

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 4422800078**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-4228-00078/00007  
Effective Date: 02/25/2005      Expiration Date: No expiration date

Permit Issued To: WILLIAM M LARNED & SONS INC  
544 BURDECK ST  
SCHENECTADY, NY 12306

Contact: DONALD LARNED  
WILLIAM M LARNED & SONS INC  
544 BURDECK ST  
SCHENECTADY, NY 12306  
(518) 374-6961

Facility: WM LARNED & SONS PLANT  
544 BURDECK ST  
ROTTERDAM, NY 12306

Description:

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: MICHAEL T HIGGINS  
DIVISION OF ENVIRONMENTAL PERMITS  
1150 NORTH WESTCOTT RD  
SCHENECTADY, NY 12306-2014

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal -REGION 4  
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 4 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 4 Headquarters  
Division of Environmental Permits  
1150 North Westcott Rd.  
Schenectady, NY 12306-2014  
(518) 357-2069



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: WILLIAM M LARNED & SONS INC  
544 BURDECK ST  
SCHENECTADY, NY 12306

Facility: WM LARNED & SONS PLANT  
544 BURDECK ST  
ROTTERDAM, NY 12306

Authorized Activity By Standard Industrial Classification Code:  
5032 - BRICK, STOVE, AND RELATED

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**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

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- 2 6NYCRR 211.3: Compliance Demonstration
- 4 6NYCRR 212.5(e): Sources meeting Federal requirements, satisfy Part 212 compliance for regulated contaminant
- 3 6NYCRR 212.6(a): Compliance Demonstration
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**Emission Unit Level**

**EU=0-0001A**

- 6 40CFR 60, NSPS Subpart A: Applicability of General Provisions of 40 CFR 60 Subpart A
- 7 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 8 40CFR 60.672(c), NSPS Subpart OOO: Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

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- 9 ECL 19-0301: Contaminant List
- 10 6NYCRR 201-1.4: Unavoidable noncompliance and violations
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**Emission Unit Level**

- 15 6NYCRR 201-5: Process Definition By Emission Unit

**MATERIALS**

Permit Effective Date: 02/25/2005

Permit Expiration Date: No expiration date.



**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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

**Item K: Visible Emissions Limited - 6 NYCRR Part 211.3**

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

**Item L: Open Fires - 6 NYCRR Part 215**

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

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

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



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

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

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

**FEDERAL APPLICABLE REQUIREMENTS**

**The following conditions are federally enforceable.**

**Condition 1: Visible Emissions Limited**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 1.1:**

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

**Condition 2: Compliance Demonstration**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 2.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

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**Item 2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A TRAINED OPERATOR WILL OBSERVE THE ROCK CRUSHING PROCESS AND WILL RECORD OBSERVATIONS INTO A LOGBOOK. OPERATOR SHALL EMPLOY WATER SPRAY AS NECESSARY TO CONTROL FUGITIVE DUST TO OPACITY LEVELS BELOW FEDERAL/STATE STANDARDS.

Reference Test Method: 40 CFR 60 Appendix A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 4: Sources meeting Federal requirements, satisfy Part 212 compliance for regulated contaminant Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.5(e)**

**Item 4.1:**

A process emission source, subject to the Federal new source performance standards in 40 CFR Part 60, the national emission standards for hazardous air pollutants in 40 CFR part 61, or to the polychlorinated biphenyl disposal criteria in 40 CFR Part 761 satisfies the requirements of this Part for the contaminant regulated by the Federal standard if the source owner can demonstrate that the source is in compliance with the respective Federal regulation.

**Condition 3: Compliance Demonstration Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR Appendix A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 5: Reporting and Recordkeeping for Replacement of Equipment  
Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 5.1:**

Each owner or operator seeking to comply with 40 CFR Part 60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

(1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

(i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

(ii) The rated capacity in tons per hour of the replacement equipment.

(2) For a screening operation:

(i) The total surface area of the top screen of the existing screening operation being replaced and

(ii) The total surface area of the top screen of the replacement screening operation.

(3) For a conveyor belt:

(i) The width of the existing belt being replaced and

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- (ii) The width of the replacement conveyor belt.
- (4) For a storage bin:
  - (i) The rated capacity in megagrams or tons of the existing storage bin being replaced and
  - (ii) The rated capacity in megagrams or tons of replacement storage bins.

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

**Condition 6: Applicability of General Provisions of 40 CFR 60 Subpart A  
Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60, NSPS Subpart A**

**Item 6.1:**

This Condition applies to Emission Unit: 0-0001A

**Item 6.2:**

This emission source is subject to the applicable General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

**Condition 7: Compliance Demonstration  
Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 7.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0001A

**Item 7.2:**

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



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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 8: Compliance Demonstration**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 8.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0001A

**Item 8.2:**

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





**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 9: Contaminant List**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 9.1:**

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

CAS No: 0NY075-00-0

Name: PARTICULATES

**Condition 10: Unavoidable noncompliance and violations**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 10.1:**

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

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

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



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

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

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

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

**Condition 11: Emission Unit Definition**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 11.1:**

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

Emission Unit: 0-0001A

Emission Unit Description:

THE EMISSION UNIT IS DESCRIBED AS THE  
ENTIRE PROCESS OF CRUSHING THE ROCK INTO  
FOUR STOCKPILES (ITEMS4, 3, 2, SURGE PILE,  
AND FINES)

**Condition 13: Air pollution prohibited**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 13.1:**

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

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combination with others.

**Condition 12: Compliance Demonstration**

**Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions equal to or greater than the Federal/State standard which is applicable to the process, except only the emission of uncombined water for any six consecutive minutes as per reference test method.

Compliance with this requirement shall be determined by the facility owner and/or operator conducting a visible emissions observation (determining the presence or absence of visible emissions above those that are normal and in compliance) of all emission points and/or emission sources once per day, during daylight hours, except during conditions of extreme weather (fog, snow, rain).

If visible emissions above those that are in compliance are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

Daily records of observations are to be maintained, including corrective actions taken and explanations for days when weather conditions are prohibitive, on site for a period of five years.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Reference Test Method: 40 CFR Appendix A



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Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 14: Compliance Demonstration**

**Effective between the dates of 02/25/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 14.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within thirty (30) days of issuance of this permit the facility shall submit an acceptable fugitive dust control plan and implementation schedule. The facility-wide fugitive dust plan should address: Drilling, blasting, quarry stone piles, loading stone, hauling stone, dumping stone, crushing, transfer points, screening, surge piles, storage piles, haul roads, overburden removal, conveying, carry out, spillage, baghouse dust, lime storage, conveyor spraying and anything else which could cause fugitive dust. The fugitive dust plan shall address conveyor systems operating with or with out material on the belt.

The facility shall suppress fugitive dust in accordance with their Fugitive Dust Control Plan upon acceptance by this Department. A copy of the Fugitive Dust Control Plan shall be maintained with the permit for this facility at all times.

Reference Test Method: 40 CFR 60 Appendix A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 15: Process Definition By Emission Unit**

**New York State Department of Environmental Conservation**

**Permit ID: 4-4228-00078/00007**

**Facility DEC ID: 4422800078**



**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 15.1:**

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

Emission Unit: 0-0001A

Process: 001

Source Classification Code: 3-05-020-02

Process Description:

THE PRIMARY CRUSHER, EAGLE 3240 BEGINS THE PROCESS BY CRUSHING THE INITIAL ROCK INPUTS. THIS EAGLE 3240 CREATES EMISSIONS OF DUST. THEN THE ROCK IS TRANSPORTED ON A 42" BY 40' CONVEYOR TO A SURGE PILE. THE ROCK IS THEN TRANSPORTED ON A 36" BY 50' CONVEYOR TO A TELESMITH 5' BY 12' SINGLE HORIZONTAL DECK. THIS SCREENS OUT "ITEM 4", WHICH IS STOCKPILED FROM A 30" BY 80' CONVEYOR. THE SMALLER ROCKS GET PLACED ON A 30" BY 40' CONVEYOR THAT GOES TO A TELESMITH 48S (48" CRUSHER) SECONDARY CRUSHER. THIS CRUSHER SENDS THE NEW SIZED ROCKS INTO A TELESMITH 5' BY 16' TRIPLE DECK SCREEN, WHICH SEPARATES THE ROCK INTO THREE STOCKPILES. THESE STOCKPILES ARE ITEM 2, ITEM 3, AND FINES. EMISSIONS OF DUST CAN RESULT FROM THE CRUSHER AND STOCKPILING (ALSO SURGE PILE)

Emission Source/Control: 00004 - Process

Emission Source/Control: 00005 - Process

Emission Source/Control: 00006 - Process

Emission Source/Control: 00007 - Process

Emission Source/Control: 00008 - Process

Emission Source/Control: 00009 - Process

Emission Source/Control: 00010 - Process

Emission Source/Control: 00011 - Process

Emission Source/Control: 00012 - Process