

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

**Date :** 03/09/2022

**NOTICE OF VIOLATION**

**Owner :** NORLITE LLC  
PO BOX 694  
COHOES, NY 12047-0694

**Facility :** NORLITE LLC  
628 S SARATOGA ST  
COHOES, NY 12047

**Contact :** David Maguffin  
Norlite Llc  
628 S Saratoga St  
Cohoes, NY 12047  
(518) 235-0401

**PLEASE TAKE NOTICE THAT YOU ARE IN VIOLATION OF NEW YORK STATE AIR POLLUTION CONTROL LAW,** Article 19 of the Environmental Conservation Law ('ECL'), and applicable regulations as set forth herein, in connection with operation of the above named Facility.

**Compliance Status Determined On :** 03/09/2022 9:00 AM

**Compliance Status Determined By :** BENJAMIN POTTER  
NYSDEC - REGION 4  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306

**Basis for Determination :** Data Review

**Comments :**

The following was observed at Norlite on February 28, 2022 12:04pm.

02/28/2022

Winds were from the west above 10mph throughout the day, with gusts up to 17mph between approximately 10:00AM and 12:00PM.

2nd Shift Finish Plant Daily Report for 2/28/2022 indicates that 3/4 inch, 3/8 inch, and stockpile fines were produced for 2 hours and 50 minutes, from 11:00AM until 1:50 PM. Block Mix was produced from 11:30AM until 1:00PM.

At approximately 11:30AM the onsite monitor observed dust migrating from the finish plant area to into the tree line.

TEOM data recorded a spike in PM-10 at approximately 11:30AM. Graph included.

The following are observations of Norlite finishing plant operations conducted on March 2, March 3, and March 4, 2022.

03/02/2022

Winds were from the west above 10mph with gusts up to 18mph from approximately 3:00AM through approximately 5:00PM.

2nd Shift Finish Plant Daily Report for 3/2/2022 indicates that 3/4 inch, 3/8 inch, and stockpile fines were produced for 4 hours and 15 minutes. Block Mix was produced from 2:15PM to 3:30PM, briefly stopped to switch silos, then produced from 3:30PM to 6:40PM.

TEOM data recorded large spikes in PM-10 during the shift. Graphs are included.

03/03/2022:

Winds were from the west above 15mph with gusts above 30mph from approximately 10:00AM through approximately 10:00PM.

2nd Shift Finish Plant Daily Report for 3/3/2022 indicates that 3/4 inch, 3/8 inch, and stockpile fines were produced for an 8-hour shift. Block Mix was produced from 8:15AM to 12:15PM, briefly stopped to switch silos, then produced from 12:15PM to 1:30PM.

Throughout the day the onsite monitor observed dust migrating from various sources into the tree line. The onsite monitor also documented occurrences of dust reaching the tree line from various sources with video.

TEOM data recorded large spikes in PM-10 during the shift. Graphs are included.

03/04/2022:

Winds were from the west and northwest direction predominately up to 13mph with no gusting winds throughout the day (3:00AM through 7:00PM).

Throughout the day the onsite monitor observed dust migrating from various sources towards the tree line.

TEOM data recorded no spikes in PM-10 during the shift. Graphs are included.

**PLEASE TAKE FURTHER NOTICE THAT** ECL §71-2103 provides that any person who violates ECL Article 19 or any rule or regulation promulgated pursuant thereto shall be liable for a civil penalty of up to \$18,000, plus an additional penalty not to exceed \$15,000 for each day that the violation continues and that such person may be enjoined from continuing such violation.

**PLEASE TAKE FURTHER NOTICE THAT** in addition, failure to comply with this NOTICE could subject you to criminal charges. ECL §71-2105 provides that any person who willfully violates any provision of ECL Article 19 or any rule or regulation promulgated pursuant thereto shall be guilty of a misdemeanor and, upon conviction, punished by a fine not to exceed \$18,000 for each separate violation or by imprisonment for a term of not more than one year, or both fine and imprisonment.

**PLEASE TAKE FURTHER NOTICE THAT** the Department is reviewing its options regarding the appropriate enforcement actions, including assessment of penalties, fines and injunctive relief for the violations which have already occurred. Compliance with this NOTICE shall not relieve you of any liability for penalties or other appropriate sanctions for the referenced violations. However, failure to immediately comply could result in a larger penalty than would otherwise be assessed, should you be adjudged to be in violation of the ECL.

**PLEASE TAKE FURTHER NOTICE THAT** you may submit information or evidence to the Department relevant to your compliance record, the nature of the violations, or any mitigating circumstances. Any such information or evidence may be used in a civil enforcement proceeding or criminal action. In the event that formal enforcement proceedings are initiated or criminal charges filed against you, you will have the right to a hearing. You may also request an informal conference to discuss this NOTICE and the events to which it relates. Any inquiries, submissions, and requests relating to this NOTICE should be directed to the New York State Department of Environmental Conservation.

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BENJAMIN POTTER  
REGIONAL AIR POLLUTION CONTROL ENGINEER  
NYSDEC - REGION 4  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306

**COMPLIANCE STATUS - VIOLATIONS**

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Detailed Description of Emission Units, Emission Points, Processes and Emission Sources can be found in the listed Permit. Detailed condition text can be found in the attached Appendix of Permit Conditions Cited in Inspection.

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**Permit Determinations (Violations) :**

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**Permit ID :** 4-0103-00016/00048 **Ren :** 1 **Condition# :** 24 **Period :** 03/09/2022 9:00 AM  
**Program :** STATE AIR PROGRAM