



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-2911-00148/00007  
Effective Date: 05/19/2017 Expiration Date: 05/18/2022

Permit Issued To: PRECISION ELECTRO MINERALS COMPANY  
150 PORTAGE RD  
NIAGARA FALLS, NY 14303-1535

Contact: ABDUL S LABI  
PRECISION ELECTRO MINERALS  
150 PORTAGE RD  
NIAGARA FALLS, NY 14303  
(716) 284-2482

Facility: PRECISION ELECTRO MINERALS CO (PEMCO)  
150 PORTAGE RD  
NIAGARA FALLS, NY 14303

**Description:**

Precision Electro Minerals Company (PEMCO) is a manufacturer of an industrial product known as fused silica. The manufacturing plant and office is located on an approximately 5+/- acre site at 150 Portage Road in the City of Niagara Falls, New York. The raw material used to produce this product is silica sand, which is delivered to the plant by rail road hopper cars. This raw material is unloaded and stored in concrete silos until use. High temperature furnaces are used to produce the fused silica "ingot" from the silica sand. The plant has four (4) high temperature electric arc furnaces. Presently, only furnaces #3 & #4 are operating. A baghouse dust collector (emission point #0003) is used to control emissions from the furnacing. Without prior Department approval, furnaces #1 & #2 shall remain inoperable. After furnacing, the fused silica is crushed and screened to create the finished product. The finished product is usually shipped to customers in 50 lb palletized bags. A baghouse dust collector (emission point #0002) is used to control emissions from the crushing and screening operations.

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9291100148**



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: LISA M CZECHOWICZ  
NYSDEC - REGION 9  
270 MICHIGAN AVE  
BUFFALO, NY 14203-2915

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



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

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

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

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

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

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

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



## **LIST OF CONDITIONS**

### **DEC GENERAL CONDITIONS**

#### **General Provisions**

Facility Inspection by the Department  
Relationship of this Permit to Other Department Orders and  
Determinations  
Applications for permit renewals, modifications and transfers  
Permit modifications, suspensions or revocations by the Department

#### **Facility Level**

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



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

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

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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



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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
(716) 851-7165

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To:PRECISION ELECTRO MINERALS COMPANY  
150 PORTAGE RD  
NIAGARA FALLS, NY 14303-1535

Facility: PRECISION ELECTRO MINERALS CO (PEMCO)  
150 PORTAGE RD  
NIAGARA FALLS, NY 14303

Authorized Activity By Standard Industrial Classification Code:  
3297 - NONCLAY REFRACTORIES

Permit Effective Date: 05/19/2017

Permit Expiration Date: 05/18/2022



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 200.7: Maintenance of Equipment
- 3 6 NYCRR 200.6: Compliance Demonstration
- 4 6 NYCRR 200.6: Compliance Demonstration
- 5 6 NYCRR 200.7: Compliance Demonstration
- 6 6 NYCRR 211.1: Air pollution prohibited
- 7 6 NYCRR 212-1.6 (a): Compliance Demonstration
- 8 6 NYCRR 212-2.4 (b): Compliance Demonstration
- 9 6 NYCRR 212-2.4 (b): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 10 ECL 19-0301: Contaminant List
- 11 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 12 6 NYCRR Subpart 201-5: Emission Unit Definition
- 13 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 14 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 15 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 16 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 17 6 NYCRR Subpart 201-5: Process Definition By Emission Unit





**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

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

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

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

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



required to operate such device effectively.

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

If an existing emission source was subject to the permitting requirements of 6 NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: 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**

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00148/00007

Facility DEC ID: 9291100148



## **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)**

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



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: Acceptable Ambient Air Quality**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement: 6 NYCRR 200.6**

**Item 1.1:**

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.

**Condition 2: Maintenance of Equipment**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement: 6 NYCRR 200.7**

**Item 2.1:**

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 3: Compliance Demonstration**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement: 6 NYCRR 200.6**

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY075-00-0      PARTICULATES

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00148/00007

Facility DEC ID: 9291100148



**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Plant housekeeping will consist of daily removal of fine silica dust that accumulates on the floor. Floor sweepings shall be placed into super sacs which can be closed and remain closed until the time of disposal. Removal of this waste will be on a semiannual frequency or sooner if production increases.

Monitoring Frequency: DAILY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All doors and openings are closed and/or sealed to prevent fugitive emissions at all times the facility is in operation, except during ingress/egress of machinery.

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Weekly removal of fine silica dust that accumulates on equipment must be performed. Waste silica from dust collectors must be placed into closeable sacs. All waste silica ingots must be placed on an area of the property where there will be no off site migration. Removal of this waste will be on a semiannual frequency or sooner if production increases.

Monitoring Frequency: WEEKLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 6: Air pollution prohibited**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 6.1:**

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 7: Compliance Demonstration**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement:6 NYCRR 212-1.6 (a)**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If visible

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



emissions are noted, the facility will investigate to determine and correct the cause and document the findings in a log book. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

**DESCRIPTION**

Averaging Method: 6-MINUTE AVERAGE (METHOD 22)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 8: Compliance Demonstration**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement: 6 NYCRR 212-2.4 (b)**

**Item 8.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-00001

Emission Unit: 2-00001

Emission Unit: 3-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No facility owner or operator shall cause or allow emissions of particulate that exceed 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis, except in instances where determination of permissible emission rate using process weight for a specific source category emitting solid particulate is based upon Table 5 and Table 6 of Subdivisions 212-2.5(a) and (b) of this Part.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per standard cubic foot

Reference Test Method: EPA Reference Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

**DESCRIPTION**

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00148/00007

Facility DEC ID: 9291100148



Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable Federal Requirement: 6 NYCRR 212-2.4 (b)**

**Item 9.1:**

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

Emission Unit: 2-00001

Process: 002

Emission Source: 20001

Emission Unit: 3-00001

Process: 003

Emission Source: 30001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The fabric filters will be operated in accordance with the manufacturer instructions. For each fabric filter collector equipped with a pressure gauge, the pressure drop across the device will be monitored and recorded once per shift when the emission source is operating. The pressure drop readings shall be recorded in a log with the date, time of observation and the name of the observer.

If the pressure drop is outside of the manufacturer's prescribed upper limit of 8 inches of water, the process and equipment must be inspected to identify the problem and corrective actions taken. The identified problem and corrective actions shall be recorded in the log. If the corrective actions do not bring the pressure drop within the correct range, then the Department shall be notified within one business day.

Parameter Monitored: PRESSURE DROP

Lower Permit Limit: 1.5 inches of water

Upper Permit Limit: 8 inches of water

Monitoring Frequency: PER SHIFT

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
SEE MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.



**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



The initial report is due 1/30/2018.

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



**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;

(3) During the period of the emergency the facility owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

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

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



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

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 10: Contaminant List**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

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

**Item 10.1:**

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

CAS No: 0NY075-00-0  
Name: PARTICULATES

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

**Condition 11: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

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

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00148/00007

Facility DEC ID: 9291100148



## Item 11.1:

- (a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.
- (b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, maintenance, or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.
- (c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.
- (d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.
- (e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

## Condition 12: Emission Unit Definition Effective between the dates of 05/19/2017 and 05/18/2022

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

## Item 12.1:

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

Emission Unit: 1-00001

Emission Unit Description:

Electric arc furnaces #1 & #2 produce fused silica "ingots" from silica sand. A baghouse dust collector which exhausts to the atmosphere through a stack known as emission point 00001 controls particulate emissions from

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00148/00007

Facility DEC ID: 9291100148

these furnaces.

Building(s): 4A

**Item 12.2:**

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

Emission Unit: 2-00001

Emission Unit Description:

Fused silica is crushed, screened and bagged to produce a finished product. This process/system which is known as secondary crushing uses two crushers, two screeners, a bagging machine and miscellaneous storage bins and conveyors. Emission point 00002 is a stack from a baghouse collector which discharges to the atmosphere. It is used to control particulate emissions from this system/process.

Building(s): 4

**Item 12.3:**

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

Emission Unit: 3-00001

Emission Unit Description:

Electric arc furnaces #3 & #4 produce fused silica "ingots" from silica sand. A baghouse dust collector which exhausts to the atmosphere through a stack known as emission point 00003 controls particulate emissions from these furnaces.

Building(s): 4A

**Condition 13: Renewal deadlines for state facility permits**

**Effective between the dates of 05/19/2017 and 05/18/2022**

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

**Item 13.1:**

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

### Condition 14: Compliance Demonstration

**Effective between the dates of 05/19/2017 and 05/18/2022**

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

**Item 14.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 9  
270 Michigan Ave.  
Buffalo, NY 14203

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2018.

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

**Condition 15: Visible Emissions Limited**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 15.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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

**Condition 16: Emission Point Definition By Emission Unit**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

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

**Item 16.1:**

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

Emission Unit: 2-00001

Emission Point: 00002

Height (ft.): 23	Length (in.): 23	Width (in.): 19
NYTMN (km.): 4778.126	NYTME (km.): 170.976	Building: 4

**Item 16.2:**

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



Emission Unit: 3-00001

Emission Point: 00003

Height (ft.): 6 Length (in.): 48 Width (in.): 30  
NYTMN (km.): 4778.126 NYTME (km.): 170.976 Building: 4A

**Condition 17: Process Definition By Emission Unit**  
**Effective between the dates of 05/19/2017 and 05/18/2022**

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

**Item 17.1:**

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

Emission Unit: 1-00001

Process: 001

Process Description:

This process consists of two electric arc furnaces which produce fused silica ingots from silica sand. Only one furnace is energized at one time. While one furnace is energized producing a fused silica ingot, the second furnace is being cooled, unloaded and reloaded with silica sand to begin the furnacing process all over again. After the ingot is cooled, it is removed for further processing (crushing, screening and bagging). Emission point 00001 is a stack from a baghouse dust collector that provides dust collection for this furnacing operation. One ingot is produced weighing approximately 9000 lbs every six and one half (6 ½) hours of operation when operating at maximum operating level. Actual maximum ingots produced is 25 in 7 days.

Emission Source/Control: 10011 - Process

Design Capacity: 11,729,640 pounds per year

**Item 17.2:**

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

Emission Unit: 2-00001

Process: 002

Process Description:

This process is a crushing, screening & bagging operation that processes fused silica. The process consists of two crushers, two screeners, one bagger and miscellaneous conveying equipment & storage bins. Emission point 00002, is a stack from a baghouse dust collector that provides dust collection for this crushing, screening and bagging operation. This process normally operates sixteen (16) hrs per day, five (5) days per week processing approximately 2,500 lbs/hr of fused silica.

Emission Source/Control: 20001 - Control

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00148/00007**

**Facility DEC ID: 9291100148**



Control Type: FABRIC FILTER

Emission Source/Control: 20002 - Process

Design Capacity: 21,900,000 pounds per year

**Item 17.3:**

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

Emission Unit: 3-00001

Process: 003

Process Description:

This process consists of two electric arc furnaces which produce fused silica ingots from silica sand. Only one furnace is energized at a time. While one furnace is energized producing a fused silica ingot, the second furnace is being cooled, unloaded and reloaded with silica sand. After the ingot is cooled, it is removed for further processing. Emission point 00003, is a stack from the baghouse dust collector that provides dust collection from these two furnaces. One ingot is produced weighing approximately 9000 lbs every six & one half (6-1/2) hours of operation when operating at maximum level.

Emission Source/Control: 30001 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 30011 - Process

Design Capacity: 11,729,640 pounds per year



