

Facility DEC ID: 4433800004

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-4338-00004/00007  
Effective Date: Expiration Date:

Permit Type: Mined Land Reclamation  
Permit ID: 4-4338-00004/00009  
Mod 0 Effective Date: 11/08/2017 Expiration Date: 11/07/2022  
Mod 1 Effective Date: 01/06/2020 Expiration Date: 11/07/2022

Permit Type: Water Withdrawal Non-public  
Permit ID: 4-4338-00004/00012  
Effective Date: Expiration Date:

Permit Issued To: CARVER SAND & GRAVEL LLC  
494 WESTERN TPKE  
ALTAMONT, NY 12009

Contact: Bill Kuhl  
494 Western Tpke  
Altamont, NY 12009  
(518) 339-0577

Facility: MASICK PIT  
4860 ST RTE 30  
SCHOHARIE, NY 12157

Contact: CARVER SAND & GRAVEL LLC  
494 WESTERN TPKE  
ALTAMONT, NY 12009  
(518) 355-6034

Description:

The application is being submitted to provide emissions data for minor modifications at the facility. Modifications include the removal of the 2.5 tph asphalt plant, the diesel engine, emergency generator, several crushers and screens, and several conveyor belts. The modifications also involve installation of new conveyors, a screen replacement, a tertiary crusher and screen unit, a new fixed crusher and screen unit, and a new mobile crushing and screening unit. Equipment to be removed has been listed in this application with the approximate date of removal.

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By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: NANCY M BAKER  
NYSDEC - REGION 4  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306-2014

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

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### 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 compliance 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 any 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.

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**DEC GENERAL CONDITIONS**

**General Provisions**

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**Facility Level**

- 6 9 Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS

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**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.

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**Applicable State Requirement: ECL 19-0305**

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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).

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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.

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**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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

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**Applicable State Requirement: 6 NYCRR 621.11**

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**Item 3.2:**

The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and 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 or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or

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revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

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

**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority 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 application for permit modification or renewal-REGION 4 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (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  
 1130 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

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Permit Issued To: CARVER SAND & GRAVEL LLC  
494 WESTERN TPKE  
ALTAMONT, NY 12009

Facility: MASICK PIT  
4860 ST RTE 30  
SCHOHARIE, NY 12157

Authorized Activity By Standard Industrial Classification Code:  
2951 - PAVING MIXTURES AND BLOCKS  
3241 - CEMENT, HYDRAULIC  
1422 - CRUSHED AND BROKEN LIMESTONE

Permit Effective Date:

Permit Expiration Date:



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**FEDERALLY ENFORCEABLE CONDITIONS**

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- 6 1 6 NYCRR 201-7.1: Facility Permissible Emissions
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**Emission Unit Level**

- 8 14 : Emission Unit Permissible Emissions

**EU=1-MASIK,Proc=P01,ES=904CR**

- 8 1-2 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 9 1-4 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-MASIK,Proc=P02,ES=902CR**

- 9 1-3 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration

**EU=1-MASIK,EP=EP004,Proc=P01,ES=917SC**

- 10 26 : Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

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- 14 29 6 NYCRR Subpart 201-5: Emission Unit Definition
- 14 1-5 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 15 1-6 6 NYCRR 211.1: Fugitive Dust Control Plan
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- 16 33 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 17 34 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 1/Mod 1/DRAFT

\*\*\*\* 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 - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 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,

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required to operate such device effectively.

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

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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: Recycling and Salvage - 6 NYCRR 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 F: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 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 G: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 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 H: Proof of Eligibility for Sources Defined as Trivial**

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**Activities - 6 NYCRR 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 I: Required Emission Tests - 6 NYCRR 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 6 NYCRR Subpart 202-1.

**Item J: Open Fires Prohibitions - 6 NYCRR 215.2**

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.

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

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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: Facility Permissible Emissions**  
**Effective between the dates of 03/26/2014 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 1.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

per year	CAS No: 000630-08-0 (From Mod 1) Name: CARBON MONOXIDE	PTE: 159,800 pounds
per year	CAS No: 0NY075-00-5 (From Mod 1) Name: PM-10	PTE: 159,800 pounds
per year	CAS No: 0NY210-00-0 (From Mod 1) Name: OXIDES OF NITROGEN	PTE: 159,800 pounds

**Condition 1-1: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

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

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## Monitoring Description:

Except as permitted by a specific part of Title 6 of the NYCRR, 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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
  - weather condition
  - was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

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Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

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

**Condition 14: Emission Unit Permissible Emissions**  
Effective between the dates of 03/26/2014 and Permit Expiration Date

**Applicable Federal Requirement:**

**Expired by Mod 1  
Applicaton Specific Data**

**Condition 1-2: Compliance Demonstration**  
Effective for entire length of Permit

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

**Item 1-2.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-MASIK  
Process: P01                                  Emission Source: 904CR

**Item 1-2.2:**

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 12 percent opacity.

The owner/operator must demonstrate compliance with this limit by conducting an initial performance test according to §60.11 and 60.675.





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Emission Unit: 1-MASIK  
 Process: P02

Emission Source: 902CR

**Item 1-3.2:**

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 12 percent opacity.

The owner/operator must demonstrate compliance with this limit by conducting an initial performance test according to §60.11 and 60.675.

If the facility does not use water sprays to control fugitive emissions, then a repeat performance test must be conducted according to §60.11 and 60.675 with five years from the previous performance test.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 12 percent  
 Reference Test Method: Method 9  
 Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 26: Compliance Demonstration**  
**Effective between the dates of 03/26/2014 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 1**

**Item 26.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-MASIK  
 Process: P01

Emission Point: EP004  
 Emission Source: 917SC

**Item 26.2:**

Compliance Demonstration shall include the following monitoring:

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

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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. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is required. 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: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department 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 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 and maintained;

(3) During the period of the emergency the facility owner 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 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 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 Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records.

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Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

Item C: **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 27: Contaminant List**

**Effective between the dates of 03/26/2014 and Permit Expiration Date**

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

**Item 27.1:**

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

CAS No: 000630-08-0  
Name: CARBON MONOXIDE

CAS No: 001336-36-3  
Name: POLYCHLORINATED BIPHENYL

CAS No: 007439-92-1  
Name: LEAD

CAS No: 0NY075-00-0

Permit ID: 4-4338-00004/00007

Facility DEC ID: 4433800004

Name: PARTICULATES

CAS No: 0NY075-00-5

Name: PM-10

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 29: Emission Unit Definition**  
**Effective between the dates of 03/26/2014 and Permit Expiration Date**

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

**Item 29.1(From Mod 1):**

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

Emission Unit: 1-MASIK

Emission Unit Description:

1-MASIK is composed of fixed and portable aggregate crushing and screening equipment; an aggregate wash plant; an agricultural lime plant; and two hot mix bituminous asphalt drum plant. The fixed aggregate crushing and screening equipment includes 4 crushers, 8 screens and multiple conveyors. Dust is controlled by wet suppression. Power is supplied by line power. One diesel generator rated at greater than 600 hP is used as an emergency backup. The portable aggregate equipment includes 3 crushers, 4 screens, and multiple conveyors. Dust is controlled by wet suppression. Power is supplied by diesel engine. The hot mix asphalt facilities include one 400-ton hot mix counterflow drum plant and one 2.5 ton per hour batch hot mix plant. The plants use baghouses for dust control. Fuel for the burner is supplied by either fuel oil or recycled oil.

**Condition 1-5: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 1-5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources

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NYS Dept. of Environmental Conservation  
Region 4  
1130 N. Westcott Rd.  
Schenectady, NY 12306

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 1-6: Fugitive Dust Control Plan**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 1-6.1:**

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

**Condition 1-7: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 1-7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No waste oil is to be used for fugitive dust control.  
Plant roadways and stockpiles must be watered and/or treated with an approved dust suppressant, as appropriate, and speed limited to preclude emissions of dust which is determined to be in violation of 6 NYCRR 211.2 which states:

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.

If complaints of current excess dust are received, then the facility must immediately apply corrective measure, as necessary to comply with the requirements of 6 NYCRR 211.2 as noted above. A log of any complaints received must be

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kept in a bound logbook or other format acceptable to the Department.

The following data must be recorded for each observation:

- The date and time of the complaint,
- The name, address and phone # of the complainant (if given),
- The complainants description of the complaint,
- The facility's evaluation of the complaint, and
- The corrective measures taken.

This logbook must be retained at the facility for five (5) years after the date of the last entry.

If complaints are received on more than one day per seven day period, then the owner or facility representative shall notify the Department by the next business day (Monday thru Friday) of these complaints.

Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 12 calendar month(s).

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

**Condition 33: Emission Point Definition By Emission Unit**  
**Effective between the dates of 03/26/2014 and Permit Expiration Date**

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

**Item 33.1(From Mod 1):**

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

Emission Unit: 1-MASIK

Emission Point: DRUM1  
 Height (ft.): 46 Diameter (in.): 54  
 NYTMN (km.): 4720.46 NYTME (km.): 556.1

Emission Point: EP004  
 Height (ft.): 12 Diameter (in.): 6  
 NYTMN (km.): 4720.2 NYTME (km.): 556.

Emission Point: EP007  
 Height (ft.): 33 Diameter (in.): 48  
 NYTMN (km.): 4720.2 NYTME (km.): 556.

Emission Point: EP005

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Height (ft.): 11                      Diameter (in.): 6  
 NYTMN (km.): 4720.2              NYTME (km.): 556.

Emission Point: EP006  
 Height (ft.): 35                      Diameter (in.): 24  
 NYTMN (km.): 4720.46              NYTME (km.): 556.1

**Condition 34:      Process Definition By Emission Unit**  
**Effective between the dates of 03/26/2014 and Permit Expiration Date**

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

**Item 34.1(From Mod 1):**

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

Emission Unit: 1-MASIK  
 Process: P01                              Source Classification Code: 3-05-020-99

Process Description:  
 This process consists of fixed crushing, screening, and conveying aggregate process equipment. Dust is controlled by wet suppression. Power is supplied by line power.

- Emission Source/Control: 01502 - Process
- Emission Source/Control: 01503 - Process
- Emission Source/Control: 01505 - Process
- Emission Source/Control: 01506 - Process
- Emission Source/Control: 01600 - Process
- Emission Source/Control: 01601 - Process
- Emission Source/Control: 01602 - Process
- Emission Source/Control: 904CR - Process

**Item 34.2(From Mod 1):**

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

Emission Unit: 1-MASIK  
 Process: P02                              Source Classification Code: 3-05-020-99

Process Description:  
 This process consists of agricultural lime manufacturing by fine crushing, screening, and conveying of limestone. Dust is controlled by a baghouse. Power is supplied by line power.

- Emission Source/Control: 01507 - Process
- Emission Source/Control: 01509 - Process



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Emission Source/Control: 01521 - Process  
Emission Source/Control: 01522 - Process  
Emission Source/Control: 01525 - Process  
Emission Source/Control: 01526 - Process  
Emission Source/Control: 01527 - Process  
Emission Source/Control: 01539 - Process  
Emission Source/Control: 01545 - Process  
Emission Source/Control: 01603 - Process  
Emission Source/Control: 01604 - Process  
Emission Source/Control: 01605 - Process  
Emission Source/Control: 01606 - Process  
Emission Source/Control: 01607 - Process  
Emission Source/Control: 01608 - Process  
Emission Source/Control: 01609 - Process  
Emission Source/Control: 01610 - Process  
Emission Source/Control: 01611 - Process  
Emission Source/Control: 01612 - Process  
Emission Source/Control: 01613 - Process  
Emission Source/Control: 01614 - Process  
Emission Source/Control: 01615 - Process  
Emission Source/Control: 01616 - Process  
Emission Source/Control: 01617 - Process  
Emission Source/Control: 01618 - Process  
Emission Source/Control: 01619 - Process  
Emission Source/Control: 01620 - Process  
Emission Source/Control: 01621 - Process

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Emission Source/Control: 01622 - Process

Emission Source/Control: 01623 - Process

Emission Source/Control: 902CR - Process

Emission Source/Control: 902SC - Process

Emission Source/Control: 936SC - Process

Emission Source/Control: 937FM - Process

**Item 34.3(From Mod 1):**

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

Emission Unit: 1-MASIK

Process: P03

Source Classification Code: 3-05-020-99

Process Description:

This Process consists of portable aggregate crushing, screening, and conveying aggregate process equipment. Equipment from carver sites state wide may be used. A maximum of 2 crushers, 2 screens, and 8 conveyors will be used. Dust is controlled by wet suppression.

Emission Source/Control: MOBIL - Process

**Item 34.4(From Mod 1):**

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

Emission Unit: 1-MASIK

Process: P08

Source Classification Code: 3-05-002-05

Process Description:

This process consists of all activities associated with the 400 ton/hr counterflow drum hot mix asphalt plant. The hot mix plant includes a baghouse to control dust. It will be dual fueled using either fuel oil or recycled oil to fire the burner. Power is supplied by line power.

Emission Source/Control: D55BH - Control  
Control Type: FABRIC FILTER

Emission Source/Control: 01624 - Process

Emission Source/Control: 01625 - Process

Emission Source/Control: 01626 - Process

Emission Source/Control: 01627 - Process

Emission Source/Control: 01628 - Process

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Emission Source/Control: 01629 - Process

Emission Source/Control: D55HM - Process  
Design Capacity: 400 tons per hour

**Item 34.5(From Mod 0):**

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

Emission Unit: 1-MASIK

Process: P04

Source Classification Code: 2-01-001-02

Process Description:

Diesel engines are used to supply power to run the portable aggregate process plants. One diesel engine is rated in excess of 400 hp, while all other engines are less than 400 hp.

Emission Source/Control: 908GN - Combustion      Removal Date: 11/01/2018

**Item 34.6(From Mod 0):**

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

Emission Unit: 1-MASIK

Process: P05

Source Classification Code: 2-01-001-02

Process Description:

A diesel powered genset is used to provide emergency backup power at times when the line power is unavailable. The unit is considered exempt if the facility operates the unit less than 500 hours per rolling 12-month period. The facility must keep monthly records of the hours of operation for this unit in order to consider it exempt from permitting.

Emission Source/Control: M0EGN - Combustion      Removal Date: 11/01/2018

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