACILITY	33	work practice involving specific operations
FACILITY	34	record keeping/maintenance procedures

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**Basis for Monitoring**

The monitoring requirements contained in this permit are associated with applicable regulations.

The basis of these requirements also includes the following:

1. Periodic monitoring of the scrubber systems is required to ensure proper emission control.
2. Visible emissions from the kiln stacks shall be monitored and documented semi-annually to align with Title V reporting requirements.
3. Particulate emissions from the three kilns when burning coal or oil were determined from the equation specified in Part 212.9(d). The maximum aggregate feed rates to kilns no.1 and no.2 were increased from 28 to 32 tons per hour during the previous permit term. The particulate limits for kilns no.1 and no.2 are still based on 28 tons per hour so that there is no increase in potential particulate emissions. A coal feed rate limit of 4.3 tons per hour was established to also avoid an increase in potential particulate emissions.
4. Since kilns no.1 and no.2 burning coal is the primary operating scenario, a stack test to determine compliance with the particulate limit is required once every five years. For the other infrequent operating scenarios, a stack test is required only if directed by the Department.
5. Tangential firing of the kilns, and burning coal or oil as fuel for the kilns, is required, because it has been determined that this scenario results in the lowest NOx emissions.