

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Date : 01/21/2022

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 : 01/20/2022 9:00 PM

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

Basis for Determination : Data Review

Comments :

This determination is based upon review of records, observations of New York State Department of Environmental Conservation (NYSDEC or Department) staff of the Facility operations, and/or review of air monitoring data collected from July 1, 2021 through November 31, 2021.

Department staff observed fugitive dust emissions resulting in air contaminants migrating off-site on the following dates:

August 10, 2021
October 18, 2021
October 26, 2021
November 10, 2021
November 22, 2021
December 27, 2021

Department staff observed fugitive dust emissions generated from the baghouse silos on the following dates.

July 28, 2021
August 3, 2021

Total Suspended Particulate samples collected by Department staff at the Saratoga Sites Apartments public housing complex have shown offsite migration of particulate from Norlite. Off site collected samples have matched source samples taken from Norlite. Source samples taken at Norlite include the radial stacker, aggregate fines to silo, baghouse dust, and primary shale fines. Each of the 10 samples taken between 4/4/2021 and 06/15/2021 has resulted in particulate generated from Norlite, including baghouse dust.

Department air monitoring devices located at the Saratoga Sites Apartments public housing complex establish PM10 events attributable to Norlite. Such events include periods during which Norlite caused off-site air quality to exceed the USEPA Air Quality Index (AQI) PM10 3-hr running average unhealthy for sensitive groups value of 155 ug/m3. There were 22 hours during the time period sampled that exceeded the 3-hour running average of 155ug/m3.

Silica samples collected by Department staff at the Saratoga Sites Apartments public housing complex on the following dates establish Norlite has emitted air contaminants resulting in silica samples above the Department AGC of 2 ug/m3 measured at PM10.

March 17, 2021;
March 23, 2021;
April 22, 2021;
April 28, 2021;
May 16, 2021;
May 22, 2021;
June 15, 2021;
June 21, 2021;
August 2, 2021;
August 26, 2021;
September 1, 2021;
September 13, 2021;
October 1, 2021;
October 13, 2021

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.

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

COMPLIANCE STATUS - VIOLATIONS

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.

Permit Determinations (Violations) :

**Permit ID : 4-0103-00016/00048 Ren : 1 Condition# : 10 Period : 01/20/2022 9:00 PM
Program : SIP**

**Permit ID : 4-0103-00016/00048 Ren : 1 Condition# : 12 Period : 01/20/2022 9:00 PM
Program : SIP**

**Permit ID : 4-0103-00016/00048 Ren : 1 Condition# : 24 Period : 01/20/2022 9:00 PM
Program : STATE AIR PROGRAM**

**Permit ID : 4-0103-00016/00048 Ren : 1 Condition# : 5-124 Period : 01/20/2022 9:00 PM
Program : SIP**
