

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

Facility Identification Data

Name: CONTINENTAL BUCHANAN LLC

Address: 350 BROADWAY

BUCHANAN, NY 10511-1010

Owner/Firm

Name: CERTAINTEED GYPSUM BUCHANAN, LLC

Address: 350 BROADWAY

BUCHANAN, NY 10511, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: CHRISTOPHER LANG

Address: NYSDEC - REGION 3

21 S PUTT CORNERS RD

NEW PALTZ, NY 12561-5401

Phone:

Division of Air Resources:

Name: MARIA ANTONIOU

Address: NYSDEC - WHITE PLAINS SUBOFFICE

100 HILLSIDE AVE STE 1W

WHITE PLAINS, NY 10603

Phone:9144282505

Air Permitting Contact:

Name: SCOTT WALTON

Address: 451 BROADWAY

BUCHANAN, NY 10511

Phone:

Permit Description

Introduction

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

Summary Description of Proposed Project

Application for renewal of Air Title V Facility.

Attainment Status

CONTINENTAL BUCHANAN LLC is located in the town of CORTLANDT in the county of

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021

WESTCHESTER.

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

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

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

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

Facility Description:

Continental Buchanan, LLCm operates a wall board manufacturing plant in Buchanan, New York.

Permit Structure and Description of Operations

The Title V permit for CONTINENTAL BUCHANAN LLC

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

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

CONTINENTAL BUCHANAN LLC is defined by the following emission unit(s):

Emission unit 0000F2 - This emission unit represents the emission sources located inside the rock hopper building, the dump hopper, the J.C. Steele Feeder and the transfer belt conveyor.

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

Process: 005 is located at Building NONE - This process includes all of the fugitive particulate sources from inside the rock hopper building. Particulate matter that does not settle out exits the building through wall openings, open doors and wall vents.

Process: 10A is located at Building NONE -

Process: 10B is located at Building NONE -

Emission unit 0000F3 - This emission unit represents a) all of the fugitive-natural-(raw)-gypsum particulate- emissions-sources associated with the crusher building which are not regulated by a NSPS and b) all the fugitive-synthetic-gypsum-particulate emissions-sources associated with the short transfer screw, and the end trim elevator.

Process: 00A is located at Building NONE -

Process: 00B is located at Building NONE -

Process: 11A is located at Building NONE -

Emission unit 0000F4 - Physical modification of the existing 300 ton stucco storage bins 1 to 3 (EU-000F4, Process 00C) dust collector equipment. Each of the stucco storage bins is controlled by an identical dust collector, so three dust collectors are proposed to be upgraded as part of the R 2 Mod 1 modification application.

Process: 00C is located at Board Plant Bldg, Building MAIN PLANT -

Process: F4A is located at Building MAIN PLANT -

Process: F4D is located at Building MAIN PLANT -

Process: F4E is located at Building MAIN PLANT -

Process: F4F is located at Building MAIN PLANT -

Process: F4G is located at Building MAIN PLANT -

Process: F4H is located at Building MAIN PLANT -

Process: F4I is located at Building MAIN PLANT -

Process: F4J is located at Building MAIN PLANT -

Process: F4K is located at Building MAIN PLANT -

Process: F4L is located at Building MAIN PLANT -

Process: F4M is located at Building MAIN PLANT -

Process: F4N is located at Building MAIN PLANT -

Process: F4O is located at Building MAIN PLANT -

Process: F4P is located at Building MAIN PLANT -

Process: F4Q is located at Building MAIN PLANT -

Process: F4R is located at Building MAIN PLANT -

Process: F4S is located at Building MAIN PLANT -

Process: F4T is located at Building MAIN PLANT -

Process: F4U is located at Building MAIN PLANT -

Process: F4V is located at Building MAIN PLANT -

Process: F4W is located at Building MAIN PLANT -

Division of Air Resources
Permit Review Report

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

Process: F4X is located at Building MAIN PLANT -

Process: F4Y is located at Building MAIN PLANT -

Process: F4Z is located at Building MAIN PLANT -

Emission unit 0000F5 - This emission unit represents all of the fugitive particulate sources associated with the new equipment inside the plant that are regulated by a NSPS.

Process: 00D is located at Building MAIN PLANT -

Emission unit 0000F6 -

Process: 06A is located at Building CRUSHER -

Emission unit 0000F7 -

Process: 08A is located at Building CRUSHER -

Process: 08B is located at Building CRUSHER -

Process: 08C is located at Building CRUSHER -

Process: 08D is located at Building CRUSHER -

Process: 07A is located at Building CRUSHER -

Process: 07B is located at Building CRUSHER -

Emission unit 000E17 -

Emission unit 000E17 is associated with the following emission points (EP):
OPT17

Process: 17A is located at Building LP Mill -

Process: 17B is located at Building LP Mill -

Emission unit 000E30 -

Emission unit 000E30 is associated with the following emission points (EP):
OPT30

Process: 030 is located at Building MILL -

Emission unit 000E31 -

Emission unit 000E31 is associated with the following emission points (EP):
OPT31

Process: 031 is located at Building MILL -

Emission unit 000E32 -

Emission unit 000E32 is associated with the following emission points (EP):
OPT32

Process: 032 is located at Building PLANT -

Emission unit 000E33 -

Emission unit 000E33 is associated with the following emission points (EP):

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

Process: 033 is located at Building PLANT -

Emission unit 000E38 -

Emission unit 000E38 is associated with the following emission points (EP):

OPT38

Process: 038 is located at Building PLANT -

Process: PRP is located at Building PLANT -

Emission unit 000E39 -

Process: E39 is located at Building MAIN PLANT -

Emission unit 0000F1 - This emission unit represents the clamshell crane, the two unloading hoppers, the bin discharger and the belt conveyor. This emission unit's components are employed to convey natural (raw) or synthetic gypsum or both from the vessels up to the storage sheds. In addition, this unit represents emissions from the wind erosion of synthetic or natural gypsum stock piles. The conveyor can operate at a rate of 1,850 tons/hr.

Process: 000 is located at Building NONE - This process includes all of the fugitive particulates associated with ship unloading and stockpiling of raw natural material. Fugitives are generated when the main conveyor conveys raw gypsum from vessels up to the storage sheds. Modification No. 3 of the initial Title V permit (Ren 0, Mod 3) dealt with the replacement of the motor that drives the conveyor. The motor operates at a speed which enables the material transfer rate to be 1,850 tons/hr.

Process: 001 is located at Building NONE - This process includes all of the fugitive particulate sources from the unenclosed areas of the facility that are associated with management and/or processing of fresh or old reclaimed gypsum which are not regulated by a NSPS.

Process: 004 is located at Building NONE - This process includes all of the fugitive particulate emission sources from unenclosed areas of the facility that are not associated with either ship unloading of natural raw material stockpiling or with the management and/or processing of fresh or old reclaimed gypsum or with the crusher building or with the mechanical conveyance of crushed rock.

Process: 006 is located at Building NONE -

Process: 02A is located at Building NONE -

Process: 09A is located at Building NONE -

Process: 09B is located at Building NONE -

Process: 09C is located at Building NONE -

Title V/Major Source Status

CONTINENTAL BUCHANAN LLC is subject to Title V requirements. This determination is based on the following information:

The Facility is major for NOx.

Program Applicability

The following chart summarizes the applicability of CONTINENTAL BUCHANAN LLC with regards to

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021

the principal air pollution
regulatory programs:

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

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7, 220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

3275	GYPSUM PRODUCTS
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SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

3-05-015-03	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE NOT CLASSIFIED **
3-05-015-04	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE Conveying
3-05-015-05	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE PRIMARY CRUSHING: GYPSUM ORE

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

3-05-015-08	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE Stockpile: Gypsum Ore
3-05-015-13	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE Impact Mill
3-05-015-18	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE Mixers/Conveyors
3-05-015-20	MINERAL PRODUCTS MINERAL PRODUCTS - GYPSUM MANUFACTURE Drying Kiln
3-05-040-30	MINERAL PRODUCTS MINERAL PRODUCTS - MINING & QUARRYING OF NONMETALLIC MINERALS Primary Crusher
3-05-103-98	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS OPEN STOCKPILES Mineral: Specify in Comments
3-05-105-98	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS LOADING OPERATION Mineral: Specify in Comments
4-90-999-98	ORGANIC SOLVENT EVAPORATION MISCELLANEOUS VOLATILE ORGANIC COMPOUND EVAPORATION Identify the Process and Solvent in Comments

Facility Emissions Summary

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

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
0NY750-00-0	CARBON DIOXIDE EQUIVALENTS	26000000			
000630-08-0	CARBON MONOXIDE	394000			
000050-00-0	FORMALDEHYDE	1500			
0NY210-00-0	OXIDES OF	80300			

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

	NITROGEN	
0NY075-00-0	PARTICULATES	360000
0NY075-00-5	PM-10	360000
007446-09-5	SULFUR DIOXIDE	5000
0NY100-00-0	TOTAL HAP	6000
0NY998-00-0	VOC	48000

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V 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.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

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

Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

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

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)

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

Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

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

Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)

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

Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)

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

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

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

Item 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)

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: 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

**Division of Air Resources
Permit Review Report**

**Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021**

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_02

**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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
-- FACILITY	ECL 19-0301	55	Powers and Duties of the Department with respect to air pollution control
0-00E17	40CFR 60-A.8	42	General provisions -
0-00E17	40CFR 60-A.8(a)	43	Performance tests
FACILITY	40CFR 60-000.672(b)	34, 35, 36	Rock, gravel, sand, and clay processing

**Division of Air Resources
Permit Review Report**

**Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021**

FACILITY	40CFR 60-000.672(e)	37, 38	and conveying - standard for particulate matter Rock, gravel, sand, and clay processing and conveying - standard for particulate matter
0-00E30/0PT30	40CFR 60-UUU	46, 47	Standards of performance for calciners and dryers in mineral industries
0-00E31	40CFR 64	49, 50	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	56	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 39, 40	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201- 6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 201-6.4(g)	23	Permit Shield
FACILITY	6NYCRR 201-6.5(a)	57	State Enforceable Requirements

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

FACILITY	6NYCRR 201-7	24	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1	27, 28, 29	Emission Testing, Sampling and Analytical Determinations
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	58	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	30	General Prohibitions - visible emissions limited.
0-00E38/OPT38	6NYCRR 212-1.3	51	Determination of Environmental Rating
0-00E38/OPT38/PRP	6NYCRR 212-1.5(d)	52, 53, 54	BACT or T-BACT for process emission sources
0-00E17	6NYCRR 212-1.5(g)	41	Maintain all process emission sources, including the associated air pollution control and monitoring equipment
0-00E17/OPT17	6NYCRR 212-1.6(a)	44	Limiting of Opacity
0-00E31	6NYCRR 212-1.6(a)	48	Limiting of Opacity
FACILITY	6NYCRR 212-2.4(b)	31	Control of Particulate from New and Modified Process Emission Sources
FACILITY	6NYCRR 212-3.1(c)(1)	32	Required Compliance Plans for applicable 212-3 emission sources
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 221.2	59	Prohibition.
FACILITY	6NYCRR 227-1.3(a)	33	Smoke Emission Limitations.
0-00E30/OPT30	6NYCRR 227-2.4(g)	45	Other combustion installations.

Applicability Discussion:

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 201-6

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

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

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

6 NYCRR 201-6.4 (c) (2)

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

6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (e)

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

6 NYCRR 201-6.4 (f) (6)

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

6 NYCRR 201-6.4 (g)

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

6 NYCRR 202-1.1

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

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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.

40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

Facility Specific Requirements

In addition to Title V, CONTINENTAL BUCHANAN LLC has been determined to be subject to the following regulations:

40 CFR 60.672 (b)

40 CFR 60.672 (e)

40 CFR 60.8

This general provision of the New Source Performance Standards or NSPS, sets forth the performance test requirements for all NSPS applicable sources. Basically, all performance tests must be conducted within 60 days after achieving the maximum production rate but no later than 180 days after initial startup using procedures consistent with methods and procedures approved by the Administrator.

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

40 CFR 60.8 (a)

This regulation contains the requirements for the completion date and reporting of Performance Testing (stack testing), at the facility. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, the owner or operator of the facility must conduct performance test(s) and furnish a written report of the test results.

40 CFR Part 60, Subpart UUU

This regulation sets forth the limitations on emissions from calciners and dryers in mineral industries. The emissions of particulates from stacks at these facilities are limited to 0.040 grains per dry standard cubic foot. In addition, the opacity from these stacks may not exceed 10%.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

6 NYCRR 201-6.5 (a)

This section identifies state enforceable requirements for Title V permits.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 212-1.3

Based upon the following requirements, all air contaminants will assigned an Environmental Rating from A to D.

- (a) Toxic and other properties and emission rate potential of the air contaminant;
- (b) location of the process emission source or emission point(s) for the air contaminant with respect to residences or other sensitive environmental receptors, taking into account the area's anticipated growth;
- (c) emission dispersion characteristics at or near the process emission source or

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019

Renewal Number: 3

04/26/2021

emission point(s), taking into account the physical location of the process emission source or emission point(s) relative to the surrounding buildings and terrain; and (d) the projected maximum cumulative impact of an air contaminant taking into account emissions from all process emission sources at the facility under review and the pre-existing ambient concentration of the air contaminant under review.

6 NYCRR 212-1.5 (d)

This provision allows for the department to specify a less restrictive permissible emission rate or degree of air cleaning for the process emission source or emission point than required under Subpart 212-2 in instances where a facility owner or operator can demonstrate to the satisfaction of the department that the facility owner will apply the Best Available Control Technology (BACT) for that criteria air contaminant or the Best Available Control Technology for a toxic air contaminant (T- BACT).

6 NYCRR 212-1.5 (g)

This provision requires the facility owner or operator to operate and maintain all process emission sources, including the associated air pollution control and monitoring equipment, in a manner consistent with safety, good air pollution control practices, good engineering practices and manufacturers' recommendations for minimizing emissions.

6 NYCRR 212-1.6 (a)

This provisions requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

6 NYCRR 212-2.4 (b)

Particulate emissions from any process emission source, which received a B or C Environmental Rating, and for which an application was received by the department after July 1, 1973 are restricted to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

6 NYCRR 212-3.1 (c) (1)

**Division of Air Resources
Permit Review Report**

Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021

6 NYCRR 221.2

6 NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6 NYCRR 227-2.4 (g)

This subdivision establishes NOx RACT for emission sources that are subject to this rule but not specifically regulated under the other source categories of this rule.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is

6 NYCRR Subpart 202-1

This subpart of Part 202 establishes the general criteria for verifying emissions by means of emissions sampling, testing and associated analytical determinations.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
0-000F4	6 NYCRR 231-11.2 (a)	Reasonable possibility requirements for insignificant mods - potential to emit (PTE) exemption

Reason: Ren 2 Mod 2 project was not subject to part 231, since the Project Emissions Potential (2.19 tpy) was not greater than the Significant Project Threshold (25 tpy) for Particulates, PM10 and PM2.5.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified

**Division of Air Resources
Permit Review Report**

**Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021**

activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

**Compliance Certification
Summary of monitoring activities at CONTINENTAL BUCHANAN LLC:**

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

0-00E17	42	record keeping/maintenance procedures
FACILITY	34	monitoring of process or control device parameters as surrogate
FACILITY	35	monitoring of process or control device parameters as surrogate
FACILITY	36	monitoring of process or control device parameters as surrogate
FACILITY	37	monitoring of process or control device parameters as surrogate
FACILITY	38	monitoring of process or control device parameters as surrogate
0-00E30/0PT30	46	monitoring of process or control device parameters as surrogate
0-00E30/0PT30	47	monitoring of process or control device parameters as surrogate
0-00E31	49	record keeping/maintenance procedures
0-00E31	50	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	25	monitoring of process or control device parameters as surrogate
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
0-00E38/0PT38	51	ambient air monitoring
0-00E38/0PT38/PRP	52	monitoring of process or control device parameters as surrogate
0-00E38/0PT38/PRP	53	monitoring of process or control device parameters as surrogate
0-00E38/0PT38/PRP	54	intermittent emission testing
0-00E17	41	monitoring of process or control device parameters as surrogate
0-00E17/0PT17	44	monitoring of process or control device parameters as surrogate
0-00E31	48	monitoring of process or control device parameters as surrogate
FACILITY	31	intermittent emission testing
FACILITY	32	record keeping/maintenance procedures
FACILITY	33	monitoring of process or control device parameters as surrogate
0-00E30/0PT30	45	record keeping/maintenance procedures

**Division of Air Resources
Permit Review Report**

**Permit ID: 3-5522-00087/00019
Renewal Number: 3
04/26/2021**

Basis for Monitoring

The Facility is monitored for Oxides of Nitrogen, Emissions of Particulates and Emissions of Volatile organic compounds.