



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 6-2340-00021/00003  
Effective Date: 04/21/2014 Expiration Date: 04/20/2024

Permit Issued To: V S VIRKLER & SONS INC  
7513 EAST STATE ST  
LOWVILLE, NY 13367

Contact: V S VIRKLER & SONS INC  
7513 EAST STATE ST  
LOWVILLE, NY 13367  
(315) 376-7022

Facility: EAST MARTINSBURG PIT  
WHITTAKER RD - 1000' W OF ST RTE 12  
MARTINSBURG, NY 13404

Contact: MORRIS MACINTOSH  
7513 EAST STATE ST  
LOWVILLE, NY 13367  
(315) 376-7022

Description:  
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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: PATRICK M CLEAREY  
NYSDEC - REG 6  
207 GENESEE ST  
UTICA, NY 13501

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 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.



**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, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 6 SUBOFFICE - UTICA



**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, 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.



**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 6**  
**SUBOFFICE - UTICA**  
**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 6 Sub-office  
Division of Environmental Permits  
State Office Building, 207 Genesee Street  
Utica, NY 13501-2885  
(315) 793-2555

**New York State Department of Environmental Conservation**

Permit ID: 6-2340-00021/00003

Facility DEC ID: 6234000021



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: V S VIRKLER & SONS INC  
7513 EAST STATE ST  
LOWVILLE, NY 13367

Facility: EAST MARTINSBURG PIT  
WHITTAKER RD - 1000' W OF ST RTE 12  
MARTINSBURG, NY 13404

Authorized Activity By Standard Industrial Classification Code:  
1422 - CRUSHED AND BROKEN LIMESTONE

Permit Effective Date: 04/21/2014

Permit Expiration Date: 04/20/2024



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- \*2 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 3 6 NYCRR 211.1: Air pollution prohibited
- 4 6 NYCRR 211.1: Compliance Demonstration
- 5 6 NYCRR 225-1.6 (d): Record Availability
- 6 6 NYCRR 227-1.3 (a) (1): Compliance Demonstration
- 7 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 8 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 9 40CFR 60.672(b), NSPS Subpart OOO: Compliance Demonstration
- 10 40CFR 60.676(a), NSPS Subpart OOO: Reporting and Recordkeeping for Replacement of Equipment
- 11 40CFR 60.676(f), NSPS Subpart OOO: Compliance Demonstration
- 12 40CFR 60.676(k), NSPS Subpart OOO: Where to send reports

**Emission Unit Level**

**EU=2-GENST**

- 13 6 NYCRR 225-1.2 (g): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 14 ECL 19-0301: Contaminant List
- 15 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 16 6 NYCRR Subpart 201-5: Emission Unit Definition
- 17 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 18 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 19 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 20 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.



**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 - 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,





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: 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 F: 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 G: 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 H: 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 I: Proof of Eligibility for Sources Defined as Trivial 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 J: 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 K: 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 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 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.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 1: Facility Permissible Emissions**

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Facility DEC ID: 6234000021



**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**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:

CAS No: 0NY210-00-0

PTE: 160,000 pounds per year

Name: OXIDES OF NITROGEN

**Condition 2: Capping Monitoring Condition**

**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

**Item 2.2:**

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

**Item 2.3:**

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

**Item 2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2.6:**

The Compliance Demonstration activity will be performed for the Facility.

New York State Department of Environmental Conservation

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Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

CAP:

Facility owner shall ensure that the facility-wide emissions of oxides of nitrogen (NO<sub>x</sub>), including those from permitted, exempt, and trivial sources, remain less than 160,000 pounds during any consecutive 365 day period.

RECORDS:

Facility owner shall maintain records that verify the facility's monthly NO<sub>x</sub> emissions. These records shall be maintained at the facility or at its nearby Lowville offices for a minimum five year period.

REPORTS:

Reports shall be submitted annually, in a format acceptable to the Department, which document that the facility's NO<sub>x</sub> emissions during any consecutive 365 day period were less than 160,000 pounds. The annual monitoring report shall include information that documents the NO<sub>x</sub> emissions from each emission source at the facility, including exempt and trivial activities. If requested, the report shall also include all emission factors and other data used in calculating the monthly NO<sub>x</sub> emissions.

NONCOMPLIANCE:

Any noncompliance with the NO<sub>x</sub> emission limit in this condition shall be reported by sending a copy of such record to the NYSDEC Region 6, within 30 days of the occurrence.

Parameter Monitored: FUEL CONSUMPTION

Upper Permit Limit: 160,000 pounds per year

Reference Test Method: EPA Reference Method 7E

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

Subsequent reports are due every 12 calendar month(s).

**Condition 3: Air pollution prohibited**  
**Effective between the dates of 04/21/2014 and 04/20/2024**



**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 3.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:

1. Have a complaint phone line available 24 hours a day, 7 days a week.
2. Investigate any possible causes of any complaint received.
3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
4. Fully document the complaint, results of investigation, and any action taken.
5. Report in a format acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

Subsequent reports are due every 12 calendar month(s).

**Condition 5: Record Availability**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable Federal Requirement:6 NYCRR 225-1.6 (d)**



**Item 5.1: Facility owners required to maintain and retain records pursuant to this Subpart must** make such records available for inspection by the Department.

**Condition 6: Compliance Demonstration**  
Effective between the dates of 04/21/2014 and 04/20/2024

**Applicable Federal Requirement: 6 NYCRR 227-1.3 (a) (1)**

**Item 6.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: 2-GENST	Emission Point: 000G1
Emission Unit: 2-GENST	Emission Point: 000G2
Emission Unit: 2-GENST	Emission Point: 000G3
Emission Unit: 2-GENST	Emission Point: 000G4

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

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

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

Daily, the permittee shall conduct observations of visible emissions from each emission point to which this condition applies and while the process is in operation. The permittee shall investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard

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continue, the permittee shall then conduct an EPA Reference Method 9 assessment within the next operating day on the sources associated with the potential noncompliance to determine the exact degree of opacity and the facility shall then notify the NYSDEC if the RM 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions shall be kept on-site or at the Virkler offices in Lowville. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Observe/record plume daily-RM 9 upon DEC request

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

Subsequent reports are due every 12 calendar month(s).

**Condition 7: EPA Region 2 address.**

**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 7.1:**

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

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

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

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258



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**Condition 8: Compliance Demonstration**  
Effective between the dates of 04/21/2014 and 04/20/2024

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

**Item 8.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: 1-STONE Process: P01	Emission Source: 000C1
Emission Unit: 1-STONE Process: P01	Emission Source: 000C2
Emission Unit: 1-STONE Process: P01	Emission Source: 000C3
Emission Unit: 1-STONE Process: P01	Emission Source: 000C4
Emission Unit: 1-STONE Process: P01	Emission Source: 000C5
Emission Unit: 1-STONE Process: P01	Emission Source: 000C6
Emission Unit: 1-STONE Process: P01	Emission Source: 000C7
Emission Unit: 1-STONE Process: P01	Emission Source: 000C8
Emission Unit: 1-STONE Process: P01	Emission Source: 000C9
Emission Unit: 1-STONE Process: P01	Emission Source: 00C10
Emission Unit: 1-STONE Process: P01	Emission Source: 00C11
Emission Unit: 1-STONE Process: P01	Emission Source: 00C12
Emission Unit: 1-STONE Process: P01	Emission Source: 00C13
Emission Unit: 1-STONE Process: P01	Emission Source: 00C14
Emission Unit: 1-STONE	

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Process: P01 Emission Source: 00C15

Emission Unit: 1-STONE  
Process: P01 Emission Source: 00C16

Emission Unit: 1-STONE  
Process: P01 Emission Source: 00SC1

Emission Unit: 1-STONE  
Process: P01 Emission Source: 00SC2

Emission Unit: 1-STONE  
Process: P01 Emission Source: 00SC3

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

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Opacity limit for SCREENS and for transfer points on BELT  
CONVEYORS:

- 1) Rule applies to fugitive emissions from sources without capture systems, or
- 2) Rule applies to fugitive emissions that escape an installed capture system
- 3) Source must have commenced construction, modification or reconstruction between 8/31/1983 and 4/22/2008

Opacity limit is 10% as measured by EPA reference Method 9 (30 minute duration).

The affected source shall meet this fugitive emission limit and compliance requirements within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days after the initial startup. (RM 9 required after an initial startup of new equipment)

To report annual compliance: Facility shall observe visible emissions (not RM9) once each day that the Source is in operation and then log that observation. Observer may elect to observe groupings of equipment (observe a Process). Facility shall submit 12 monthly logs per year.

If heavy or unusual plumes are detected, facility shall

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perform root cause analysis and then follow-up corrective action. If heavy plumes persist for more than two consecutive days, facility shall then perform RM9 and document this test.

Parameter Monitored: PM-10

Upper Permit Limit: 10 percent

Reference Test Method: Perform RM 9 once, observe plume daily

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

Subsequent reports are due every 12 calendar month(s).

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 9.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-STONE

Process: P01

Emission Source: 00CR1

Emission Unit: 1-STONE

Process: P01

Emission Source: 00CR2

Regulated Contaminant(s):

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

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Opacity limit for CRUSHERS:

- 1) Rule applies to fugitive emissions from crushers without capture systems
- 2) Source must have commenced construction, modification or reconstruction between 8/31/1983 and 4/22/2008

Opacity limit is 15% as measured by EPA reference Method 9 (30 minute duration).

The affected source shall meet this fugitive emission limit and compliance requirements within 60 days after

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achieving the maximum production rate at which the facility will be operated, but not later than 180 days after the initial startup. (RM 9 required after an initial startup of new equipment)

To report annual compliance: Facility shall observe visible emissions (not RM9) once each day that the Source is in operation and then log that observation. Observer may elect to observe groupings of equipment (observe a Process). Facility shall submit 12 monthly logs per year.

If heavy or unusual plumes are detected, facility shall perform root cause analysis and then follow-up corrective action. If heavy plumes persist for more than two consecutive days, facility shall then perform RM9 and document this test.

Parameter Monitored: PM-10  
Upper Permit Limit: 15 percent  
Reference Test Method: Perform RM 9 once, observe plume daily  
Monitoring Frequency: DAILY  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2015.  
Subsequent reports are due every 12 calendar month(s).

**Condition 10: Reporting and Recordkeeping for Replacement of Equipment Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 10.1:**

This Condition applies to:

Emission Unit: 1STONE  
Process: P01                      Emission Source: 000C1

Emission Unit: 1STONE  
Process: P01                      Emission Source: 000C2

Emission Unit: 1STONE  
Process: P01                      Emission Source: 000C3

Emission Unit: 1STONE  
Process: P01                      Emission Source: 000C4

Emission Unit: 1STONE  
Process: P01                      Emission Source: 000C5



Emission Unit: 1STONE Process: P01	Emission Source: 000C6
Emission Unit: 1STONE Process: P01	Emission Source: 000C7
Emission Unit: 1STONE Process: P01	Emission Source: 000C8
Emission Unit: 1STONE Process: P01	Emission Source: 000C9
Emission Unit: 1STONE Process: P01	Emission Source: 00C10
Emission Unit: 1STONE Process: P01	Emission Source: 00C11
Emission Unit: 1STONE Process: P01	Emission Source: 00C12
Emission Unit: 1STONE Process: P01	Emission Source: 00C13
Emission Unit: 1STONE Process: P01	Emission Source: 00C14
Emission Unit: 1STONE Process: P01	Emission Source: 00C15
Emission Unit: 1STONE Process: P01	Emission Source: 00C16
Emission Unit: 1STONE Process: P01	Emission Source: 00CR1
Emission Unit: 1STONE Process: P01	Emission Source: 00CR2
Emission Unit: 1STONE Process: P01	Emission Source: 00SC1
Emission Unit: 1STONE Process: P01	Emission Source: 00SC2
Emission Unit: 1STONE Process: P01	Emission Source: 00SC3

**Item 10.2:**

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.

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(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

(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.

**Condition 11: Compliance Demonstration**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall submit written reports of all performance tests of all affected equipment, including opacity observations using Method 9 and Method 22.

Reference Test Method: Methods 9 & 22

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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**Condition 12: Where to send reports**  
Effective between the dates of 04/21/2014 and 04/20/2024

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

**Item 12.1: Notifications and reports required under this subpart and under subpart A of this part** to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to §60.4(b).

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

**Condition 13: Compliance Demonstration**  
Effective between the dates of 04/21/2014 and 04/20/2024

**Applicable Federal Requirement:6 NYCRR 225-1.2 (g)**

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

Emission Unit: 2-GENST

Regulated Contaminant(s):  
CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 13.2:**  
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of a stationary combustion installation (diesel engines) that fire distillate oil are limited to the purchase and usage of distillate oil with < or = 0.0015 percent sulfur by weight (AKA: 15 ppm) (AKA: Ultra Low Sulfur Diesel) on and after July 1, 2014. Compliance with this limit shall be based upon fuel vendor certifications. These certifications shall be collected and summarized in a format that is Department approvable and they shall be available for expeditious inspection. Such records shall be retained, at the facility or its Lowville offices for a minimum five year period.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY

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TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

Subsequent reports are due every 12 calendar month(s).





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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 14: Contaminant List**  
**Effective between the dates of 04/21/2014 and 04/20/2024**



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

**Item 14.1:**

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

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

CAS No: 0NY075-00-5

Name: PM-10

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 15: Malfunctions and start-up/shutdown activities  
Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 15.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

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(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 16: Emission Unit Definition**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 16.1:**

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

Emission Unit: 1-STONE

Emission Unit Description:

This emission unit is the crushing operation, which is composed of two crushers, three screens, and multiple conveyors.

Building(s): Outdoors

**Item 16.2:**

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

Emission Unit: 2-GENST

Emission Unit Description:

This emission unit is composed of four stationary diesel engines that are all portable (they rotate to a different facility at least once each 12 months): One 306HP Caterpillar 225kW genset, one 71HP John Deere that drives a Godwin Water Pump, one 510HP Cummins that drives an Eagle 1400 Crusher and one 500HP Detroit that drives an Eagle 1000 Crusher.

Building(s): Outdoors

**Condition 17: Renewal deadlines for state facility permits**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 17.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 18: Compliance Demonstration**  
**Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 18.1:**

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The Compliance Demonstration activity will be performed for the Facility.

**Item 18.2:**

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  
NYS Dept. of Environmental Conservation  
Region 6  
State Office Building  
317 Washington Ave.  
Watertown, NY 13601

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

Subsequent reports are due every 12 calendar month(s).

**Condition 19: Visible Emissions Limited**

**Effective between the dates of 04/21/2014 and 04/20/2024**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 19.1:**

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.

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

**Condition 20: Process Definition By Emission Unit**

**Effective between the dates of 04/21/2014 and 04/20/2024**

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

**Item 20.1:**

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

Emission Unit: 1-STONE

Process: P01

Source Classification Code: 3-05-016-01

Process Description:

This process consists of the crushing operation: 1 feed hopper, 2 crushers, 3 screens and 16 conveyors.

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Emission Source/Control: 000C1 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000C2 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000C3 - Process  
Design Capacity: 42 inches

Emission Source/Control: 000C4 - Process  
Design Capacity: 36 inches

Emission Source/Control: 000C5 - Process  
Design Capacity: 30 inches

Emission Source/Control: 000C6 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000C7 - Process  
Design Capacity: 36 inches

Emission Source/Control: 000C8 - Process  
Design Capacity: 24 inches

Emission Source/Control: 000C9 - Process  
Design Capacity: 24 inches

Emission Source/Control: 00C10 - Process  
Design Capacity: 30 inches

Emission Source/Control: 00C11 - Process  
Design Capacity: 30 inches

Emission Source/Control: 00C12 - Process  
Design Capacity: 30 inches

Emission Source/Control: 00C13 - Process  
Design Capacity: 30 inches

Emission Source/Control: 00C14 - Process  
Design Capacity: 36 inches

Emission Source/Control: 00C15 - Process  
Design Capacity: 30 inches

Emission Source/Control: 00C16 - Process  
Design Capacity: 100 tons per hour

Emission Source/Control: 00CR1 - Process  
Design Capacity: 300 tons per hour

Emission Source/Control: 00CR2 - Process

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Design Capacity: 100 tons per hour

Emission Source/Control: 00SC1 - Process

Design Capacity: 120 square feet

Emission Source/Control: 00SC2 - Process

Design Capacity: 120 square feet

Emission Source/Control: 00SC3 - Process

Design Capacity: 300 tons per hour

**Item 20.2:**

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

Emission Unit: 2-GENST

Process: P02

Source Classification Code: 3-05-016-01

Process Description:

This process consists of the operation of four diesel reciprocating internal combustion engines. Facility elects to move these diesels offsite to other geographic locations and does such at least once per each twelve month period, which classifies these engines as 'portable'. As portable engines, they are not considered to be subject to either RICE rule. As a compliance strategy (to avoid 40 CFR 60-Subpart ZZZZ and 40 CFR 60-Subpart IIII applicability), facility chooses to maintain written and dated records (kept at the facility or at its Lowville offices) of engine movement. Such records are to made available to NYSDEC or EPA staff for expeditious review.

Emission Source/Control: DSLG1 - Combustion

Design Capacity: 510 horsepower (mechanical)

Emission Source/Control: DSLG2 - Combustion

Design Capacity: 500 horsepower (mechanical)

Emission Source/Control: DSLG3 - Combustion

Design Capacity: 71 horsepower (mechanical)

Emission Source/Control: DSLG4 - Combustion

Design Capacity: 306 horsepower (mechanical)

