



Sand and Gravel Operations State & Federal Regulations – Facilities without Capture Systems 40 CFR Part 60 Subpart 000

In order to determine if your facility requires a permit from the New York State Department of Environmental Conservation (DEC) and/or is subject to Subpart 000 requirements, you will need to identify when your equipment was installed and its processing capacity. This includes a review of all processing equipment, including the crushers, grinding mills, screeners and sizing, conveying, bagging, storing (bins or piles) and loading (truck or rail) operations.

For the purpose of determining air permitting applicability, *capacity* refers to the cumulative rated capacity of all initial stone crushers that are part of the on-site operations. This fact sheet provides a **general overview of the state and federal regulations that apply to sand and gravel operations in New York State.**

Exempt Operations

You will need to obtain a DEC air permit for your sand and gravel processing or crushed stone processing line unless you meet one of the following exemptions:

- Your stone crusher(s) are permanent or fixed installations with a *maximum cumulative rated capacity* of 25 tons of minerals per hour or less; **or**
- Your stone crusher(s) are mobile (portable) installations with a *maximum cumulative rated capacity* of 150 tons of minerals per hour or less; **or**
- Your equipment is used exclusively to screen materials at a facility where no crushing or grinding takes place.

What if my processing equipment is temporary?

Temporary emission sources (*Subpart 201-2.1(29)*) may not need to obtain a DEC Air Permit, provided that you bring equipment on-site for a limited time operation (less than 90 consecutive days, per year), and remove it from site at the end of this period. Temporary sources must also:

- Notify the DEC of any intent to operate a *temporary emission source within at least 10 days.*
- Operate the emission source in compliance with all applicable requirements and regulations including 40 CFR Part 60 Subpart 000.
- Maintain records on-site for a period of at least five years, indicating the dates of operation.

Contact SBEAP staff if you would like assistance in determining whether your processing equipment is temporary.

Fugitive Emission Requirements

Fugitive emissions are particulate matter (dust) emissions that do not get collected by a capture system and get released to the atmosphere at the point of generation. The fugitive emission limits and associated compliance requirements that apply to your facility's equipment will depend on the installation dates of the equipment.

Table 1 summarizes the fugitive emission limits for facilities without capture systems, along with the necessary compliance requirements. If your facility has a capture system, such as a bag house or enclosed building, that releases stack emissions (rather than fugitive emissions), please contact SBEAP directly, as the regulatory requirements that apply to your facility are different.

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Phone: 585-475-7869 | Email: sbeap@rit.edu

Even if your operation is not subject to the fugitive emission limits listed in Table 1, Part 211 limits opacity to 20%. By using simple dust control strategies aimed at reducing particulates along with proper handling and storage techniques, you can reduce the chances of receiving any public complaints against your company and avoid any nuisance violation notices being issued by DEC.

Table 1 – Fugitive Emission Limits for Affected Facilities *without* Capture Systems

| Facilities <i>without</i> Capture Systems that commenced construction, modification, or reconstruction: | Applicable Regulation | Fugitive Emission Limit | | Compliance Requirements |
|---|---|-------------------------|--|--|
| | | Crushers: | All Other Affected Facilities ² : | The owner/operator must demonstrate compliance by: |
| <i>After August 31, 1983 but before April 22, 2008</i> | 40 CFR Part 60 Subpart 000 ¹ | 15% Opacity | 10% Opacity | <ul style="list-style-type: none"> Meeting fugitive emission limits no later than 180 days after initial startup Utilizing Method 9 to conduct an initial 3-hour opacity observation (30 6-minute averages) |
| <i>On or after April 22, 2008</i> | 40 CFR Part 60 Subpart 000 ¹ | 12% Opacity | 7% Opacity | <ul style="list-style-type: none"> Meeting fugitive emission limits no later than 180 days after initial startup Conducting an initial 30-minute Method 9 test to determine compliance with fugitive emissions limits (average of five 6-minute readings) Conducting a repeat opacity observation every 5-year period |

- Standards of Performance for Nonmetallic Mineral Processing Plants
- Grinding mills, screening, conveying, elevators, bagging, storage, or any other affected facility

Contact the SBEAP for free, confidential technical assistance.

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