

Facility DEC ID: 3132600049

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility

Permit ID: 3-1326-00049/00022

Mod 0 Effective Date: 04/22/2005 Expiration Date: No expiration date.

Mod 1 Effective Date: 03/12/2007 Expiration Date: No expiration date.

Permit Issued To: WINGDALE MATERIALS, LLC  
172 PROSPECT HILL RD  
BREWSTER, NY 10509

Contact: ROBERT J YAREMKO  
PECKHAM MATERIALS CORP  
20 HAARLEM AVE  
WHITE PLAINS, NY 10603  
(914) 949-2000

Facility: WINGDALE MATERIALS, LLC  
3206 PLEASANT RIDGE RD  
Wingdale, NY 12594

**Description:**

Wingdale Material facility is an existing stone quarry located Wingdale, Dutchess County, New York. The facility consists of a underground mining operation supported by a stone processing plant. Particulate emissions have been capped below major stationary source thresholds. This federally enforceable emissions cap limits the amount of stone by weight that the facility can process during any rolling twelve month period. The facility is required to maintain monthly stone processing production records.

**Modification 1**

Reference to permit application to modify dated February, 2007.

A primary and secondary crusher previously aboveground will be moved to directly support the underground mining operation. Crushed stone will now be conveyed out of the underground mine to an existing secondary crushing and screening plant for further processing as appropriate. This modification also identifies various revision to the number of aboveground screens and conveyors units as well as updated capacity ratings. Also, the existing garnet processing plant has been shutdown (emission units 0-00006 and 0-00007).

Underground mining and aggregate processing activities are not subject to permitting.

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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: KENNETH R GRZYB  
NYSDEC - REGION 3  
21 S PUTT CORNERS RD  
NEW PALTZ, NY 12561

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

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**Notification of Other State Permittee Obligations****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

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

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

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

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

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

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

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**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

**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 1-1: Applications for permit renewals, modifications and transfers****Applicable State Requirement: 6 NYCRR 621.11****Item 1-1.1:**

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 1-1.2:**

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 1-1.3:**

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

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**Condition 3: Applications for Permit Renewals and Modifications****Applicable State Requirement: 6 NYCRR 621.13****Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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

**Condition 1-2: Permit modifications, suspensions or revocations by the Department****Applicable State Requirement: 6 NYCRR 621.13****Item 1-2.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

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

**Condition 4: Permit Modifications, Suspensions and Revocations by the Department****Applicable State Requirement: 6 NYCRR 621.14****Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

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e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.5 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
 NYSDEC Regional Permit Administrator  
 Region 3 Headquarters  
 Division of Environmental Permits  
 21 South Putt Corners Road  
 New Paltz, NY 12561-1696  
 (845) 256-3054

**Condition 1-3: Submission of application for permit modification or renewal-REGION 3**

**HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 1-3.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
 NYSDEC Regional Permit Administrator  
 Region 3 Headquarters  
 Division of Environmental Permits  
 21 South Putt Corners Road  
 New Paltz, NY 12561-1696  
 (845) 256-3054

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: WINGDALE MATERIALS, LLC  
172 PROSPECT HILL RD  
BREWSTER, NY 10509

Facility: WINGDALE MATERIALS, LLC  
3206 PLEASANT RIDGE RD  
Wingdale, NY 12594

Authorized Activity By Standard Industrial Classification Code:  
1429 - CRUSHED AND BROKEN STONE NEC

Mod 0 Permit Effective Date: 04/22/2005  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 03/12/2007  
date.

Permit Expiration Date: No expiration



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NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Mod 1/FINAL

\*\*\*\* Facility Level \*\*\*\*

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,

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required to operate such device effectively.

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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

**Item E: Recycling and Salvage - 6 NYCRR 201-1.7**

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

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

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

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

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item H: Proof of Eligibility for Sources Defined as Trivial**

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**Activities - 6 NYCRR 201-3.3 (a)**

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

**Item I: Required Emission Tests - 6 NYCRR 202-1.1**

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

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

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

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

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

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

**Condition 1: Maintenance of Equipment**  
**Effective between the dates of 04/22/2005 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 1.1:**

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.

**Condition 1-1: Facility Permissible Emissions**  
**Effective between the dates of 03/12/2007 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 201-7.2**

**Item 1-1.1:**

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: 0NY075-00-5	(From Mod 1)	PTE: 102,649 pounds
per year		
Name: PM-10		

**Condition 1-2: Capping Monitoring Condition**  
**Effective between the dates of 03/12/2007 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 201-7.2**

**Item 1-2.1:**

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

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otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 1-2.2:**

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

**Item 1-2.3:**

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 1-2.4:**

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 1-2.5:**

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 1-2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-5      PM-10

**Item 1-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility accepts a federally enforceable cap that limits PM-10 emissions to below major source thresholds. It will limit production of finished crushed stone product to an amount equal to or less than 2,125,000 tons for any rolling 12 month period.

To confirm compliance with the cap, the facility will maintain monthly production records.

Monitoring Frequency: MONTHLY

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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The initial report is due 1/30/2008.  
Subsequent reports are due every 12 calendar month(s).

**Condition 13: Air pollution prohibited**  
**Effective between the dates of 04/22/2005 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 13.1:**

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

**Condition 14: Compliance Demonstration**  
**Effective between the dates of 04/22/2005 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 14.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits.

If complaints of current excess dust are received, then the facility must immediately apply corrective measure, as necessary to comply with the requirements of 6 NYCRR 211.2 as noted above. A log of any complaints received must be kept in a bound logbook or other format acceptable to the Department.

The following data must be recorded for each

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observation:

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

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

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 3: Compliance Demonstration**  
**Effective between the dates of 04/22/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.8(a), NSPS Subpart A**

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No later than 90 days after the permit effective date, the facility owner or operator must conduct performance testing and provide the results of such test to the Administrator.

EPA Method 9 will be used for the performance test at crushers, conveyors, and screens, to confirm compliance with particulate matter standards in 40 CFR 60.672(b) and (c).

At the time this permit is issued, the garnet processing plant is not operational. The following terms apply if and when the garnet processing plant is restarted:

1. The facility will submit written notification to the Department no later than 30 days prior to restart of the plant.
2. No later than 60 days after restart, the facility will perform a stack test to demonstrate that the plant is operating in compliance with the particulate matter



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standards in 40 CFR 60.672 (a).

3. The performance test will be conducted in accordance with the requirements of 40 CFR 60.8.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 04/22/2005 and Permit Expiration Date**

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The owner or operator shall not cause to be discharged into the atmosphere from any screen or conveyor fugitive emissions which exhibit greater than 10 percent opacity.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Compliance Demonstration**  
**Effective between the dates of 04/22/2005 and Permit Expiration Date**

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

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The owner or operator shall not cause to be discharged into the atmosphere from any crusher fugitive emissions which exhibit greater than 15 percent opacity.

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Parameter Monitored: OPACITY

Upper Permit Limit: 15 percent

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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**STATE ONLY ENFORCEABLE CONDITIONS****\*\*\*\* Facility Level \*\*\*\*****NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

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

An emergency 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 B: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department

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will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 7: Contaminant List**

**Effective between the dates of 04/22/2005 and Permit Expiration Date**

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

**Item 7.1:**

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

CAS No: 0NY075-00-5

Name: PM-10

**Condition 8: Unavoidable noncompliance and violations**

**Effective between the dates of 04/22/2005 and Permit Expiration Date**

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**Applicable State Requirement: 6 NYCRR 201-1.4****Item 8.1:**

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

- (a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.
- (b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.
- (c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.
- (d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.
- (e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 9: Emission Unit Definition**

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Effective between the dates of 04/22/2005 and Permit Expiration Date

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

**Item 9.1(From Mod 1):**

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

Emission Unit: 0-00001

Emission Unit Description:

STONE PROCESSING PLANT - TWO (2) SECONDARY CRUSHERS RATED AT 300 TPH AND 350 TPH. THESE UNITS ARE EQUIPPED WITH WATER SPRAY TO CONTROL PARTICULATE EMISSIONS.

MODIFICATION 1 - PRIMARY CRUSHER RATED AT 450 TPH AND ONE SECONDARY CRUSHER RATED AT 400 TPH HAVE BEEN MOVED UNDERGROUND. THESE SOURCES ARE NOT SUBJECT TO PERMITTING.

**Item 9.2(From Mod 1):**

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

Emission Unit: 0-00002

Emission Unit Description:

STONE PROCESSING PLANT - FOUR (4) TRIPLE WET DECK SCREENS RATED AT 650 TPH.

MODIFICATION 1 - THE DOUBLE DECK WET SCREEN HAS BEEN TRANSFORMED TO A TRIPLE DECK WET SCREEN.

**Item 9.3(From Mod 1):**

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

Emission Unit: 0-00003

Emission Unit Description:

STONE PROCESSING PLANT - ONE (1) DOUBLE DECK SCREEN RATED AT 650 TPH WITHOUT WATER SPRAY.

MODIFICATION 1 - DOUBLE DECK SCREEN RATE CHANGED FROM 350 TPH TO 650 TPH.

**Item 9.4(From Mod 1):**

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

Emission Unit: 0-00004

Emission Unit Description:

STONE PROCESSING PLANT - ONE TRIPLE DECK SCREEN RATED AT 350 TPH WITHOUT WATER SPRAY

MODIFICATION 1 - TRIPLE DECK SCREEN RATE CHANGED FROM 650 TPH TO 350 TPH.

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**Item 9.5(From Mod 1):**

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

Emission Unit: 0-00005

Emission Unit Description:

STONE PROCESSING PLANT - TWO (2) 42" CONVEYORS; FOUR (4) 36" CONVEYORS; TWENTY-FIVE (25) 30" CONVEYORS; AND FOUR (4) 24" CONVEYORS.

MODIFICATION 1 - ONE (1) 48" CONVEYOR HAS BEEN REMOVED. TWO (2) 36" CONVEYORS AND TWO (2) 30" CONVEYORS HAVE BEEN ADDED.

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

**Condition 15: Emission Point Definition By Emission Unit**  
Effective between the dates of 04/22/2005 and Permit Expiration Date

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

**Item 15.1(From Mod 0):**

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

Emission Unit: 0-00003

Emission Point: 00003

Height (ft.): 50

Diameter (in.): 60

NYTMN (km.): 4610.411 NYTME (km.): 615.865

**Item 15.2(From Mod 0):**

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

Emission Unit: 0-00004

Emission Point: 00004

Height (ft.): 50

Diameter (in.): 72

NYTMN (km.): 4610.411 NYTME (km.): 615.865

**Item 15.3(From Mod 0):**

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

Emission Unit: 0-00005

Emission Point: 00005

Height (ft.): 50

Diameter (in.): 28

NYTMN (km.): 4610.411 NYTME (km.): 615.865

**Condition 16: Process Definition By Emission Unit**  
Effective between the dates of 04/22/2005 and Permit Expiration Date

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

**Item 16.1(From Mod 1):**

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

Emission Unit: 0-00001  
 Process: 001 Source Classification Code: 3-05-040-30  
 Process Description: STONE PROCESSING PLANT CRUSHERS

Emission Source/Control: 00001 - Control  
 Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 0001A - Process  
 Design Capacity: 350 tons per hour

Emission Source/Control: 0001B - Process  
 Design Capacity: 300 tons per hour

**Item 16.2(From Mod 1):**

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

Emission Unit: 0-00002  
 Process: 002 Source Classification Code: 3-05-020-06  
 Process Description: STONE PROCESSING PLANT TRIPLE DECK WET SCREENS

Emission Source/Control: 00002 - Control  
 Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 0002A - Process  
 Design Capacity: 650 tons per hour

Emission Source/Control: 0002B - Process  
 Design Capacity: 650 tons per hour

Emission Source/Control: 0002C - Process  
 Design Capacity: 650 tons per hour

Emission Source/Control: 0002D - Process  
 Design Capacity: 650 tons per hour

**Item 16.3(From Mod 1):**

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

Emission Unit: 0-00003  
 Process: 003 Source Classification Code: 3-05-020-06  
 Process Description: STONE PROCESSING PLANT DOUBLE DECK DRY SCREEN

Emission Source/Control: 00003 - Process  
 Design Capacity: 650 tons per hour

**Item 16.4(From Mod 1):**

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



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Emission Unit: 0-00004

Process: 004

Source Classification Code: 3-05-020-06

Process Description: STONE PROCESSING PLANT TRIPLE DECK DRY SCREEN

Emission Source/Control: 00004 - Process

Design Capacity: 350 tons per hour

**Item 16.5(From Mod 1):**

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

Emission Unit: 0-00005

Process: 005

Process Description: STONE PROCESSING PLANT CONVEYORS

Emission Source/Control: 00005 - Control

Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: 00055 - Process

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