



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
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NEW YORK, NY 10007-1866

April 25, 2019

Honorable Basil Seggos
Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-1010

Dear Commissioner Seggos:

Basil

I am pleased to transmit the results of the U.S. Environmental Protection Agency Region 2 Office's ("EPA's") fourth evaluation of the title V Operating Permit Program (OPP) being implemented by the New York State Department of Environmental Conservation (NYSDEC).

The EPA conducts an evaluation (audit) of the NYSDEC's approved OPP every four years as part of its oversight responsibilities. The basis for the EPA's evaluation is the requirements of title V of the Clean Air Act (CAA), EPA's regulations implementing the CAA which are codified at 40 C.F.R. part 70 and the NYSDEC's OPP as approved on February 5, 2002. As part of the 2018 evaluation, we followed up on each of our recommendations from the 2014 title V permit program evaluation report to determine whether the NYSDEC has made progress toward resolving the identified issues. The 2018 evaluation also addresses additional observations made during the EPA's review of select title V draft and proposed permits issued by the NYSDEC since the 2014 audit. Like the 2014 audit, the 2018 audit covers both the permitting and funding (fee) components of the NYSDEC's OPP.

We are pleased to note that the NYSDEC has taken steps to address some of the action items identified in the 2014 audit. The EPA commends the NYSDEC for developing the Permit Review Report (PRR) Guidance and Division of Air Resources (DAR)-17 Emissions Capping Guidance to foster consistency across the regional offices. The EPA recognizes the improved quality in title V permits and PRRs because of this effort. The EPA is also encouraged by the fact that the NYSDEC has accepted delegation for several federal regulations since 2014 and has incorporated the applicable requirements from non-delegated federal regulations in some of title V permits issued since 2014. We would like to recognize the NYSDEC for using its website effectively to publish title V public notices, draft title V permits and PRRs, and to provide the public with online access to the current and draft version of all title V permits and PRRs. Also, we appreciate the NYSDEC's cooperation in improving the process for handling case-by-case RACT determinations.

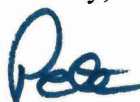
Nonetheless, we have identified certain areas that still warrant improvement. Major findings from our audit report are briefly discussed below. Please refer to Sections II and III of the audit report for detail. The NYSDEC needs to ensure that the DAR-17 Emissions Capping Guidance is consistently followed by all regional offices so that limitations on the potential to emit established in all title V permits are federally and practically enforceable. Also, the EPA recommends that the NYSDEC continue to ensure that the PRR Guidance is consistently followed by all regional offices. The NYSDEC needs to incorporate applicable requirements from all federal regulations into its title V permits in an enforceable manner, including all of the required elements of the Compliance Assurance Monitoring rule.

With respect to the title V funding component, this evaluation indicates that, despite the 2015 fee increase and the newly instituted \$2,500 base fee, the title V revenues are still insufficient to cover the costs of the NYSDEC's OPP. The title V program fund has a cumulative deficit of \$22,830,330, as of April 1, 2018, which is an increase of about 34% from the cumulative deficit noted in the 2014 audit report. The NYSDEC continues to supplement its title V program with funding from the State General Fund (SGF). As you know, CAA Section 502(b)(3)(i) and 40 C.F.R. Section 70.9 require that air permitting agencies with approved OPP to collect fees sufficient to cover permit program costs. The NYSDEC's title V fee deficiency issue that was noted in the 2014 audit report remains a concern for this evaluation. This draft audit report contains recommendations and ideas to generate additional revenues and increase the NYSDEC's title V funding.

We wish to thank you and your staff, especially Robert Stanton, Kristine Kelly and CathyJo Rogers for the cooperation and support given to my staff in conducting this evaluation, and I look forward to our continued collaboration and success in the implementation of the NYSDEC OPP. If you have any questions, please give me a call or have your staff call Ms. Suilin Chan, Chief, Permitting Section, Air Programs Branch, at (212) 637-4019 or at chan.suilin@epa.gov.

Best
Wishes!

Sincerely,



Peter Lopez
Regional Administrator

Enclosure: CD

cc: Robert Stanton, NYS DEC



**U.S. Environmental Protection Agency
Region 2**

Title V Operating Permit Program Evaluation

**New York State Department of
Environmental Conservation**

FINAL REPORT

April 25, 2019

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ATTACHMENTS

Attachment 1 - NYSDEC Letter Response, dated February 25, 2015

EPA 2014 Title V Audit Report/SECTION IV. Summary of Action Items; EPA Letter to NSYDEC, dated September 29, 2015

Attachment 2 - NYSDEC Response to Title V Program Review Questionnaire SFY 2018

Attachment 3 - NYSDEC Permits Included in the Response to EPA’s 2018 Questionnaire

Attachment 4 – NYSDEC Guidance on Content of the PRR, dated July 13, 2016

Attachment 5 – NYSDEC Operating Permit Program - Cash Flow Reports SFY 2014/2018

Attachment 6 - NYSDEC Operating Permit Information from Cash Flow Reports in EPA’s table and Responses to EPA’s Questions on Operating Permit Program Account and Operating Permit Level of Effort

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Attachment 7 - NYSDEC Operating Permit Program – Operating Permit Program Level of Effort SFY 2014 to SFY 2018

Attachment 8 - Semi-Annual Title V Permit Data Report New York State
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Attachment 9 - July 16, 2018 Meeting Agenda and Attendees List

Attachment 10 - NYSDEC Title V Program Cumulative Deficit as of April 1, 2018

Attachment 11 - 6 NYCRR Part 201 Regulations Filed June 7, 1996

I. INTRODUCTION

The Environmental Protection Agency (EPA) Region 2 oversees four separate air permitting authorities with approved Clean Air Act (CAA) title V operating permits programs. We conduct an audit every year of one of the four air permitting authorities, resulting in each program being audited every four years. The EPA recently conducted the fourth title V program review evaluation (2018 audit or 2018 evaluation) of the title V program implemented by the New York State Department of Environmental Conservation (NYSDEC or DEC). The NYSDEC implements a fully approved title V program.

The objectives of this 2018 evaluation are: 1) assess whether the NYSDEC's title V program is being implemented consistent with the requirements of title V of the CAA and the EPA's implementing regulations and the approved NYSDEC title V program; 2) identify areas of NYSDEC's title V program that need improvement; and 3) identify areas where the EPA's oversight role can improve. Based on our experience, the program audit combined with the EPA's on-going oversight review of draft and proposed title V permits issued by the NYSDEC provides a reasonable assessment of the NYSDEC title V program.

The NYSDEC issues title V permits to approximately 384 facilities through its nine regional offices. Additional staff located at the NYSDEC's Central Office provide administrative support as well as technical support to the overall title V program implementation. In the 2018 program audit, the EPA revisited the issues identified in the November 25, 2014 title V program review (2014 audit) report. Please refer to Section II of this report for detail. Also, this 2018 audit report addresses issues identified during our routine oversight review of draft and proposed title V permits and during the audit. Please refer to Section III of this report for detail. The 2018 evaluation was conducted in three stages.

Stage One

In the first stage, the EPA sent the NYSDEC a two-part questionnaire (the 2018 Questionnaire).¹ The first part focused on the progress the NYSDEC has made in addressing the concerns identified by the EPA in the 2014 review. The second part was designed to cover additional concerns from the EPA's review of draft and proposed title V permits issued by the NYSDEC since the 2014 audit. The NYSDEC responded to the 2018 Questionnaire on May 22, 2018.²

Stage Two

The second stage of the evaluation was an in-person meeting on July 16, 2018, in the NYSDEC's Central Office in Albany, NY. The meeting discussion focused on many title V program specific issues from a list³ the EPA prepared and shared with the NYSDEC in advance of the in-person meeting. A summary of the discussion is included in Sections II and III of this report.

¹ The EPA's 2018 Questionnaire was sent to the NYSDEC on April 20, 2018. *See* Attachment 3.

² *See* Attachment 3.

³ *See* Attachment 9 for Meeting Agenda and Attendees List.

Stage Three

The third stage of the 2018 program evaluation was follow-up discussions related to the title V fee issues. The EPA made follow-up phone calls and exchanged e-mails with the NYSDEC's staff with expertise in the title V fee program to clarify the EPA's understanding of the various aspects of NY's title V fee program. The additional documents and clarifications provided by the NYSDEC were helpful to the EPA's completion of this report.

EPA Region 2 would like to acknowledge the cooperation and hospitality of the NYSDEC's staff and management during this title V program evaluation. We appreciate the willingness of staff and management to discuss the issues brought up by the EPA during the in-person meeting, and to share their experiences regarding the implementation of the NYSDEC's title V program. Also, we would like to thank Kristine Kelly and CathyJo Rogers of the Division of Air Resources/Bureau of Quality Assurance for their help and clarification on the title V fee related questions.

Based on the EPA's evaluation, the NYSDEC implements a comprehensive title V program and has made some significant improvements to its permits and Permit Review Reports (PRR)⁴ since the 2014 audit. However, there are additional opportunities for refinement. Please refer to Section IV of this report for a detailed list of recommendations that can better the NYSDEC's title V program. Some of the items or recommendations listed may require follow-up action from the NYSDEC. The EPA will continue to support the NYSDEC's effort in implementing a sound title V program in the State of New York.

⁴ 40 CFR § 70.7(a)(5) requires title V air permitting authorities to provide a statement of basis. For the NYSDEC issued title V permits, the PRR is the equivalent of a statement of basis.

II. FOLLOW-UP FROM THE 2014 TITLE V PROGRAM EVALUATION

In the 2014 audit report, the EPA provided a summary of issues or discussion items ("Section IV Summary of Action Items") that needed follow up action by the NYSDEC. On February 25, 2015, the NYSDEC provided a response to the list of action items. Both documents can be found in [Attachment 1](#). As part of the 2018 audit, we evaluated the progress the NYSDEC has made in addressing each of those action items. Action items from the 2014 audit report that were discussed in the EPA's September 29, 2015 letter are listed below along with a discussion of the status of the issue, informed by DEC's response to the 2018 Questionnaire⁵ and the EPA's review of select title V permits issued since the 2014 audit.

A. Rationale for Gap-Filling Monitoring in Permit Record

2014 EPA Action Item 2: DEC should identify all gap-filling monitoring in the "Basis for Monitoring" section of the PRR with a brief discussion of the selected monitoring.

2015 Department Response Action Item 2 - DEC agrees with this Action Item. As indicated in DEC's response to Action Item 1, DEC is currently working to revise internal guidance which instructs permit writers how to properly develop a PRR. The revised document will emphasize the level of detail that must be included in the Basis of Monitoring portion of the PRR to address all gap-filling monitoring conditions contained in a Title V permit. At a minimum, this will include identification of all gap-filling monitoring conditions along with a brief discussion of the selected monitoring.

2018 EPA Evaluation of Action Item 2: As part of our 2018 evaluation, we requested the NYSDEC to provide four permit review reports (PRRs)⁶ for title V permits issued since the 2014 audit that address and discuss the gap-filling conditions included in the corresponding permits. 6 NYCRR 201-6.4(b)(2) and 40 CFR §70.6(a)(3)(B) require the permitting authority to include in permits periodic monitoring, testing, or recordkeeping sufficient to determine compliance with an applicable requirement when the applicable requirement does not directly require such monitoring. Adding such periodic monitoring, testing, or recordkeeping provisions in permit is called "gap-filling."

The purpose of a PRR⁷ is to set forth the legal and factual basis for the draft permit conditions. The PRR explains the rationale for decisions made in the permitting process and for arriving at the stipulated permit conditions. A determination of the need to impose gap-filling requirements is one such decision. Our review of the "Basis for Monitoring" sections of the four PRRs provided by the NYSDEC reveals that none of the PRRs identifies those conditions that contain gap-filling requirements. Absent such information, it is difficult to

⁵ See Attachment 2.

⁶ The four PRRs provided by the NYSDEC are for the following permits: Owens-Corning Insulating Systems – Feura Bush (4-0122-00004); Sumitomo Rubber USA LLC (9-1464-00030); Kings Plaza Energy LLC (2-6105-00301); and Pearl River Campus LLC (3-3924-00025). See Attachment 3.

⁷ 40 CFR §70.7(a)(5). See footnote 4, above and Section III.A of this 2018 audit report (Permit Review Report Content) for additional discussion related to the purpose of the PRR.

draw any conclusion as to whether the permit includes gap-filling requirements or on the appropriateness of those gap-filling requirements. However, we note that the “Basis for Monitoring” section of NYSDEC’s guidance on the content of PRRs dated July 13, 2016⁸ (NYSDEC PRR Guidance) requires that gap-filling monitoring requirements be addressed in the PRR.

Action Item 2 remains a concern for the EPA in the 2018 audit. The PRR must identify all conditions that include gap-filling monitoring and must provide the rationale for the monitoring selected. It would be helpful in identifying the gap-filling requirements in the permits if the respective permit conditions containing gap-filling requirements cited to NYSDEC’s gap-filling authority at 6 NYCRR 201-6.4(b)(2). While the EPA commends the NYSDEC for including the gap-filling section in its PRR Guidance, it appears that the NYSDEC needs to make additional efforts to ensure that the PRR Guidance is being followed. Furthermore, the EPA suggests that NYSDEC examine whether changes to the NYSDEC PRR Guidance are necessary to better articulate, for the permit writers, what the PRR should include related to gap-filling monitoring requirements.

B. Emission Information

2014 EPA Action Item 1: For permit modifications, DEC should provide in the public notice the change in emissions for each pollutant emitted by the emission unit(s) involved in the permit modification.

2015 Department Response to Action Item 1 - DEC agrees with this Action Item. While many permit modifications contain emission change information in the public notice, DEC intends to develop a procedure to ensure all public notices for significant modifications of Title V permits include emission changes for all regulated pollutants involved in the modification. Developing such a procedure involves not only the Division of Air Resources (DAR) staff, but Division of Environmental Permits (DEP) staff as well, as DEP staff is responsible for public notice preparation of all DEC permits. DEC intends to develop such a procedure by the end of 2015.

2018 EPA Evaluation of Action Item 1: Our review of some recent public notices (PNs) shows that the PNs contain information on emission changes. Moreover, our review of the PRRs of recently-issued permits indicates that a majority of the PRRs provide the specific emission rates (in tons per year (tpy) or pounds per year (lb/yr)) for the potential to emit (PTE) of a facility, as opposed to the range in tons per year. However, as the EPA noted during the in-person meeting, and in the context of our formal comments on draft or proposed permits, we have identified PRRs that do not include emission information for all pollutants emitted by a facility in the PTE column of the “Emission Summary” table of the PRR or that include the actual emission rates instead of the PTE.

⁸ See Attachment 4.

The NYSDEC has adequately resolved this concern from the 2014 audit. We encourage the NYSDEC to continue its practice of including the PTE (in addition to the actual emissions) of all pollutants emitted by the facility in the PTE column of the “Emission Summary” table of the PRR.

C. Capping Limits

2014 EPA Action Item 1: DEC should substantiate in either the public notice or the PRR all capping limits (i.e., limits on the potential to emit (PTE)) that render applicable requirements no longer applicable to the source.

2015 Department Response Action 1- DEC agrees with this Action Item. DEC substantiates capping limits and the avoidance of applicable requirements in public notices and Title V permits. Also, as previously noted in the Department response to Rationale for Gap-Filling Monitoring in Permit Record Action Items 1 and 2, DEC is revising internal guidance which instructs permit writers how to properly develop a PRR. A portion of this guidance will address how capping limits should be described in a PRR.

2018 EPA Evaluation of Action Item 1: As part of our 2018 evaluation, we requested the NYSDEC to provide four permits and their corresponding PRRs⁹ that have capping limits and that were issued after the 2014 audit.¹⁰ Our review of these four PRRs, as well as PRRs of other recently-issued permits, reveals that in some instances in the PRR the emission units to which the capping limits apply are not identified and monitoring requirements are not specified or justified, and in some other instances the justification for the capping limits is entirely omitted from the PRR.¹¹ The capping limits and the rationale for the corresponding compliance demonstration methods should be documented in the PRR. In instances where the NYSDEC determines that there is no need to include periodic monitoring or testing to assure compliance with an emission limit, no need to set limits on production or operation, or no need to include the emission factors that the facility should use to verify compliance with the permitted limitations, the rationale for those determinations must be documented in the PRR.

⁹ The revised internal guidance mentioned by the NYSDEC in the “2015 Department Response Action 1” was issued on July 13, 2016. See Attachment 4, Division of Air Resources Internal Guidance (DAIG) DAIG-10 dated July 13, 2016 (NYSDEC PRR Guidance). As stated by the NYSDEC in 2015, this guidance provides permit writers instructions on the content of the PRR, including discussing and justifying the capping limits. See Attachment 4, NYSDEC PRR Guidance, Basis of Monitoring Section. Thus, although in our 2014 evaluation report we stated that DEC should substantiate the capping limits in either the public notice or PRR, our **2018 EPA Evaluation of Action Item 1**, reflects our understanding that the NYSDEC PRR Guidance requires that capping limit be substantiated in the PRR. Thus, in our **2018 EPA Evaluation of Action Item 1**, we focused on whether the NYSDEC addresses the capping limits in the PRRs.

¹⁰ The four permits & PRRs provided by the NYSDEC are: Owens-Corning Insulating Systems – Feura Bush (4-0122-00004); Sumitomo Rubber USA LLC (9-1464-00030); Pearl River Campus LLC (3-3924-00025); and Kings Plaza Energy LLC (2-6105-00301). See Attachment 3.

¹¹ See for example the PRR for Pearl River Campus LLC (3-3924-00025) which can be found in Attachment 3.

While the EPA acknowledges that the NYSDEC has made significant efforts to address this issue since the 2014 audit, NYSDEC needs to ensure that every PRR documents the capping limits consistent with the NYSDEC PRR Guidance.

2014 EPA Action Item 2: All permits with capping limits should be issued with appropriate monitoring, recordkeeping and reporting requirements.

2015 Department Response Action 2 - DEC agrees with this Action Item. DEC issues Title V permits with capping limits that contain appropriate monitoring, recordkeeping and reporting requirements. However, DEC recognizes that its guidance describing how to write federally enforceable capping limits (Air Guide 10) is outdated and needs revision. DEC has drafted revisions to this guidance and expects to propose such revisions in 2015.

2018 EPA Evaluation of Action Item 2: The revised guidance alluded to in the NYSDEC's 2015 response was issued on March 30, 2017 and is titled “DAR-17/Federal Enforceability of Air Pollution Control Permits”¹² (DAR-17 Guidance). This new guidance states that it “describes the procedures and requirements for developing federally enforceable permit conditions that must be used by permit writers when implementing NYSDEC’s operating permit program.” The DAR-17 Guidance discusses the need to include in the permit, compliance demonstration methods (or techniques) and limits on production or operation. The DAR-17 Guidance provides that, to be enforceable, limits on the PTE must be accompanied by production or operational limitations. It also states that each limitation included in the permit must be listed as a separate condition that can be enforced independently from other conditions in the permit. This new guidance is consistent with the EPA's established guidance that, for emission caps to be enforceable as a practical matter, the limits on the PTE must be clearly defined and be accompanied by the compliance demonstration method (i.e., monitoring, periodic testing, recordkeeping and reporting requirements).

The DAR-17 Guidance addresses this Action Item. However, based on our review, there are still instances where the appropriate monitoring, recordkeeping or reporting requirements were not established in title V permits with capping limits. Further, our review reveals that some permits with capping limits do not include production or operational limits. And in other instances, the permit lacks monitoring to assure compliance or a clear compliance demonstration method. For example, we noted that while some permits include the percent (%) capture efficiency as permit limits, they do not include any monitoring or recordkeeping requirements to assure continuous compliance with the permitted percent capture efficiency limits. Consistent with DAR-17 Guidance as well as EPA guidance,¹³ a clear methodology used in verifying compliance with the emission caps is specifying the emission factors (e.g., lb/MMBTU, lb/kW-hr, g/BHP-hr, g/kW-hr, ppm) or emission rates (e.g., lb/hr) that the facility should use in combination with the actual production or operation parameters to determine the actual monthly or annual emissions.¹⁴ We are pleased to note that the majority

¹² DAR-17 Guidance can be found at <http://www.dec.ny.gov/chemical/109133.html>

¹³ See Footnote 15 below.

¹⁴ See DAR-17 Guidance, at page 5 and 6.

of permits we reviewed specify 1) the emission factors or emission rates that the facility should use to verify compliance with the limits on the PTE; and 2) the methodology for calculating the actual emissions to verify compliance with the capping limits. However, there are still instances where some permits omitted these two items and thus lack clarity regarding the compliance determination technique. Also, some permits do not specify each limitation as a separate permit condition.

For example, the permit for Pearl River (one of the four permits provided by the NYSDEC for the 2018 audit), contains three conditions, listed below, that establish limits on the NO_x emissions resulting from emergency generators (EG or generators) and a boiler to avoid the applicability of 6 NYCRR 231-6 (“Modifications to Existing Major Facilities in Nonattainment Areas and Attainment Areas of the State within the Ozone Transport Region”) to these emission sources. These three conditions of the Pearl River permit, Conditions 60, 61 and 62, cite to 6 NYCRR 201-7 as their origin of authority. A discussion of each of these 3 permit conditions is presented below:

Condition #60 of the Pearl River permit establishes a limit for the PTE of NO_x emission resulting from two diesel-fired EGs. It reads as follows:

“Monitoring Description: Combined NO_x emissions will be less than 2.5 tons per year on an annual total rolled monthly determined by fuel use as a surrogate. Fuel burned will not exceed 19,900 gallons per year. Records to be kept on site and made available for inspection.

Work Practice Type: Process Material Throughput
Process Material: Fuel Oil
Upper Limit: 19,900 gallons per year
Reference Test Method: EPA Approved
Monitoring Frequency: Monthly
Averaging Method: Annual Maximum Rolled Monthly
Reporting Requirements: Annually (Calendar)”

From Condition #60, it’s unclear whether the condition was intended to establish a limit of 2.5 tons of NO_x or a fuel use limit on the two generators combined. In either case, the permit (including Condition #60) is not consistent with the DAR-17 Guidance because it does not include the NO_x emissions limit in tpy and the operational limit in gallons per year as two separate permit conditions. The “Parameter Monitored” item which appears in other conditions was omitted from Condition #60. Given that fuel use is being monitored as a surrogate for NO_x emissions, an emission factor and fuel monitoring requirements should be specified in the permit to ensure that NO_x emissions from fuel use are calculated in a consistent manner to demonstrate compliance. However, the permit included neither. It is unclear how the facility should verify compliance with the NO_x emission limit without the NO_x emission factor and the requirement to monitor fuel use. Further, the permit needs to specify how the facility will monitor the fuel usage (e.g., fuel meter, delivery invoices).

Condition #61 establishes a limit on the PTE of NO_x emissions resulting from a boiler. It reads as follows:

“Monitoring Description: NO_x emission shall not exceed 24.1 tons per year on a rolling monthly annual total calculated from the fuel use.

Work Practice Type: Parameter or Process Material
Process Material: Fuel Oil
Parameter Monitored: Fuel
Upper Limit: 24.1 tons per year
Reference Test Method: EPA Approved
Monitoring Frequency: Monthly
Averaging Method: Annual Maximum Rolled Monthly
Reporting Requirements: Annually (Calendar)”

In Condition #61, while the “Upper Limit” item establishes a “24.1 tons per year” limit, the “Parameter Monitored” item indicates that the facility would monitor fuel oil. It is unclear whether the facility is required to monitor fuel use or NO_x emissions. Further, the boiler cited in Condition #61 is authorized to combust fuel oil and natural gas but there is no monitoring requirement (e.g., fuel meter (for liquid and gaseous fuel), delivery invoices) for fuel use. So, it is unclear if the limit of 24.1 tpy is for NO_x emissions generated by the boiler while combusting fuel oil alone. While there is a NO_x (lb/MMBTU) emission factor mentioned elsewhere in the permit, Condition #61 makes no reference to that emission factor. The permit is not clear on how the facility should calculate the boiler’s actual NO_x emissions resulting from fuel oil combustion.

Condition #62, which establishes a limit on the PTE of NO_x emissions resulting from one diesel fired EG, reads as follows:

“Monitoring Description: Combined NO_x emissions are limited to 4000 pounds per year and surrogate fuel burned will be used to compute emissions. Records must be maintained on site.

Work Practice Type: Process Material Throughput
Process Material: Fuel Oil
Upper Limit: 4,000 pounds per year
Reference Test Method: EPA Approved
Monitoring Frequency: Monthly
Averaging Method: Annual Maximum Rolled Monthly
Reporting Requirements: Annually (Calendar)”

The “Upper Limit” item establishes a “4,000 pounds per year” limit. However, since no “Parameter Monitored” is specified, it is unclear what the facility is required to monitor under Condition #62. Also, the permit omitted the NO_x emission factor and a limit on fuel oil usage for the EG. It is unclear how the facility should calculate the actual NO_x emissions to verify compliance with the capping limit based on the EG’s fuel usage. Further, from this

condition or elsewhere in the permit it is unclear how the facility is supposed to monitor the fuel usage.

For the reasons discussed above, and illustrated by Conditions 60, 61 and 62, Action Item 2 remains a concern for the EPA in 2018. To ensure that the PTE capping limits are federally and practically enforceable (see DAR-17) and that the non-applicability of major new source review or of other SIP approved or federal air regulations is effective, the NYSDEC needs to ensure that each permit writer drafts capping conditions that are consistent with the NYSDEC regulations, including 6 NYCRR 201-6.4 (a)-(c) and 201-7, and with the DAR-17 Guidance. The NYSDEC must continue to ensure that in all title V permits it issues limitations on the PTE and the compliance demonstration methods (e.g., monitoring, testing, recordkeeping and reporting requirements) are clearly defined. See 40 CFR § 70.6 and EPA's Policy Guidance.¹⁵

D. Federal Enforceability

1. Non-Delegated Federal Standards

2014 EPA Action Item 1: DEC should include all non-delegated federal standards in the title V permits to be issued by all 9 NYSDEC regional offices.

2015 Department Response - DEC agrees with this Action Item and will continue to include all non-delegated federal standards in the title V permits it issues.

2018 EPA Evaluation of Action Item 1: As part of our 2018 evaluation we requested the NYSDEC to provide title V permits issued by NYSDEC since the 2014 audit that include

¹⁵ There is a substantial amount of EPA guidance and administrative decisions relating to PTE and PTE limits. See generally, e.g., Yuhuang Chemical Inc. Methanol Plant Title V petition response Order, No. VI-2015-03 which can be found at https://www.epa.gov/sites/production/files/2016-09/documents/yuhuang_response2015_0.pdf at p. 13-15; Yuhuang Chemical Inc. Methanol Plant Title V petition response Order, Nos. VI-2017-d VI 2017-135 April 2, 2018 which can be found at https://www.epa.gov/sites/production/files/2018-04/documents/yuhuang_ji_order_3-19-18.pdf; Hu Honua Bioenergy Facility Title V petition response Order, No. IX-2011, February 7, 2014 which can be found at https://www.epa.gov/sites/production/files/2015-08/documents/hu_honua_decision2011.pdf; Cash Creek Generation, LLC, Title V petition response Order, No. IV-2010-4 June 22, 2012 which can be found at https://www.epa.gov/sites/production/files/2015-08/documents/cashcreek_response2010.pdf; John Seitz and Robert Van Heuvelen, "Release of Interim Policy on Federal Enforceability of Limitations on Potential to Emit" (Jan. 22, 1996); John S. Seitz. "Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act" (January 25. 1995); Kathie Stein, "Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and § 112 Rules and General Permits" (January 25, 1995); and Memorandum from Terrell E. Hunt, EPA Guidance on Limiting Potential to Emit in New Source Permitting, June 13, 1989 which can be found at <https://www.epa.gov/sites/production/files/2015-07/documents/limitpotl.pdf> "Extension of January 25, 1995 Potential to Emit Transition Policy," John S. Seitz, Director, Office of Air Quality Planning and Standards, and Robert I. Van Heuvelen, Director, Office of Regulatory Enforcement (August 27, 1996); "Second Extension of January 25, 1995 Potential to Emit Transition Policy and Clarification of Interim Policy," John S. Seitz, Director, Office of Air Quality Planning and Standards, and Eric V. Schaeffer, Director, Office of Regulatory Enforcement (July 10, 1998), "Third Extension of January 25, 1995 Potential to Emit Transition Policy," John S. Seitz, Director, Office of Air Quality Planning and Standards, and Eric V. Schaeffer, Director, Office of Regulatory Enforcement (Dec. 20, 1999).

conditions reflecting requirements from federal standards for which the DEC has not taken delegation, referred to here as non-delegated federal standards (e.g., New Source Performance Standards (NSPS), National Emission Standards for Hazardous Pollutants (NESHAP)). Our review of the four permits¹⁶ provided by the NYSDEC and other recently-issued permits indicates that there is little improvement in addressing the issues the EPA raised in the 2014 audit report concerning NYSDEC's inclusion of the applicable requirements from non-delegated federal standards in title V permits.

As we stated in our 2014 audit report and the follow up letter to NYSDEC dated September 29, 2015, while a state has discretion in deciding when or if to take delegation of a federal standard, that does not excuse a State from including all applicable requirements¹⁷ in title V permits it issues or from enforcing them. CAA §§ 502(b)(5)(A), (B), and (E) and 502(d)(1). 40 CFR § 70.4(b)(3)(i) requires the permitting authority to "[i]ssue permits and assure compliance with each applicable requirement of this part by all part 70 sources."

A primary purpose of title V is to provide each major facility with a single permit that includes all CAA requirements applicable to the facility. To accomplish this purpose, permitting authorities must incorporate applicable requirements in sufficient detail such that the public, facility owners and operators can clearly understand the requirements with which the facility must comply. The requirements that must be included in each title V permit are emission limitations and standards, as well as operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance; they also include all necessary testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with the permit. CAA §§ 504(a) and (c), 40 CFR § 70.6 and 6 NYCRR 201-6.4. Based on our review, in multiple instances, the NYSDEC incorporates conditions which cite to non-delegated standards, such as NSPS Subpart IIII "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines," NSPS Subpart JJJJ "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines," NESHAP Subpart ZZZZ "National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines," and NESHAP JJJJJ "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources," as their regulatory authority with no specificity identifying the emission unit(s) that are subject to the standard(s). Here are examples of such permit conditions: "Applicable Federal Requirement: 40 CFR 60 NSPS, Subpart IIII" or "Applicable Federal Requirement: 40 CFR 63 NESHAP, Subpart ZZZZ." Furthermore, instead of specifying the applicable requirements from these standards, the permit merely directs the permittee to the regulation(s) to figure out what requirements apply to the subject emission units. Language used in those conditions include: "Facilities that have stationary compression ignition internal combustion engines must comply with applicable portions of

¹⁶ The four permits provided by the NYSDEC are: Owens-Corning Insulating Systems – Feura Bush (4-0122-00004); Sumitomo Rubber USA LLC (9-1464-00030); Pearl River Campus LLC (3-3924-0025); and United Riverhead Terminal (1-4730-00023). See Attachment 3.

¹⁷From EPA's November 25, 2014 audit report: "The EPA regulations at 40 CFR §70.2 define applicable requirements to include, among other things, any standard or other requirement under section 111 and 112 of the Act as they apply to emissions units in a part 70 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates)."

40 CFR 60 NSPS, Subpart IIII” or “Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 60 NESHAP, Subpart ZZZZ.” The NYSDEC’s practice as described above does not comport with the part 70 regulations. This is a recurring issue that was raised in prior program evaluations. *See* EPA’s September 29, 2015 letter to the NYSDEC in Attachment 1.

The permit for United Riverhead Terminal, for example, which is one of the four permits provided by the NSYDEC, simply states at Condition 31: “Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 subpart ZZZZ.” Neither this nor other permit conditions indicate which emission sources are subject to 40 CFR part 63 subpart ZZZZ, what limits apply or how the facility will demonstrate compliance. Furthermore, Condition # 32 of this permit states: “The Department has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart ZZZZ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.”

To comply with the CAA requirement, the NYSDEC must incorporate all applicable requirements into its title V permits. 40 CFR § 70.6 and 6 NYCRR 201-6.4. We note, for instance, that NSPS IIII, NSPS JJJJ, NESHAP ZZZZ and NESHAP JJJJJ (standards for which the NYSDEC has declined to accept delegation) are applicable to numerous emission units located at various title V sources throughout New York State. Also, as explained in EPA’s 2014 audit report and reiterated in this report, 40 CFR § 70.4(b)(3)(i) requires the permitting authority to “issue permits and assure compliance with each applicable requirement and requirement of this part by all part 70 sources.” See CAA §§ 502(b)(5)(A), (B) and (E) and 502(d)(1). Based on our recent communications with the NYSDEC, it is our understanding that the NYSDEC acknowledges our concern and is exploring options to revise the above-mentioned language.

Nevertheless, as an encouraging note, in the Sumitomo Rubber permit, the NYSDEC incorporated non-delegated federal requirements with the appropriate level of detail. Applicable requirements from the following non-delegated federal standards were included: NSPS JJJJ; NESHAP ZZZZ and JJJJJ. We also note that, besides Sumitomo Rubber, some other permits that we reviewed since the 2014 audit also properly included permit requirements from NSPS IIII, NSPS JJJJ, NESHAP ZZZZ and NESHAP JJJJJ.

The EPA recognizes that trying to determine how federal standards apply to facilities can be laborious and time consuming, especially when initially developing permit conditions from newly promulgated standards. Thus, to help sources determine the requirements of specific regulations, such as NSPS IIII, NSPS JJJJ, NESHAP JJJJJ,¹⁸ NESHAP JJJJJ, and NESHAP

¹⁸ The NYSDEC has not accepted delegation for NESHAP JJJJJ “Brick and Structural Clay Products Manufacturing.”

ZZZZ, the EPA has developed implementation tools that are available online.¹⁹ These tools can be helpful for both facilities and permitting authorities when developing either permit conditions for a specific title V permit, or templates that can be customized to include applicable requirements from certain federal standards (after some minor adjustments) for any permit. In addition to the EPA's implementation tools, there are EPA guidance documents available online²⁰ that are meant to help facilities comply with the stationary engine rules. We believe this guidance also may be helpful to the NYSDEC in the development of permit conditions and templates for NSPS IIII, NSPS JJJJ, NESHAP JJJJJ, and NESHAP ZZZZ that may be helpful to NYSDEC. EPA is aware that certain NYSDEC regional offices have developed permit conditions to reflect requirements from NSPS IIII, NSPS JJJJ, NESHAP JJJJJ, or NESHAP ZZZZ and have been including them in title V permits issued by those regions. NYSDEC may wish to look into providing a sharing platform so that regional offices can share their expertise with each other and permits requiring conditions for said non-delegated federal standards could be handled more efficiently and consistently across all NYSDEC regional offices. We encourage the NYSDEC to develop templates, which will enable the inclusion of applicable requirements from non-delegated standards into its title V permits in an efficient and expeditious manner. The EPA notes that NYSDEC's title V application requires the facility, pursuant to 6 NYCRR 201-6.2(d)(4), to include very low-level citations (e.g., part, subpart, paragraph, subparagraph, clause, subclause) from each applicable federal requirement in addition to basic information such as size of emission unit, year of construction, proposed monitoring. We believe all this information would be helpful to NYSDEC in developing the permit conditions to address the applicable non-delegated standards to which the facility is subject.

As discussed above Action Item 1 remains a concern for the EPA in 2018. The NYSDEC must incorporate, into its title V permits all applicable requirements and assure compliance with each applicable requirement.

2014 EPA Action Item 3: If DEC intends to accept delegation of the 11 federal standards noted in EPA's June 4, 2014 letter, the EPA requests a commitment to incorporate them into 6 NYCRR 200.10 and the corresponding tables within 6 months of the date of this report.

2015 Department Response to Action Item 3 - DEC disagrees with this Action Item. DEC intends to accept delegation of all federal standards in EPA 's June 4, 2014 letter, with the exception of 40 CFR § 63 Subpart JJJJJ -Area Source Industrial, Commercial, and Institutional Boilers. DEC is undergoing the rule making process to incorporate the remaining 10 federal standards by reference into 6 NYCRR Part 200.10 and the corresponding tables. While DEC is working to have the Part 200.10 revisions finalized as expeditiously as possible, it can make no commitment as to when those rule revisions will be

¹⁹The EPA implementation tools for NSPS IIII, NSPS JJJJ, NESHAP JJJJJ, and NESHAP ZZZZ can be found at <https://www.epa.gov/stationary-sources-air-pollution/epa-regulation-navigation-tools>; The EPA implementation tools and guidance documents for NESHAP JJJJJ can be found at <https://www.epa.gov/stationary-sources-air-pollution/compliance-industrial-commercial-and-institutional-area-source#Implementation>.

²⁰ The EPA guidance documents for NSPS IIII, NSPS JJJJ and NESHAP ZZZZ can be found at <https://www.epa.gov/stationary-engines/guidance-and-tools-implementing-stationary-engine-requirements>

finalized. DEC must comply with the requirements of the State Administrative Procedure Act (SAPA) for all rulemakings, including those to incorporate federal standards by reference. SAPA contains various legal procedural requirements and timeframes regarding publication, public notice and comment. To ensure compliance with SAPA, DEC cannot alter the requirements of SAPA nor specify a date by which it will finalize revisions to Part 200.10. In the meantime, as previously noted in the Department 's response to Action Item 1, DEC will continue to include all non-delegated federal standards in the Title V permits it issues.

2018 EPA Evaluation of Action Item 3: Our review of 6 NYCRR 200.10 “Federal standards and requirements”²¹, which identifies the federal rules for which NYSDEC accepted delegation, reveals that the NYSDEC accepted delegation for 9 out of 11 federal standards noted in the EPA’s June 2014 letter. The two remaining standards noted in our letter for which the NYSDEC has not yet accepted delegation are as follows: 40 CFR Part 63 (NESHAP) Subpart J “Major Source Polyvinyl Chloride and Copolymers,” and NESHAP Subpart JJJJJ “Area Source Industrial, Commercial, and Institutional Boilers.” Also, the EPA’s June 2014 letter mentioned two NESHAP standards that were vacated at the time in 2014, NESHAP Subpart JJJJ “Brick and Structural Clay” and NESHAP Subpart KKKKK “Clay and Ceramics.”²² As EPA informed the NYSDEC during the in-person meeting, the two standards mentioned above are no longer vacated.

We encourage the NYSDEC to take delegation of the remaining standards noted in the EPA’s June 2014 letter and all other NESHAP and NSPS that apply to sources at title V facilities in the State of New York, and to finalize the Part 200.10 revisions as expeditiously as possible and to submit them to EPA as a SIP revision.

2. Case-By-Case RACT Variances (Limits)

2014 EPA Action Item 5: DEC should commit to designating RACT variances that have not been approved into the SIP by EPA on the state-only section of the title V permit, or inform EPA of a different method of designation, or list only existing SIP limits in the permit but denote those for which source-specific RACT variances have been submitted to EPA for approval.

2015 Department Response to Action Item 5-DEC disagrees with this Action Item.

2018 EPA Evaluation of Action Item 5: Since the 2014 audit, the EPA and the NYSDEC have worked cooperatively to improve the process for handling case-by-case NO_x or VOC RACT limits that have not yet been approved into the SIP by the EPA. We are placing Action Item 5 in abeyance, pending continuing progress on this issue.

²¹ 6 NYCRR 200.10 can be found at

[https://govt.westlaw.com/nyccr/Document/I4e8c43a8cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nyccr/Document/I4e8c43a8cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

²² See final rule, 40 CFR Part 63, Subparts JJJJJ and KKKKK, at 80 Fed. Reg. 65470 (Oct. 26, 2015); proposed amendments to final rule, 40 CFR Part 63, Subpart KKKKK, at 83 Fed. Reg. 42066 (Aug. 20, 2018), and remand of 40 CFR Part 63, Subpart JJJJJ, *Sierra Club v. EPA*, 895 F.3d 1 (D.C. Cir. July 6, 2018).

E. Title V Fee Program

2014 Action Item 1: Explore ways that may allow the title V program to be funded solely with title V fee revenues.

2015 Department Response to Action Item 1 - DEC agrees with this Action Item and will explore various possibilities.

2018 EPA Evaluation of Action Item 1 - In response to the 2018 Questionnaire and in discussion during the in-person meeting, the NYSDEC advised that, since the 2014 audit, it has begun requiring a base fee of \$2,500 for each facility subject to title V. This base fee was not part of the title V fee revenues before state fiscal year (SFY) 2015. In addition, starting with SFY 2015, the graduated fee schedule was adjusted upward. No other changes have been made to the title V fee program.

CAA § 502(b)(3)(i) and 40 CFR § 70.9 require title V permit fees to be sufficient to cover the title V program costs and be used solely to cover permit program costs. The information provided by the NYSDEC indicates that for SFY 2014/2015, SFY 2016/2017 and SFY 2017/2018 the NYSDEC has not collected sufficient fee revenue to cover the costs of the title V permitting program. This funding issue is not new. The NYSDEC has been using the State General Fund (SGF) to supplement the funding requirement of its title V program since 2006. The issue was also identified in EPA's 2014 title V program audit report.

The lack of sufficient fee revenue to fund the State's title V program is not unique to the State of New York. Nationwide, decreasing emissions from title V sources have impacted the title V fees collected by the permitting authorities, and the NYSDEC is not immune to this trend.

The EPA's Office of Inspector General (OIG) conducted an evaluation of the title V fee sufficiency issue in nine of the nation's largest permitting authorities (including NYSDEC) that oversee 45% of the nation's active title V permits. The OIG report, dated October 20, 2014, "found significant weaknesses in the EPA's oversight of state and local title V programs' fee revenue practices."²³ On March 27, 2018, in response to an October 20, 2014 OIG report, the EPA issued two guidance documents²⁴ which reflects the EPA's response to the OIG's recommendations.

²³ EPA OIG Report, "Enhanced EPA Oversight Needed to Address Risk from Declining Clean Air Act Title V Revenues", October 20, 2014 p.1, which can be found at <https://www.epa.gov/sites/production/files/2015-09/documents/20141020-15-p-0006.pdf>

²⁴ The "Updated Guidance on EPA of Fee Schedules for Operating Permit Programs Under Title V" ("updated fee schedule guidance") can be found at "https://www.epa.gov/sites/production/files/2018-03/documents/fee_schedule_2018.pdf and "Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70" (title V evaluation guidance) can be found at https://www.epa.gov/sites/production/files/2018-03/documents/fee_eval_2018.pdf. The EPA 2018 guidance documents state, among other things, that "an air agency must submit a 'detailed accounting' demonstrating that the fee schedule is adequate to cover costs if the EPA determines-based on the EPA's own initiative or based on comments rebutting a presumption of fee sufficiency-that there are serious questions regarding whether the fee schedule is sufficient to cover costs."

In an effort to generate more title V revenues, in 2015 the NYSDEC successfully sought legislative support to increase the graduated per ton fee schedule and instituted a \$2,500 base fee. The per ton fee was increased roughly between 25% to 31% above the pre-2015 level. As a result of the fee increase, there was a surplus in SFY 2015/2016 only; that surplus was in the amount of \$797,037. However, the 2015/2016 surplus is insufficient to bring the account balance to zero. Even with this surplus, the NYSDEC's title V program's cumulative balance carried over since program inception reaches a deficit of \$ 22,803,330.98 as of April 1, 2018.²⁵ This is an increase of about 34% from the cumulative deficit of \$17,084,690 noted in the NYSDEC's 2015 response. *See* Table 1 below.

See updated fee schedule guidance at page 3, and title V evaluation guidance at pages 3 and 9.

²⁵ *See* Attachment 10.

Table 1 – OPP Cost Information -SFY 2014/2015 through 2017/2018

[Extracted from NYSDEC Operating Permit Program Account (OPPA) Cash Flow Reports]

Sate Fiscal Year	SFY 2014/2015	SFY 2015/2016	SFY 2016/2017	SFY 2017/2018
Total number of title V Sources which paid fees	398	402	390	384
Annual Emissions (tons) for which fees were paid	99,745	94,984	80,779	66,619
No. of FT Employees	41	42	42	43
Total Annual Fees Revenue Collected from title V Sources “R”, which are a combination of per ton fee and a \$2,500 base fee.	\$5,344,174	\$8, 193,546	\$6,673,147	\$5,396,214
OPP Total Expenses (or Disbursements) or “TE”	\$8,256,115	\$7,396,509	\$7,821,381	\$7,851,718
Shortfall or Difference Between “R” and “TE	- \$2,911,941	\$797,037	-\$1,148,234	-\$2,455,504
Beginning of SFY OPPA balance or cumulative deficit	Negative \$17,084,690	Negative \$19,996,630	Negative \$19,199,593	Negative \$20,347,827

Table 1 is a summary of the information²⁶ provided by the NYSDEC regarding their title V revenues, expenses, and the operating permit program account (OPPA) balance or the cumulative deficit for SFY 2014/2015 through 2017/2018.

All title V revenues collected by the NYSDEC from title V facilities are deposited into the OPPA. According to the NYSDEC, title V revenue is expended from the OPPA to solely²⁷ pay for the title V program costs or expenditures using appropriate accounting tools. The money from the SGF covers all title V program costs from the beginning of the SFY, which is April 1st, until the title V fees are received in September. Then, title V revenues are deposited into the OPPA, as they are received, thereby reducing the deficit in the OPPA. Nonetheless, given the magnitude of the negative balance in the OPPA, the collected fee revenue cannot bring the OPPA into balance. As a result, money from the SGF continues to supplement the OPPA.

According to the NYSDEC, the SGF money used to cover the title V program expenses do not have to be paid back. There is no mechanism in the current New York State law for

²⁶ See Attachment 5.

²⁷ As discussed at section E (Title V Fee Program)/2018 EPA Evaluation of Action Item 7 of this report, some activities, such as the DOH activities, paid by the NYSDEC from the OPPA do not seem to qualify as title V program expenses.

repaying the money from the SGF. The SGF supplement is authorized each fiscal year as part of the Enacted Budget for the Operating Permits Program.²⁸

The expenses shown in Table 1 are those expenses that are paid for through the OPPA, with title V fees and SGF. As shown in Table 1, for 3 out of 4 SFYs (2014/2015 through 2017/2018) the collected title V fees were insufficient to cover the title V expenses for that fiscal year.

The NYSDEC also provided information on the costs of the “OPP Level of Effort”²⁹ (OPPLE). The title V costs presented in the OPPL tables³⁰ are significantly higher than the costs in the OPPA. The NYSDEC stated that the OPPA balance or the cumulative deficit represents “the cash expenses against the Operating Permit Program Account and not the Level of Effort costs.”³¹ The number of FTEs for which OPPL costs were calculated are higher than the number of FTEs included in the OPPA costs calculation. According to the NYSDEC, the number of FTEs included in the OPPL represent the actual amount of title V work performed in the respective SFY. Table 2 below contains information on the number of FTEs that appears in the OPPA and the number of FTEs doing direct title V work, based on the OPPL. As explained by the NYSDEC, the additional FTEs used for the OPPL calculations are paid out of other funding sources, such as the SGF, and all staff that perform title V activities “code their time to title V task codes regardless of what fund is used to pay their salary.”³²

Table 2: Number FTE from SFY 2014/2015 to SFY 2017/2018

Sate Fiscal Year (SFY)	SFY 2014/2015	SFY 2015/2016	SFY 2016/2017	SFY 2017/2018
No. of FTEs included in the OPPA	41	42	42	43
Estimated No. of FTE doing title V work, based on the OPPL reports	96	97	95	90

²⁸ The following explanation regarding the SGF was provided by the NYSDEC “Loan language is included as part of the Enacted Budget each fiscal year which allows expenditures from the OPP account even when there is an insufficient cash balance. As an example, 2018-19 loan language is in the Revenue Article VII bill (S7509-C/A9509-C) Part BBB Section 1: The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:” Then there is a list of eligible funds/accounts including: “20. Operating permit program account (21451).” See Attachment 6.

²⁹ “OPP Level of Effort” is an account of the actual FTEs dedicated to title V program implementation.

³⁰ See Attachment 7.

³¹ See Attachment 6, “Responses from NYSDEC on NYSDEC Operating Permit Program Account and Operating Permit Level of Effort.”

³² See Attachment 6.

Air permitting agencies with approved permit programs under part 70 must comply with minimum permit program requirements, which among other things, include collecting fees sufficient to fund the program. Section 502(b)(3)(A) of the Act requires permit programs to fund all "reasonable (direct and indirect) costs" of the permit programs through permit fees collected from sources. Similarly, 40 CFR § 70.9(a) requires the collected fees to be sufficient to cover all reasonable permit program costs and requires the fees to be used "solely" for permit program costs.

As discussed above, the information provided by the NYSDEC shows that the fee schedule passed into law by the NYS Legislature in 2015 (a combination of base fee and per ton fee), except for SFY 2015/2016, did not result in the collection of fees in an amount sufficient to meet the fee requirements of the NYSDEC's Operating Permits Program for the subject SFY. While we applaud the NYSDEC's efforts to address the funding shortfall by implementing a base fee and an increased graduated fee schedule, the shortfall and reliance on supplemental income from the SGF continues.

In spite of the fact that all title V permit program expenses are ultimately covered by the SGF during each fiscal year, this practice raises concerns with regard to the NYSDEC's title V fee obligations and remains an issue that must be addressed.

During the in-person meeting, the EPA suggested the following ideas to the NYSDEC that may help generate additional fee revenues. We recommend that the NYSDEC explore these ideas in detail, to determine whether any of them might be appropriate to adopt:

- Establish higher fee rates for hazardous air pollutant emissions;³³
- Consult title V fee programs of other permitting agencies such as that of the New Jersey Department of Environmental Protection ³⁴ to understand their fee revenue ideas;
- Collect fees for the actual emissions from insignificant emission sources.³⁵

Action Item 1 remains a concern for the EPA in 2018. Consistent with the 2018 fee guidance and 40 CFR § 70.9(b)(5) and (c), the EPA sees a detailed accounting or fee demonstration as a useful vehicle for understanding and addressing the revenue shortfall.³⁶ The EPA strongly

³³ See "Colorado Department of Public Health & Environment Title V Permitting Program Review, Final Report", September 2013, page 8 which can be found at https://www.epa.gov/sites/production/files/2016-09/documents/co_title_v_audit_2013_final.pdf

³⁴ See N.J.A.C. 7:27-22 "Operating Permits" at <https://www.state.nj.us/dep/aqm/currentrules/Sub22.pdf>

³⁵ Part 70 does not prevent permitting authorities from collection fees from insignificant emission sources. In the 6 NYCRR 201-3, the insignificant emission sources are identified as "exempt and trivial activities."

³⁶ In its written response to the 2018 Questionnaire, the NYSDEC stated, "the fee increases, and the base fee were implemented in 2015, and remain in effect currently" and that the fee demonstration issue has been discussed informally with the EPA. NYSDEC stated: "To perform a fee demonstration as defined by EPA in 'Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70' dated 3/27/18 requires a prescribed, time-consuming and labor-intensive process. The DEC Annual reports accurately reflect the status of the Title V fee funding and corresponding shortfall. Performing a fee demonstration to reach a known conclusion does not seem to be a prudent use of reduced DEC staff resources for little if any benefit." Attachment 2, NYSDEC Response to Title V Program Review Questionnaire for the State of New York, Fiscal Year 2018, at page 2.

encourages the NYSDEC to take actions, including raising permit fees and increasing the efficiency of the title V program, so that the program expenses can be covered by title V fees alone.

2014 EPA Action Item 2: Submit to the legislature a request for CPI adjustment for all Title V fee rates.

2015 Department Response to Action Item 2 - DEC agrees with this Action Item. Governor Cuomo 's 2015-16 budget includes a fee increase and a Consumer Price Index adjustment for fees. However, DEC Executive cannot control whether this proposed legislation gets passed into law by the legislature.

2018 EPA Evaluation of Action Item 2 – While the graduated per ton fees were increased in 2015, the legislature has not approved any Consumer Price Index (CPI) adjustments since 2015. We encourage the NYSDEC to continue its effort to seek legislative approval for CPI adjustment for all Title V fee rates.

2014 EPA Action Item 3: Submit to the legislature a request to eliminate the fee rates that are lower than the maximum fee rate from the variable fee schedule.

2015 Department Response to Action Item 3 - DEC agrees with the recommendation and the 2015-16 Executive Budget includes a proposal to raise the per ton fees and establish a base fee of \$2,500. However, the proposal continues to have a graduated fee schedule based upon total emissions. DEC cannot control whether this proposed legislation gets passed into law.

2018 EPA Evaluation of Action Item 3 - All of the fee rates in the new graduated fee schedule adopted by the NYSDEC in 2015 are higher than the presumptive minimum fee rates for sources subject to 40 CFR part 70 for SFY 2015 through SFY 2018. At this time, the EPA considers Action Item 3 addressed.

2014 EPA Action Item 4: Elaborate on ways to shorten permit review time.

2015 Department Response to Action Item 4– DEC agrees with this Action Item and would implement any viable measure to shorten permit review times. Currently, new permits and modifications are DEC's highest priority for Title V permit reviews. Permit renewals are DEC's lowest priority; therefore, they generally have the longest review time. Additional staff would enable DEC to cultivate a more vigorous and robust program that would provide the ability to shorten permit review times, especially renewals.

2018 EPA follow up Action Item 4: Please identify the measures that NYSDEC explored and/or employed to reduce or shorten permit review time.

2018 Department Response to Action Item 4-DEC initiated monthly conference calls with the Regions in 2014 to review the status of all pending Air State Facility and Title V permit applications. These calls, which include Division of Air management, are now quarterly and

continue to allow for the identification of issues and roadblocks that can cause permitting delays. In the DEC R2 office, staff from the Air Program and Environmental Permits program hold monthly docketing sessions to resolve issues and track timeframes. Permit applications for new sources/facilities and modifications are DEC's highest priority. A new computer system was explored but shelved due to resource constraints. Continued staff reductions, primarily through retirements of experienced personnel, make this action item a challenge. A final idea to speed permit review is if EPA would evaluate the possibility of running its 45-day review period concurrently with the public's 30-day period.

2018 EPA Evaluation of Action Item 4 - In accordance with 40 CFR § 70.7(a)(v)(2), a title V permitting authority shall take final action on each permit application (including a request for a permit modification³⁷ or renewal) within 18 months, or lesser time approved by the Administrator, after receiving a complete application.³⁸ During the July 16, 2018 in-person meeting the NYSDEC indicated that about 46% of title V applications (initial, modifications and renewals applications, combined) were pending final action beyond 18 months, or “backlogged.”

In accordance with title V program requirements, title V permits must be renewed every five years. *See* 40 CFR § 70.7. The NYSDEC reported in a TOPS³⁹ report that as of June 30, 2018 roughly 22% of their active title V permits, due for renewal, were administratively extended (expired permits can be extended upon receipt of a timely and complete renewal application) or “backlogged.”⁴⁰ Timely renewals are important for ensuring that title V permits contain all applicable requirements, especially when new applicable regulations were promulgated or became effective since the last permit renewal. In response to the 2018 Questionnaire,⁴¹ the NYSDEC identified competing non-title V workload, and the extensiveness and complexity of the federal rules as issues affecting implementation of the title V program). In its response to the 2018 Questionnaire, the NYSDEC proposed having a synchronized 30-day public comment review and 45-day EPA review as a way to speed up the permitting review. During the in-person meeting, the NYSDEC indicated that it would like to designate this for a future discussion.

The EPA acknowledges that the conference calls and meetings initiated by the NYSDEC Albany central office with their 9 regional offices, and the meetings at the regional offices level, are helpful in addressing permitting issues and thus reducing the permit review times. Also, we share the NYSDEC's concern about staff reductions and retirement of experienced

³⁷ Here the term “permit modification” is only meant to include significant modifications.

³⁸ It appears that under 6 NYCRR 621 the NYSDEC is required to comply with even more stringent deadlines for taking final action on significant modification than Part 70's deadlines.

³⁹ “TOPS” is the Semiannual Title V Permit Data Report.

⁴⁰ *See* Attachment 10.

⁴¹ Section F. Title V program issues & concerns of the 2018 Questionnaire: **EPA's Question:** Are there any issues affecting implementation of the title V program in your state right now that you consider particularly important? And, if so, how can EPA help? **DEC Response:** *As a general issue, the Non-Title V workload competes for staff's time. Rules are often voluminous, complex and difficult to interpret. DEC simply asks for EPA patience... on a case by case basis. See Attachment 2.*

staff. The EPA is willing to explore the idea of synchronizing the 30-day public review and the EPA's 45-day review, if the NYSDEC wishes to consider such a process. Implementation of a synchronized public review would require a Memorandum of Agreement that details the logistics of such an effort is accepted by both agencies.

Action Item 4 remains a concern for the EPA in 2018. The NYSDEC should continue to explore ways to improve its permit review time and its title V permit issuance rate. We encourage the NYSDEC to reach out to the EPA on any issues regarding the interpretation and implementation of federal regulations.

2014 EPA Action Item 7 - Transfer from the Title V fund to the State General Fund all Department of Health (DOH)'s activities that are not related to title V. For those activities that will be paid out of the title V fund, NYSDEC must specifically identify them with justification for each. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.

2015 Department Response - *DEC will evaluate with DOH both the level of expenditure of Title V funds, and the activities funded under these funds to assure they are consistent with federal and state requirements.*

2018 EPA Evaluation Action Item 7: As part of our 2018 evaluation, we requested the NYSDEC to identify and provide, in a table, the DOH's activities that were paid out of the title V fund for SFY 2014 through 2017. Based on our review of the DOH reports provided by the NYSDEC, we reached the same conclusion that was drawn in the 2014 audit report. The vast majority of the DOH's tasks or activities listed in those reports do not appear to be associated with the implementation of the title V program. During the in person-meeting, the NYSDEC acknowledged that even though in 2015 it committed to evaluate the DOH activities and ensure that only those DOH's activities that are related to the title V permitting program would be funded from title V fees, the NYSDEC has not followed up on this action item. The NYSDEC paid for all the activities included in the DOH reports from title V fund without questioning whether they are related to the title V permitting program. The amounts paid by the NYSDEC for the DOH activities ranged, roughly, between 7.5% to 9.6% of the total expenses of the NYSDEC title V permitting program. According to 40 CFR § 70.9(a), the title V fee revenues should not be used for any purposes other than to fund the title V permitting program. Funding the costs of the DOH activities that lack a clear connection to title V permitting with title V funds calls into question compliance with 40 CFR § 70.9.

Action Item 7 remains a concern for the EPA in 2018. We request that the NYSDEC evaluate and document in writing in each of its future annual reports the relationship between DOH activities that are paid out of the title V fund and the title V permitting program.

III. 2018 ADDITIONAL TITLE V PERMIT PROGRAM REVIEW

This section presents additional observations from the EPA’s review of the NYSDEC’s title V draft or proposed permits since the 2014 audit as well as permits received in response to the 2018 Questionnaire.

A. Permit Review Report Content

The EPA’s regulations implementing title V require that a permitting authority provides “a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutes and regulations). The permitting authority shall send this statement to the EPA and to any other person who requests it.” *See* 40 CFR § 70.7(a)(5). The statement of basis is intended to support the requirements of CAA § 502(b)(6) by providing information to allow for “expeditious” evaluation of the permit terms and conditions, and by providing information that supports the public’s participation in the permitting process. *See* EPA’s April 30, 2014 “Implementation Guidance on Annual Compliance Certification Reporting and Statement of Basis Requirements for Title V Operating Permits.”⁴²(EPA April 2014 Guidance).

The statement of basis should provide the permitting authority’s rationale on applicability determinations and technical issues supporting the issuance of the title V permit. It is an essential tool for conducting meaningful permit reviews. The EPA has issued guidance on the required content of a statement of basis on several occasions.⁴³ The EPA guidance has consistently explained the need for permitting authorities to produce statements of basis with sufficient detail to document their decisions in the permit. As discussed in Section II above, the statement of basis that accompanies each NYSDEC-issued title V permit is called a Permit Review Report (PRR). We note that there is no requirement for preparing a PRR in 6 NYCRR 201-6. However, the NYSDEC PRR Guidance specifies what should be included in the PRR and it tracks closely the EPA’s guidance on the content of a statement of basis.

Based on our review, we found that most of the PRRs include a considerable amount of useful information. However, in some instances the PRRs do not consistently include sufficient information to adequately document the applicability or non-applicability of federal standards such as NSPS and NESHAP. The standards are only listed as an applicable requirement in the PRR with a high level citation. Some PRRs even fail to mention all federal standards that apply to the facility.

⁴² The EPA’s April 30, 2014 “Implementation Guidance on Annual Compliance Certification Reporting and Statement of Basis Requirements for Title V Operating Permits” can be found at <https://www.epa.gov/sites/production/files/2015-08/documents/20140430.pdf>

⁴³ *See* “Title V Policy and Guidance Database” which can be found at <https://www.epa.gov/title-v-operating-permits/title-v-operating-permit-policy-and-guidance-document-index>. Also, EPA has issued guidance on the content of the statement of basis through Orders responding to petitions to EPA to object to proposed title V permits which can be found at <https://www.epa.gov/title-v-operating-permits/title-v-petitions>.

While a majority of these federal standards include a brief general description of the scope of the respective regulation, there are a few citations listed without any description. Here are some examples of the text we found in some of the PRRs reviewed:

“40 CFR Part 63, Subpart DDDDD

This subpart establishes national emission limits and work practice standards for hazardous air pollutants (HAP) emitted from industrial, commercial, and institutional boilers and process heaters located at major sources of HAP emissions. It also establishes requirements to demonstrate initial and continuous compliance with the emission limits and work practice standards.

40 CFR Part 63, Subpart JJJJJ

This regulation covers facilities that own or operate an industrial, commercial, or institutional boiler as defined in §63.11237 that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in §63.2, except as specified in §63.11195.

40 CFR Part 63, Subpart ZZZZ

This regulation defines performance standards for stationary reciprocating internal combustion engines.

40 CFR Part 63, Subpart ZZZZ

40 CFR Part 60, Subpart IIII

Standards of performance for stationary compression ignition internal combustion engines.

40 CFR Part 60, Subpart IIII

40 CFR Part 60, Subpart JJJJ

Standards of performance for stationary spark ignition internal combustion engines.

40 CFR Part 60, Subpart GG

40 CFR Part 60, Subpart KKKK”

Further, the PRRs failed to identify the equipment or emission sources subject to the listed standards, or discuss which portions of those regulations apply, and why. Such PRRs do not conform with EPA regulations and guidance or with the NYSDEC PRR Guidance which states that:

“Each PRR should explain the rationale used when developing the permit, determining which requirements apply, and determining how compliance should be demonstrated.”

“Each Facility Specific Regulation description should describe how the requirement applies to the facility and how applicability was determined. The following items should be included in the Facility Specific Requirements section of the PRR:

1. A simplified description of why each regulation is applicable to the facility. The explanation should address how the requirement applies and how applicability was determined.”

The applicability of federal requirements such as NSPS and NESHAP depends on factors including the size/capacity of the emission source or equipment and the date of construction. This information is readily available to the NYSDEC and the applicant. However, unless it is included in the PRR, this information is not readily available to the public and the EPA. Absent the relevant information, the PRR does not serve the purpose of providing the public or the EPA with the NYSDEC’s rationale on those applicability determinations. As stated in the EPA’s April 2014 Guidance, a PRR that does not provide all requisite information that supports public participation in the permitting process does not serve its intended purpose.

Additionally, a PRR without pertinent information on the determination of applicable regulations is not consistent with the NYSDEC PRR Guidance (See Attachment 4), which states:

“Emission unit descriptions should include the type and number of operations and/or equipment they include, the size of the equipment, fuels burned, capacities, and other general information. The type of information provided here should be limited to that which is most pertinent to the determination of applicable regulations, emission limits, operating requirements and compliance methods that apply to the emission unit.

Each process being carried out under each emission unit should be described. The process description should characterize what is going on with the various emission sources within the emission unit (e.g. the process of burning natural gas in a boiler, the process of coating a substrate with primer, etc.). The type of information provided here should be limited to that which is most pertinent to the determination of applicable regulations, emission limits, operating requirements and compliance methods that apply to the process.”

Also, in many instances, we found that the PRRs do not discuss the non-applicability of some NSPS and NESHAP regulations (i.e., discussion of why the emission unit(s) are not subject to otherwise applicable regulations). This is also not consistent with the NYSDEC PRR Guidance⁴⁴ that states:

“Each PRR should explain the rationale used when developing the permit, determining which requirements apply, and determining how compliance should be demonstrated. It should also explain why certain requirements were left out of the permit (e.g. non-applicable regulations), especially those that may have been included in a previous version of the permit that are now obsolete.”

⁴⁴ The NYSDEC’s PRR guidance document (Attachment 4 to this audit report) addresses the content of the statement of basis and also requires the inclusion of details or discussion related to non-applicability determination of federal standards.

Although a majority of the PRRs the NYSDEC issues provide information to document permitting decisions, the NYSDEC should take steps to ensure that every PRR adequately documents all permitting decisions, including the applicability or non-applicability of federal standards.

B. Compliance Assurance Monitoring

The EPA developed 40 CFR Part 64 “Compliance Assurance Monitoring” (CAM rule) which requires monitoring for specific emissions units at a facility that is subject to the title V regulations. CAM monitoring is specific to large emissions units at title V facilities that use add-on control devices, and the CAM rule aims to have the owners or operators of the title V sources maintain their control devices at levels that assure continuous compliance with emissions standards. Consequently, the monitoring under the CAM rule is conducted to assure that control devices, once installed, are properly operated and maintained to continue to achieve a specified level of control that complies with the applicable requirement.⁴⁵ Title V permits must include CAM provisions where CAM is required. *See* 40 CFR § 70.6(a)(3)(i)(A) and 6 NYCRR 201-6.4(b)(1). The CAM rule allows sources to design CAM plans and propose those plans to the permitting authority for approval. The elements of a CAM plan are described at 40 CFR §§ 64.4 and 64.6(c). Section 64.6(c) states, “If the permitting authority approves the proposed monitoring [CAM plan], the permitting authority shall establish one or more permit terms or conditions that specify the required monitoring in accordance with § 70.6(a)(3)(i) of this chapter.” At a minimum, the permit content shall specify the indicators; the means or devices to measure the indicators; the performance requirements; the definition of what constitutes exceedances or excursions from the indicator range(s) established for CAM; the duty to conduct monitoring; the minimum data availability and averaging period requirements; and the milestones for testing, installation, or final verification.⁴⁶

As part of this title V evaluation, the EPA evaluated terms and conditions stipulated pursuant to the CAM rule to determine if they were properly included in the permit. The EPA asked the NYSDEC to identify four permits with CAM provisions, their corresponding PRRs, and the CAM Plans.⁴⁷ The NYSDEC provided the following permits and their PRRs: Owens-Corning Insulating Systems – Feura Bush (4-0122-00004); Sumitomo Rubber USA LLC (9-1464-00030); Adchem Corporation (1-4730-00001); and Ball Metal Beverage Container Corporation (5-4115-00002).⁴⁸

Three of the permits (Owens-Corning, Sumitomo Rubber, and Adchem Corporation) incorporated the elements required by 40 CFR § 64.6(c) within the body of the permit, with

⁴⁵ *See* “What is the Compliance Assurance Monitoring (CAM) rule?”, and “What is Compliance Assurance Monitoring (CAM) monitoring?” which can be found on the EPA website at <https://www.epa.gov/air-emissions-monitoring-knowledge-base/frequently-asked-questions-about-air-emissions-monitoring#whaticam>

⁴⁶ *See* EPA’s “Frequently Asked Questions (FAQs) Concerning the Compliance Assurance Monitoring (CAM) Rule” which can be found at <https://www.epa.gov/air-emissions-monitoring-knowledge-base/frequently-asked-questions-concerning-compliance-assurance>

⁴⁷ EPA notes that the CAM Plans were not included in the NYSDEC’s submittal.

⁴⁸ *See* Attachment 3.

few exceptions. The permits for Owens-Corning and Sumitomo Rubber did not explicitly define exceedance or excursion as required by 40 CFR § 64.6(c)(2).⁴⁹ 40 CFR part 70 was revised to be consistent with the CAM rule. 68 Fed. Reg. 38518 (June 27, 2003). One of the changes was to § 70.6(c)(5)(iii), which requires that the annual compliance certification “identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred.” The compliance certification conditions in the three above-mentioned permits with CAM conditions did not include this compliance certification requirement. A summary of our findings is presented below:

The permit for Ball Metal includes the following condition (Condition #44), which cites to 40 CFR § 64:

“This emission unit [EU: U-10001] is subject to the Compliance Assurance Monitoring Rule (CAM Rule). The owner or operator of this emission unit must submit a plan to the Department for its review and approval showing how they will comply with this rule. The plan must include the following:

- An indicator to be monitored to show compliance with the applicable emission limit or standard.
- The ranges or designated conditions for such indicators, or the process by which such indicators ranges, or designed conditions will be established.
- the performance criteria for the monitoring stated above
- if applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS (if used).

The owner or operator of this emission unit shall submit an annual report of the monitoring required above. The report shall include the following:

- summary of information on the number, duration and cause (including unknown cause) of excursions or exceedances, as applicable, and the corrective actions taken;
- summary information on the number, duration and cause (including unknown cause) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks if applicable); and
- a description of the actions taken to implement a Quality Improvement Plan (QIP) during the reporting period. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.”

⁴⁹ See 40 CFR § 64.6(c)(2) “The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under §§ 64.7 and 64.8 of this part. The permit shall specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value(s) or condition(s) at which an excursion shall occur, or the specific procedures that will be used to establish that value or condition. If the latter, the permit shall specify appropriate notice procedures for the owner or operator to notify the permitting authority upon any establishment or reestablishment of the value.”

Aside from the above-mentioned condition, it appears that there are no other conditions citing to part 64, there is no CAM plan referenced in the permit or attached to the permit, and there is no discussion in the permit or in its corresponding PRR whether the facility submitted a CAM plan and whether the CAM plan, if one was submitted, was approved by the NYSDEC. As discussed above, 40 CFR § 64.6(c) requires the permitting authority to “establish one or more permit terms and conditions that specify the required monitoring.” See 40 CFR § 64.6(c)(1) through (4) above for the minimum content requirement for the permit. The Ball Metal permit neither incorporates the CAM provisions within the body of the permit, nor includes or references an approved CAM plan as an attachment. If Ball Metal’s emission unit is indeed subject to CAM (which was inconclusive based on the information in the permit and PRR), and the omitted CAM plan was an oversight, we do not believe this oversight is reflective of a programmatic issue.

Of the four PRRs reviewed, with the exception of Owens Corning,⁵⁰ the CAM applicability section describes, in general terms, the applicability of 40 CFR part 64 and explains, in general terms, the CAM rule requirements and includes a brief discussion of the part 64 exemptions. However, we note that none of the PRRs, except the one for Owens Corning, identify or list the emission unit(s) subject to CAM or discuss why CAM applies to the particular emission unit. Also, the PRRs do not state the rationale upon which the NYSDEC approved the particular CAM plan. This may indicate that either the NYSDEC relies solely on the facility’s justification of the monitoring approach selected and the indicator ranges chosen, or the NYSDEC omitted to include the rationale in the PRRs.

The NYSDEC should address CAM requirements of 40 CFR § 64.6(c) in the body of the permits, as it was done in the Owens-Corning, Sumitomo-Rubber and Adchem Corporation permits and ensure that all permit elements specified at 40 CFR § 64.6(c) are included in each permit that contains CAM provisions. With the exception of Owens-Corning, the approach used in the PRRs for the above-mentioned permits in addressing CAM applicability is also not consistent with the requirements for a statement of basis as stipulated in 40 CFR § 70.7(a)(5).⁵¹ An approved CAM plan is an important part of the monitoring to be used to demonstrate that an emission unit is in compliance with applicable requirements. Thus, the NYSDEC should identify in the PRR, the emission units to which CAM applies, discuss the reasons why CAM applies to them, and provide the rationale for approving the CAM plan.

⁵⁰ The exception we found is the PRR for the Owens-Corning permit. The PRR identifies parameters that have to be monitored for the control devices (electrostatic precipitators) and includes a discussion supporting the adequacy of the selected parameters as indicators of the proper operation of the control devices and compliance with the emission limits.

⁵¹ See III. A. of this report for more discussion on the required content of a PRR.

C. Document Changes Made in Permit Modifications

The lack of clarity in identifying permit modifications is a concern that EPA has raised in comments on several permits during its oversight review. These concerns were also communicated to the NYSDEC during the in-person meeting. Although most of the draft title V permits provide a clear description of the modifications so they can be easily identified, there are recent instances where this was not done. For example, one of the draft permits EPA reviewed failed to include a description of the subject modification. We requested clarification from the NYSDEC during the public comment period. However, the information was not made available to us until after the end of the public comment period, which made it impossible for us to comment on that draft permit within the 30-day comment period. In several other instances, the permit itself did not include a description of the changes and the public notice (PN) and PRR only identified some but not all of the changes. At our request, the NYSDEC eventually clarified all the changes in the permit, which enabled us to review and submit timely comments on those permits. However, in those instances, the public did not have access to the information that NYSDEC later provided to us since the PN and PRR that were made available on NYSDEC's website did not have complete information. The NYSDEC should provide in the PN and PRR a list of the changes to be made to the permit so that the public and EPA can easily identify the proposed changes, thoroughly review them and provide comments as necessary.

The NYSDEC should continue to ensure that the permit modifications are adequately described in the PN and PRR.

D. Title V Permits Renewals

Based on our review, EPA is concerned that some of the renewal permit applications may not be consistently receiving an appropriate level of review from all permit writers in all of NYSDEC's regional offices. 6 NYCRR 201-6.2 and 40 CFR § 70.5 do not make a distinction on the application content requirements for the initial permit and the title V renewal permit. However, based on our review, there are title V permit renewal applications that do not meet the application content requirements of 6 NYCRR 201-6.2. That is, the renewal application omitted information required by the regulation. The current application form (Version 2, 8/23/2016) and instructions (Version 3, 11/21/2016)⁵² which directs the applicant to provide information that satisfies the application content requirements of 6 NYCRR 201-6.2 and 40 CFR § 70.5 should be required at all times. This application form ensures that the NYSDEC has all necessary information (e.g., certain relevant emission information at both the emission unit and facility level with supporting emission calculations) to make non-applicability determinations. If the permit renewal application meets the regulatory requirements, it provides all information necessary for processing. Otherwise, the permit renewal decision is based on incomplete or outdated information and, since the application is part of the permit record, the public could be provided with insufficient and incomplete information which could weaken the public participation process.

⁵² The 2016 Application form and instructions can be found at <http://www.dec.ny.gov/chemical/4754.html>

It is essential for NYSDEC to ensure that all title V renewal applications meet the application content requirements at 6 NYCRR 201-6.2 and 40 CFR § 70.5. We recommend that special attention be paid to ensure that the following components are not omitted from the application: emission information (at the emission unit and facility level), supporting emissions calculations, applicable requirements from all federal standards, updated list of exempt or trivial activities.⁵³ Additionally, EPA recommends that the NYSDEC consider adding CAM Plan to the list of the “Supporting Documentation” found in the current application form. At permit renewal the NYSDEC should review the adequacy of monitoring requirements to ensure that the permit includes applicable federal requirements, as well as SIP approved state requirements that became effective since the last renewal. The EPA recommends that the NYSDEC continue to use the title V permit renewal process to quality assure the PRR and permit. This includes documenting all decision-making, including CAM, and ensuring that the PRR and permit are clear.

E. Insignificant Activities

As stated at 6 NYCRR Part 201-3.1⁵⁴ the emission sources listed as exempt or trivial activities (or insignificant activities) at 6 NYCRR 201-3.2 and 3.3 are exempt from permitting provisions of Subpart 201-6 “Title V Facility Permits.”⁵⁵

6 NYCRR Parts 201-3 and 201-6 were part of the New York State Operating Permit Program (NYS OPP) submitted to EPA for approval. EPA granted proposed interim approval to NYSDEC on July 30, 1996. 61 FR 39617. On February 5, 2002, the EPA granted full approval for the NYS OPP.

As discussed below, the current version of 6 NYCRR Parts 201-3 and 201-6 contains several revisions including those related to insignificant activities, which were added after the EPA approved the NYS OPP and were not submitted to the EPA as a title V program revision pursuant to 40 CFR § 70.4(i).

Regarding insignificant activities, the EPA stated the following in the proposed interim approval of the NYS OPP:

⁵³ See 6 NYCRR 201-3 (exempt and trivial activities); 40 CFR § 70.5(c) (insignificant activities).

⁵⁴ The current version of 6 NYCRR Part 201-3 can be found at [https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=Iaffb9c00b5a011dda0a4e17826ebc834&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=Iaffb9c00b5a011dda0a4e17826ebc834&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)). 6 NYCRR 201-3.1 (c) and (d) provides only the following two instances when otherwise exempt and trivial activities would no longer be considered exempt and trivial activities for permitting purposes:

(c) If the total potential to emit for all exempt and trivial activities at a facility exceeds, or causes the facility to exceed, the major facility threshold, as defined in Subpart 201-2 of this Part, the facility is both subject to the provisions of Subpart 201-6 of this Part and no longer considered exempt or trivial for permitting purposes.

(d) If physical and/or operational restrictions are required to maintain the total potential to emit for one or more of the listed exempt and trivial activities below the title V applicability thresholds described in Subpart 201-6 of this Part, or new source review requirements described in Part 231 of this Title, the activity is no longer considered exempt or trivial for permitting purposes.

⁵⁵ The current version of 6 NYCRR Part 201-6 can be found at [https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=Ib03ceac0b5a011dda0a4e17826ebc834&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=Ib03ceac0b5a011dda0a4e17826ebc834&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

“f. insignificant activities (40 CFR 70.5): The list of insignificant activities can be found at 6 NYCRR 201–3.2 (“Exempt Activities”) and the list of trivial activities is found at 201–3.3. Activities can only be considered insignificant or trivial if not subject to any applicable requirements⁵⁶. ... In addition, 6 NYCRR 201–6.3(d)(7) provides that emissions from units at major stationary sources shall be considered insignificant as long as they are not subject to any applicable requirements and meet the following criteria:” 61 FR 39617, 39618-39619 (July 30, 1996).

6 NYCRR 201-3.1(b) the “Applicability” section of the NYSDEC’s Part 201-3, filed June 7, 1996, effective 30 days after filing,⁵⁷ which was part of the New York’s part 70 regulations submitted to EPA for approval, and on which EPA based its approval of the NYS OPP, included the following provisions, which are consistent with the EPA’s statement in the proposed interim approval:

“(b) *Exempt and trivial activities at title V sources.* Owners and/or operators of stationary sources subject to Subpart 201-6 of this Part may consider the activities listed under section 201-3.2 of this Subpart to be exempt activities unless such activities are subject to an applicable requirement. Exempt activities must be listed in the title V permit application but are exempt from the provisions of this Part. Trivial activities listed under section 201-3.3 of this Subpart are exempt from the provisions of this Part and do not have to be listed in the title V permit application. Exempt and trivial activities may be subject to other Parts of this Title. Trivial activities that are subject to an applicable requirement are not exempt from this Part.”

Further, 6 NYCRR 201-6.3(d)(7), the “Permit Applications” section of the NYSDEC’s Part 201-6, filed June 7, 1996, effective 30 days after filing,⁵⁸ which was part of the NYS OPP submitted to EPA for approval, and on which EPA based its approval of the NYS OPP, included the following provisions, which are consistent with the EPA’s statement in the proposed interim approval:

“(7) Insignificant emission levels. Emissions from units at major stationary sources, meeting the criteria below, shall be considered insignificant and will be subject to State enforceable requirements only, as long as they are not subject to any applicable requirements. Emissions that are determined insignificant based on these criteria shall be included in the determination of title V facility permit applicability and in all quantification of emissions for inventory and billing purposes...”

On November 7, 1996, in its final interim approval of the NYS OPP, the EPA in response to a comment related to exempt and trivial activities stated the following:

“*Response.* Exempt and trivial activities are allowed for under the Title V program and are expounded upon in EPA’s first White Paper. During its review of the NY program, EPA reviewed the State’s list of exempt and trivial activities and determined that the lists

⁵⁶ Applicable requirement shall have the meaning of the applicable requirement definition in 40 CFR § 70.2

⁵⁷ See Attachment 11.

⁵⁸ See Attachment 11.

comply with the requirements and general intent of the provisions of the Title V program. This list can only be revised by NY through the rulemaking process. With respect to the listing of trivial activities provided in EPA's White Paper, it was noted therein that this was not an all-inclusive, comprehensive list, but a "starting-point" that permitting authorities can supplement in their own programs. In addition, there exists a "gatekeeper" for these listed activities in NY's rule that precludes any of the activities listed from being considered as exempt or trivial if such activities are subject to an applicable requirement. EPA's review, together with this gatekeeper, are sufficient to determine that the NY program is approvable with respect to this issue." 61 FR 57591 (November 7, 1996).

As discussed above, with respect to exempt and trivial activities, EPA determined that the NYS OPP was approvable because, among other things, the versions 6 NYCRR Part 201-3 and Part 201-6, which were part of the NYS OPP submitted to EPA for approval, contained provisions that clearly impeded exempt or trivial activities that are subject to any applicable requirement from being exempt from title V permitting requirements.⁵⁹ Those approvability criteria are consistent with the EPA's position, expressed in its July 7, 1993 "Questions and Answers on the Requirements of Operating Permits Program Regulations" that activities that are potentially subject to applicable requirements cannot be considered exempt or insignificant sources."⁶⁰

The current versions of 6 NYCRR 201-3 and 201-6, which were adopted by the NYSDEC in 2013 no longer contain those provisions stating that exempt and trivial activities subject to any applicable requirement cannot be exempt from title V permitting requirements, the gatekeeper language upon which EPA approved the NYS OPP with respect to exempt and trivial activities. This change in the NYSDEC's 6 NYCRR 201-3 and 201-6 is at variance with the bases of EPA's approval of the NYS OPP because it appears to no longer disallow exempt and trivial activities that are subject to any applicable requirements from being exempt from title V permitting requirements.

A permitting authority must include in the title V permit, all applicable requirements⁶¹ (i.e., all emission limitations and standards, including operational requirements and limitations, and all necessary testing, monitoring, recordkeeping, and reporting requirements) that apply to all non-exempt emitting activities at an emission source. CAA §§ 504(a) and (c), 40 CFR § 70.6 and 6 NYCRR 201-6. No emission unit subject to an applicable requirement can qualify as an exempt or trivial activity and, thus, be exempt from title V permitting requirements, as appears to be allowed under the current versions of 6 NYCRR 201-3 and 201-6. We seek further discussion with NYSDEC concerning this issue. Specifically, we ask that the NYSDEC direct us to any provision in their current state regulations that provides

⁵⁹ See 61 FR 39617, 39618-39619 (July 30, 1996)

⁶⁰ The EPA's July 7, 1993 "Questions and Answers on the Requirements of Operating Permits Program Regulations" can be found at https://www.epa.gov/sites/production/files/2015-08/documents/bbrd_qa1.pdf. See Section 5.4, item 2.

⁶¹ Applicable requirement shall have the meaning of the applicable requirement definition in 40 CFR § 70.2

that no emission unit subject to an applicable requirement can qualify as an exempt or trivial activity and, thus, be exempt from title V permitting requirements.

In order to revise a component of an EPA-approved title V program, states must submit the revised regulations to EPA with a request for approval as a title V program revision pursuant to 40 CFR § 70.4(i). The program changes, such as the revisions adopted by the NYSDEC to Parts 201-3 and 201-6, and perhaps to other components of the approved program become effective only upon approval by the Administrator. *See* 40 CFR § 70.4(i)(2)(iv). NYSDEC must include in the title V permit, all applicable requirements⁶² (i.e., all emission limitations and standards, including operational requirements and limitations, and all necessary testing, monitoring, recordkeeping, and reporting requirements) that apply to all non-exempt emitting activities at an emission source CAA §§ 504(a) and (c), 40 CFR § 70.6 and 6 NYCRR 201-6.

In addition, the NYSDEC should ensure that each application contains all information needed to determine the applicability of, or to impose, any applicable federal requirement on the insignificant activities. 40 CFR § 70.5(c) states that “[t]he Administrator may approve as part of a state program a list with insignificant activities and emission levels which need not be included in the permit applications. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate fee amount required under the schedule approved pursuant to 40 CFR § 70.9 of this part.”

F. Public Participation

1. Web Version of Draft Title V Permits

Public involvement is an important part of the title V permitting process. The title V public participation requirements are found in 40 CFR § 70.7(h). Title V requires states to solicit public comment on the issuance of initial permits, significant modifications, and permit renewals. The NYSDEC air permit website posts public notices,⁶³ draft permits, and the relative PRR for the subject modification. The NYSDEC also provides the public with online access to the current final version of all title V permits and their corresponding PRRs. While, most of the draft permits posted on the NYSDEC's website are complete permits, we found this not to be the case in several instances. The version provided on the NYSDEC's website contained only those conditions that were either modified or added as a result of the significant modification. It was not the complete and comprehensive version of the title V permit that would eventually be approved and become the final permit for the facility.

A permitting authority's website, such as the NYSDEC's, is a powerful tool to make title V information available to the public. Clear and comprehensive information would enable the

⁶³ The Public Notices are, also, published in a newspaper at the facility's expense.

public and EPA to provide more meaningful comments on draft title V permits. We encourage the NYSDEC to continue to post the entire draft title V permit on its website during the public comment period. In those instances where the NYSDEC does not post the complete draft title V permit on its website during the public comment, the draft permit cover page (i.e., description section) should clearly state that the draft permit includes only the newly added and/or modified conditions. The draft permit should clearly identify which existing conditions were removed because of the modification.

2. Availability of Permit Related Documents During Public Review

While the NYSDEC stated in its response to the 2018 Questionnaire that it makes the application and other supporting materials (the permitting record) available to the public upon request, the EPA has experienced, in a few instances, delays of up to 15 days before the requested information was received. If the permitting records are not expeditiously provided by the NYSDEC upon request, the mandatory 30-day public review period is essentially shortened. Neither the public nor the EPA would have sufficient time to prepare and provide efficient and timely comments. The NYSDEC should ensure that the permit record relating to the draft permit is readily available upon request.

G. NYSDEC's Title V Rule Changes

The NYSDEC informed the EPA that there have been no changes to NYSDEC's Operating Permits Rule, codified at 6 NYCRR 201-6, since the 2014 audit. However, as confirmed by the NYSDEC, prior state revisions to 6 NYCRR 201-6, including those that became effective in 2013, have not been submitted to EPA as a title V program revision. To incorporate newly adopted rule revisions into the state's title V program, the state must submit the adopted revised rule to EPA with a request for approval as a title V program revision pursuant to 40 CFR § 70.4(i). The program changes become effective upon approval by the Administrator. *See* 40 CFR § 70.4(i)(2)(iv). The NYSDEC needs to ensure that all revisions to NYSDEC's Part 201-6, Part 201-3 and other regulations that were part of the approved NYS OPP are submitted to the EPA for approval in a timely manner.

H. Quality Assurance Process for Reviewing Draft Permits and PRRs Prior to Public Review

As stated in its response to the 2018 Questionnaire, the NYSDEC developed a permit manual to guide new permitting staff in developing title V permit conditions. The draft permits are then shared with the permittees prior to public notice so that they may provide comments and corrections to ensure accuracy. To ensure issuance of quality permits, NYSDEC should also keep its standard practice supervisory review of draft permits by permit writers in each regional office. NYSDEC's response to the 2018 Questionnaire indicates that not all draft permits are reviewed by the supervisor of the permit writers in all instances. Having worked with staff from all 9 regional offices, there is no doubt they have the ability to correctly process title V permit applications and implement the NYS OPP. However, supervisory involvement in draft permit and PRR review is important in maintaining consistency among

different permit writers within the same regional office. We also recommend that NYSDEC continue its efforts to periodically update its permit manual.

I. Communications Between the NYSDEC and EPA

We acknowledge that in the last few years, the NYSDEC has consistently notified EPA of upcoming permits that may be controversial or draw significant public interests. We appreciate this advance notification and encourage NYSDEC to continue this good practice. EPA makes its best effort to prioritize its oversight review of draft and proposed title V permits with controversial projects first, followed by other projects of interest. In most cases, the NYSDEC provides a response to EPA's comments made on draft/proposed title V permits in advance of final permit issuance. However, there had been a few instances where the NYSDEC issued the final permit without addressing all our concerns. While such instances were few, the EPA asks that the NYSDEC remain vigilant in providing a response to the EPA's comments before moving forward with final permit issuance.

IV. SUMMARY OF ACTION ITEMS AND RECOMMENDATIONS

Based on EPA's 2018 evaluation of the NYSDEC title V permit program, we conclude that the NYSDEC has made some significant improvements to its permits and PRRs to address some of the issues raised in the EPA's 2014 audit. However, attention is still needed to address the remaining issues from the 2014 audit and new concerns identified during the 2018 evaluation. All issues that require follow-up actions from the NYSDEC are summarized below, along with recommendations that would help address EPA's concerns for that particular issue.

Table 3: Summary of Action Items and Recommendations

Issues	Actions and Recommendations
FOLLOW-UP TO 2014 PROGRAM REVIEW	
Rationale for Gap Filling Monitoring in Permit Record	<p>Section II. A Action Item 2: 1) In the PRR NYSDEC should identify and document the rationale for all gap-filling monitoring included in the permit.</p> <p>Recommendations for Action Item 2: a) NYSDEC should identify permit conditions containing gap-filling monitoring requirements. EPA suggests that this may be accomplished by citing to 6 NYCRR 201-6.4(b)(2) as the origin of authority. b) NYSDEC should ensure that each PRR documents the rationale for gap-filling monitoring that was selected. c) NYSDEC may need to make additional efforts to ensure that the PRR Guidance is being followed by its regional offices. d) EPA suggests that NYSDEC examine whether changes to the PRR Guidance are necessary to better articulate what needs to be included in the PRR relative to gap-filling monitoring requirements.</p>
Capping Limits	<p>Section II. C Action Item 1: 1) NYSDEC should ensure that all capping limits and the rationale for the corresponding compliance determination are adequately documented in the PRR.</p> <p>Section II. C Action Item 2: 1) NYSDEC should ensure that all capping limits are federally and practicably enforceable, consistent with NYSDEC’s regulations and DAR-17 guidance.</p>

Table 3: Summary of Action Items and Recommendations - Continued

Issues	Actions and Recommendations
2018 ADDITIONAL PROGRAM REVIEW	
Permit Review Report Content	<p>Section III.A Action Item 1:</p> <p>1) The PRR should adequately document all permitting decisions, including the applicability and non-applicability of federal standards.</p>
Compliance Assurance Monitoring (CAM or Part 64)	<p>Section III.B Action Item 1:</p> <p>1) NYSDEC should ensure that the title V permit for sources subject to CAM contains a CAM plan the includes all required elements of Part 64.</p> <p>Section III.B Action Item 2:</p> <p>2) NYSDEC should ensure that for sources subject to CAM, the PRR identifies each emission unit to which CAM applies, explains why CAM applies, and provides the rationale for approving the CAM plan.</p>
Document Changes Made in Permit Modifications	<p>Section III.C Action Item 1:</p> <p>1) NYSDEC should ensure that all permit modifications are adequately documented in the PRR and PN.</p>
Title V Permit Renewals	<p>Section III.D Action Item 1:</p> <p>1) NYSDEC should ensure that all title V renewal applications meet the application content requirements of 6 NYCRR 201-6.2 and 40 CFR § 70.5</p> <p>Recommendations for Action Item 1:</p> <p>a) NYSDEC should ensure that all applications include emission information (at the emission unit and facility level), emissions calculations, all applicable requirements, and an updated list of insignificant activities (referred to by NYSDEC as trivial or exempt activities) are included in the application.</p> <p>b) NYSDEC should ensure that title V renewals are submitted using the current application form.</p> <p>c) NYSDEC should add CAM Plan to the “Supporting Documentation” list of the application form.</p>

Table 3: Summary of Action Items and Recommendations - Continued

Issues	Actions and Recommendations
2018 ADDITIONAL PROGRAM REVIEW	
Insignificant Activities (Sources)	<p>Section III.E Action Item 1: 1) NYSDEC should continue to implement Parts 201-3 and 201-6 as approved by EPA as part of the NYSDEC’s title V permit program. Changes to the title V program, including changes to the exempt and trivial activities in Parts 201-3 and 201-6, must be submitted to EPA as a title V program revision.</p> <p>Section III.E Action Item 2: 1) NYSDEC should ensure that insignificant activities, referred to by NYSDEC as exempt or trivial activities, which are subject to any applicable requirement are not omitted from title V permitting, consistent with the NYSDEC’s title V permit program approved by the EPA. Those insignificant activities and their corresponding applicable requirements should be included in the title V permits.</p> <p>Section III.E Action Item 3: 1) NYSDEC should ensure that each application contains the necessary information to determine what requirements apply to the trivial or exempt activities.</p>

Table 3: Summary of Action Items and Recommendations - Continued

Issues	Actions and Recommendations
2018 ADDITIONAL PROGRAM REVIEW	
Public Participation	
<p>1. Web Version of Draft Title V Permits</p>	<p>Section III.F.1 Action Item 1:</p> <p>1) NYSDEC should continue to post the complete draft title V permit (as opposed to only portions that pertain to the modification) on its website during the public comment period.</p> <p>2) In those instances, where the NYSDEC does not post the complete draft title V permit version on its website during the public comment, the draft permit cover page (i.e., description section) should clearly state that the draft permit includes only the newly added and or the existing modified conditions, and the draft permit should also clearly indicate which ones of current permit existing conditions were removed.</p>
<p>2. Availability of Permit Related Documents During Public Review</p>	<p>Section III.F.2 Action Item 1:</p> <p>1) NYSDEC should continue to ensure that the permit record that supports the draft permit decision is readily available upon request.</p>
<p>NYSDEC’s Title V Rule Changes</p>	<p>Section III.G Action Item 1:</p> <p>1) NYSDEC should submit all revisions to 6 NYCRR 201-6 to EPA for approval as a title V program revision.</p>
<p>Quality Assurance Process for Reviewing Draft Permits and PRR Prior to Public Review</p>	<p>Section III.H Recommendations:</p> <p>1) NYSDEC should consider implementing a quality assurance process for all draft permits (and PRRs) by involving the first line supervisors, prior to public review.</p> <p>2) NYSDEC should continue its efforts to periodically update its permit manual.</p>
<p>Communications Between the NYSDEC and EPA</p>	<p>Section III.I Recommendation:</p> <p>1) NYSDEC should ensure that it provides a response to EPA’s comments on permits.</p>

ATTACHMENT 1

NYSDEC Letter Response, dated February 25, 2015

EPA 2014 Title V Audit Report/SECTION IV. Summary of Action Items

EPA Letter to NSYDEC, dated September 29, 2015

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
625 Broadway, 14th Floor, Albany, New York 12233-1010
Phone: (518) 402-8545 • FAX: (518) 402-8541
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FEB 25 2015

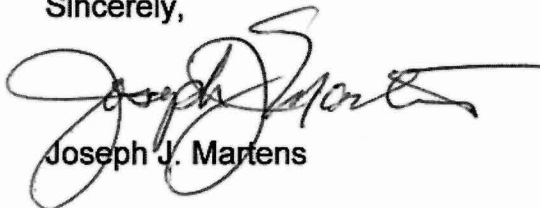
Ms. Judith Enck
Regional Administrator
United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

Dear Ms. Enck:

The New York State Department of Environmental Conservation (DEC) has reviewed the Environmental Protection Agency's (EPA) final audit report on DEC's Title V Operating Permit Program. The enclosed contains DEC's response to the final report.

Thank you for the opportunity to respond to EPA's final audit report. If you need to discuss any of this response, please contact Ann Lapinski at (518) 402-8184.

Sincerely,



Joseph J. Martens

Enclosure

c: A. Lapinski



Department of
Environmental
Conservation

**Department of Environmental Conservation
NYSDEC Title V Operating Permit Program
Response to Final Report**

The Department of Environmental Conservation (DEC or Department) has reviewed the final report dated November 25, 2014 containing the findings and recommendations of the Environmental Protection Agency (EPA) in connection with EPA's audit of DEC's Title V Operating Permit Program (OPP). DEC's response is broken into three sections. The first section provides DEC's general comments regarding this report. The second section provides DEC's comments regarding certain factual inaccuracies and/or areas needing further explanation in the report. The third section is DEC's specific comments on requested actions to be taken by the Department.

1) General Comments

The Department is committed to continuing to implement an effective Title V OPP. As set forth in the Department's regulations at 6 NYCRR Part 201 and approved by EPA, DEC's Title V OPP meets the requirements of the Clean Air Act and EPA's implementing regulations at 40 CFR part 70. While the Department's existing program is effective and results in the issuance of permits of high quality, DEC also recognizes the need to work with EPA Region 2 on an ongoing basis to continually improve the program.

EPA's audit identifies various ways in which EPA believes the Department's OPP could be improved. As detailed below in our responses to EPA Action Items, the Department agrees with many of EPA's recommendations. For example, with regard to the permitting component, the Department agrees with the need to identify all gap-filling monitoring conditions, recognizes the need to ensure all public notices contain relevant information regarding emission changes, and will continue to include all non-delegated federal standards in the Title V permits it issues. With regard to the Title V fee program, the Executive Budget proposes increased Title V fees for legislative action. The Department will implement each Action Item as described in the responses below.

At the same time, the Department disagrees with some of EPA's requests, as explained below. For instance, DEC believes that some Action Items requested by EPA are unnecessary such as submitting copies of documents that are already available to EPA. In other cases, such as the timeframe for promulgating regulations to incorporate delegated federal standards, the Department cannot make the specific commitment requested by EPA. In all cases, however, the Department either explains the reasons it is unable to act in the manner specified by EPA or describes the way it will work to address the issue identified by EPA.

Finally, the Department requests two process changes by EPA in order to improve future EPA audits and the Department's working relationship with EPA. First, EPA staff requested comments from DEC on a pre-draft report without specifying a deadline, but then unilaterally moved forward despite DEC's efforts to obtain a deadline and without the benefit of DEC's comments. For future audits, the Department requests that EPA provide deadlines to respond to draft reports and consider DEC's comments when developing final reports. By doing so, it will help to ensure that information in EPA final reports is accurate and reflects any positions and/or actions taken by the Department. Second, subsequent to the Department receiving EPA's final audit report but prior to the 90 day response deadline established by EPA, at least two DEC regional offices received individual

permit comments from EPA that repeated recommendations contained in the audit. In the future, the Department requests that EPA provide the Department's central office with an opportunity to comprehensively respond to EPA's audit before directing specific requests to individual DEC regions. This will also help to ensure consistency among DEC's regions with respect to certain permitting activities, an issue raised by EPA in the audit report.

The Department appreciates EPA's efforts, through the audit and otherwise, to identify issues and recommend improvements regarding the Department's Title V Operating Permit Program. The Department looks forward to continuing to work with EPA Region 2 to address these issues.

2) Comments on Specific Report Content

DEC identified factual inaccuracies and/or areas needing further explanation in the report (shown in **bold** type by page of the final findings). Clarifications are provided in the comments that follow:

Page No. 10 – “The program currently has a running deficit that accumulates to \$17,885,690 as of March 31, 2014 in spite of the fee increase in 2009.”

DEC Comment:

This statement should be corrected to reflect that the March 31, 2014 cash balance in the account was \$17,084,690.

Page No. 11, SBP Actual Expenses from table

DEC Comment:

The SBP Actual Expenses for FY 2010-2011 should be changed from \$1,216,000 to \$1,416,000.

3) Comments on EPA Action Items

The following are DEC's responses to Action Items provided in the final report:

Rationale for Gap-filling Monitoring in Permit Record

Action Item 1: DEC should submit to EPA a commitment that all of its 9 regional offices will provide the required documentation for gap-filling monitoring in the PRR beginning 90 days after the date of this report.

Department Response – DEC disagrees with this Action Item in part. DEC is making ongoing efforts to ensure PRRs include the proper justification regarding gap-filling monitoring. Efforts to improve the PRR were initiated during the October 2014 Division of Air Resources (DAR) statewide meeting when regional offices were reminded of the importance of creating an adequate PRR for every permit. DEC is currently working to revise internal guidance which

instructs permit writers how to properly develop a PRR. The revised document will emphasize the level of detail that must be included in the Basis of Monitoring portion of the PRR to address all gap-filling monitoring conditions contained in a Title V permit. DEC anticipates having a draft of the revised guidance in 2015.

Action Item 2: DEC should identify all gap-filling monitoring in the “Basis for Monitoring” section of the PRR with a brief discussion of the selected monitoring.

***Department Response** – DEC agrees with this Action Item. As indicated in DEC’s response to Action Item 1, DEC is currently working to revise internal guidance which instructs permit writers how to properly develop a PRR. The revised document will emphasize the level of detail that must be included in the Basis of Monitoring portion of the PRR to address all gap-filling monitoring conditions contained in a Title V permit. At a minimum, this will include identification of all gap-filling monitoring conditions along with a brief discussion of the selected monitoring.*

Emission Information

Action Item 1: For permit modifications, DEC should provide in the public notice the change in emissions for each pollutant emitted by the emission unit(s) involved in the permit modification.

***Department Response** – DEC agrees with this Action Item. While many permit modifications contain emission change information in the public notice, DEC intends to develop a procedure to ensure all public notices for significant modifications of Title V permits include emission changes for all regulated pollutants involved in the modification. Developing such a procedure involves not only DAR staff, but Division of Environmental Permits (DEP) staff as well, as DEP staff is responsible for public notice preparation of all DEC permits. DEC intends to develop such a procedure by the end of 2015.*

Action Item 2: DEC should submit to EPA a copy of the public notice for a permit modification issued by each of its 9 regional offices since the date of this audit report to reflect implementation of 40 CFR §70.7(h)(2).

***Department Response** – DEC disagrees with this Action Item. EPA can obtain public notices of draft significant modifications to Title V permits through DEC’s public website. Additionally, DEC notifies EPA Region 2 when draft Title V significant modifications are available for public comment.*

Action Item 3: DEC should submit to EPA a commitment that all of its 9 regional offices will provide the emission summary sheet with the PRR within 90 days after the date of this report.

***Department Response** – DEC disagrees with this Action Item. For each relevant permit, DEC already provides to EPA the documentation required by 40 CFR § 70.8(a)(1). To DEC’s knowledge, there is no requirement for an emission summary sheet for initial or renewal Title V permits. DEC has not sought nor come to an agreement with EPA Region 2 about generating*

such a document, as may be contemplated by 40 CFR § 70.8(a)(1). DEC makes available to EPA Region 2 each proposed Title V permit and corresponding application as required by 40 CFR §70.8(a)(1). Emission rates for regulated pollutants are contained in the PRR of each proposed Title V permit.

Action Item 4: DEC should submit to EPA for initial permits and renewal permits an emission summary sheet which lists the emission rate in tons/year for each air pollutant emitted by the source (including those that are below the NSR/PSD or Title V threshold levels).

Department Response – *See response to Action Item 3.*

Capping Limits

Action Item 1: DEC should substantiate in either the public notice or the PRR all capping limits that render applicable requirements no longer applicable to the source.

Department Response – *DEC agrees with this Action Item. DEC substantiates capping limits and the avoidance of applicable requirements in public notices and Title V permits. Also, as previously noted in the Department's response to Rationale for Gap-Filling Monitoring in Permit Record Action Items 1 and 2, DEC is revising internal guidance which instructs permit writers how to properly develop a PRR. A portion of this guidance will address how capping limits should be described in a PRR.*

Action Item 2: All permits with capping limits should be issued with appropriate monitoring, recordkeeping and reporting requirements.

Department Response – *DEC agrees with this Action Item. DEC issues Title V permits with capping limits that contain appropriate monitoring, recordkeeping and reporting requirements. However, DEC recognizes that its guidance describing how to write federally enforceable capping limits (Air Guide 10) is outdated and needs revision. DEC has drafted revisions to this guidance and expects to propose such revisions in 2015.*

Action Item 3: DEC should submit to EPA a copy of the first PRR and draft permit issued by each of its 9 regional offices containing the justification for capping limits that render applicable requirements inapplicable to the source and the requisite monitoring, recordkeeping and reporting requirements.

Department Response – *DEC disagrees with this Action Item. DEC notifies EPA Region 2 when draft Title V permits are available for public comment. During its review of the permits, EPA can determine whether the capping limits are appropriately addressed in the permit and PRR.*

Federal Enforceability

Action Item 1: DEC should include all non-delegated federal standards in the Title V permits to be issued by all 9 NYSDEC regional offices.

Department Response – DEC agrees with this Action Item and will continue to include all non-delegated federal standards in the Title V permits it issues.

Action Item 2: DEC should submit to EPA a copy of the first draft permit from each of its 9 regional offices showing non-delegated federal standards being included in the Title V permit.

Department Response – DEC disagrees with this Action Item. See Department's response to Capping Limits Action Item 3.

Action Item 3: If DEC intends to accept delegation of the 11 federal standards noted in EPA's June 4, 2014 letter (see Appendix B), EPA requests a commitment to incorporate them into 6NYCRR 200.10 and the corresponding tables within 6 months of the date of this report.

Department Response – DEC disagrees with this Action Item. DEC intends to accept delegation of all federal standards in EPA's June 4, 2014 letter, with the exception of 40 CFR § 63 Subpart JJJJJ – Area Source Industrial, Commercial, and Institutional Boilers. DEC is undergoing the rule making process to incorporate the remaining 10 federal standards by reference into 6 NYCRR Part 200.10 and the corresponding tables. While DEC is working to have the Part 200.10 revisions finalized as expeditiously as possible, it can make no commitment as to when those rule revisions will be finalized. DEC must comply with the requirements of the State Administrative Procedure Act (SAPA) for all rulemakings, including those to incorporate federal standards by reference. SAPA contains various legal procedural requirements and timeframes regarding publication, public notice and comment. To ensure compliance with SAPA, DEC cannot alter the requirements of SAPA nor specify a date by which it will finalize revisions to Part 200.10. In the meantime, as previously noted in the Department's response to Action Item 1, DEC will continue to include all non-delegated federal standards in the Title V permits it issues.

Action Item 4: EPA requests a commitment from DEC to update 6NYCRR 200.10 and the corresponding tables within 6 months of the promulgation of future federal standards.

Department Response – DEC disagrees with this Action Item. DEC can make no commitment about the frequency or timing of future rulemakings. As discussed in the Department's response to Action Item 3, DEC must comply with the requirements of SAPA for all rulemakings. Moreover, the promulgation of regulations by DEC can be resource-intensive and costly. Therefore, it is typically more cost-effective for DEC to combine the incorporation by reference of multiple federal standards into a single DEC rulemaking rather than go through a separate SAPA rulemaking process to incorporate each individual federal standard. Regardless, as previously noted in the Department's response to Action Items 1 and 3, DEC will continue to include all non-delegated federal standards in the Title V permits it issues.

Action Item 5: DEC should commit to designating RACT variances that have not been approved into the SIP by EPA on the state-only section of the Title V permit, or inform EPA of a different method of designation, or list only existing SIP limits in the permit but denote those for which source-specific RACT variances have been submitted to EPA for approval.

***Department Response** – DEC disagrees with this Action Item. DEC does not feel that Reasonably Available Control Technology (RACT) variances of State Implementation Plan (SIP) approved regulations need to be placed on the state-only section of Title V permits as they are federal applicable requirements as defined by 40 CFR § 70.2. DEC regulations providing the methodology for obtaining RACT variances have already been approved into the SIP by EPA. Therefore, RACT variances are “standard[s] or other requirement[s] provided for in the applicable implementation plan approved or promulgated by EPA” as specified in paragraph (1) of the “applicable requirement” definition in 40 CFR § 70.2. Given that RACT variances are allowed for in SIP approved regulations, conditions containing the requirements of a RACT variance must be placed in the federally enforceable section of the permit. Moreover, all Title V permits with proposed RACT variances are available to EPA when they are draft and public noticing commences, giving EPA sufficient opportunity to comment on any particular proposed RACT variance approved by DEC pursuant to the process outlined in DEC’s SIP-approved regulations. Furthermore, EPA has a 45 day objection period, following the public noticing period, in which to raise any objections to DEC proposed RACT variances. Especially absent any comment or objection, DEC considers proposed RACT variances acceptable to EPA. Thus, RACT variances approved by DEC are properly placed in the federally enforceable section of the permit.*

Title V Fee Program

Action Item 1: Explore ways that may allow the Title V program to be funded solely with Title V fee revenues.

***Department Response** – DEC agrees with this Action Item and will explore various possibilities. However, in its report, EPA suggests (on page 13) charging fees for title V applicability reviews. DEC believes that this is contrary to the guidance provided by EPA’s ‘Matrix of Title V-Related and Air Grant-eligible Activities’ published 5/20/1994. In this guidance, EPA identifies review of application for non-Part 70 sources as Air Grant-eligible and not a Title V activity.*

*EPA also suggests (Page 13) that DEC collect fees one year ahead. DEC believes that this cannot be done within the existing law ECL 72-0303(2) which states “Bills issued for the fee shall be based on actual emissions for **the prior calendar year**”. DEC cannot alter the basis of billing without a legislative change to the existing law.*

Action Item 2: Submit to the legislature a request for CPI adjustment for all Title V fee rates.

***Department Response** – DEC agrees with this Action Item. Governor Cuomo’s 2015-16 budget includes a fee increase and a Consumer Price Index adjustment for fees. However, DEC*

Executive cannot control whether this proposed legislation gets passed into law by the legislature.

Action Item 3: Submit to the legislature a request to eliminate the fee rates that are lower than the maximum fee rate from the variable fee schedule.

***Department Response** – DEC agrees with the recommendation and the 2015-16 Executive Budget includes a proposal to raise the per ton fees and establish a base fee of \$2,500. However, the proposal continues to have a graduated fee schedule based upon total emissions. DEC cannot control whether this proposed legislation gets passed into law.*

Action Item 4: Elaborate on ways to shorten permit review times.

***Department Response** – DEC agrees with this Action Item and would implement any viable measure to shorten permit review times. Currently, new permits and modifications are DEC's highest priority for Title V permit reviews. Permit renewals are DEC's lowest priority; therefore, they generally have the longest review time. Additional staff would enable DEC to cultivate a more vigorous and robust program that would provide the ability to shorten permit review times, especially renewals.*

Action Item 5: Explore ways the SBEO and SBEAP can coordinate workshops and seminars on the same standards to save costs.

***Department Response** – DEC agrees with this Action Item; however, this is already being done. Workshops and seminars conducted by the Small Business Environmental Assistance Program (SBEAP) and Small Business Environmental Ombudsman (SBEO) do not overlap. SBEAP workshops and seminars are technical compliance assistance, providing detailed and specific information to help small businesses comply with regulations. SBEO conducts outreach workshops and seminars to help small businesses become aware of new and/or existing regulations and then directing them to the appropriate resources for detailed assistance, including SBEAP and NYSDEC. In the past, SBEAP and SBEO have co-sponsored workshops and seminars to provide these complementary functions at a single event.*

Action Item 6: Transfer from the Title V fund to the General Fund activities associated with SBEO's assistance to small businesses for compliance with New York regulations that relate to labor, tax, health, and worker safety. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.

***Department Response** – DEC disagrees with this Action Item because the SBEO does not offer labor, tax, health, and worker safety info as part of its duties. If issues are identified concerning these areas they may be referred to other departments within ESD that can provide assistance. There is no charge to the Title V program for any additional assistance if a question is referred to another ESD department.*

Action Item 7: Transfer from the Title V fund to the General Fund DOH's activities that are not related to Title V. For those activities that will be paid for by Title V, NYSDEC must specifically identify them

with justification for each. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.

Department Response – *DEC will evaluate with DOH both the level of expenditure of Title V funds, and the activities funded under these funds to assure they are consistent with federal and state requirements.*

**Department of Environmental Conservation
NYSDEC Title V Operating Permit Program
Response to Final Report**

The Department of Environmental Conservation (DEC or Department) has reviewed the final report dated November 25, 2014 containing the findings and recommendations of the Environmental Protection Agency (EPA) in connection with EPA's audit of DEC's Title V Operating Permit Program (OPP). DEC's response is broken into three sections. The first section provides DEC's general comments regarding this report. The second section provides DEC's comments regarding certain factual inaccuracies and/or areas needing further explanation in the report. The third section is DEC's specific comments on requested actions to be taken by the Department.

1) General Comments

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EPA's audit identifies various ways in which EPA believes the Department's OPP could be improved. As detailed below in our responses to EPA Action Items, the Department agrees with many of EPA's recommendations. For example, with regard to the permitting component, the Department agrees with the need to identify all gap-filling monitoring conditions, recognizes the need to ensure all public notices contain relevant information regarding emission changes, and will continue to include all non-delegated federal standards in the Title V permits it issues. With regard to the Title V fee program, the Executive Budget proposes increased Title V fees for legislative action. The Department will implement each Action Item as described in the responses below.

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Finally, the Department requests two process changes by EPA in order to improve future EPA audits and the Department's working relationship with EPA. First, EPA staff requested comments from DEC on a pre-draft report without specifying a deadline, but then unilaterally moved forward despite DEC's efforts to obtain a deadline and without the benefit of DEC's comments. For future audits, the Department requests that EPA provide deadlines to respond to draft reports and consider DEC's comments when developing final reports. By doing so, it will help to ensure that information in EPA final reports is accurate and reflects any positions and/or actions taken by the Department. Second, subsequent to the Department receiving EPA's final audit report but prior to the 90 day response deadline established by EPA, at least two DEC regional offices received individual

permit comments from EPA that repeated recommendations contained in the audit. In the future, the Department requests that EPA provide the Department's central office with an opportunity to comprehensively respond to EPA's audit before directing specific requests to individual DEC regions. This will also help to ensure consistency among DEC's regions with respect to certain permitting activities, an issue raised by EPA in the audit report.

The Department appreciates EPA's efforts, through the audit and otherwise, to identify issues and recommend improvements regarding the Department's Title V Operating Permit Program. The Department looks forward to continuing to work with EPA Region 2 to address these issues.

2) Comments on Specific Report Content

DEC identified factual inaccuracies and/or areas needing further explanation in the report (shown in **bold** type by page of the final findings). Clarifications are provided in the comments that follow:

Page No. 10 – “The program currently has a running deficit that accumulates to \$17,885,690 as of March 31, 2014 in spite of the fee increase in 2009.”

DEC Comment:

This statement should be corrected to reflect that the March 31, 2014 cash balance in the account was \$17,084,690.

Page No. 11, SBP Actual Expenses from table

DEC Comment:

The SBP Actual Expenses for FY 2010-2011 should be changed from \$1,216,000 to \$1,416,000.

3) Comments on EPA Action Items

The following are DEC's responses to Action Items provided in the final report:

Rationale for Gap-filling Monitoring in Permit Record

Action Item 1: DEC should submit to EPA a commitment that all of its 9 regional offices will provide the required documentation for gap-filling monitoring in the PRR beginning 90 days after the date of this report.

Department Response – DEC disagrees with this Action Item in part. DEC is making ongoing efforts to ensure PRRs include the proper justification regarding gap-filling monitoring. Efforts to improve the PRR were initiated during the October 2014 Division of Air Resources (DAR) statewide meeting when regional offices were reminded of the importance of creating an adequate PRR for every permit. DEC is currently working to revise internal guidance which

instructs permit writers how to properly develop a PRR. The revised document will emphasize the level of detail that must be included in the Basis of Monitoring portion of the PRR to address all gap-filling monitoring conditions contained in a Title V permit. DEC anticipates having a draft of the revised guidance in 2015.

Action Item 2: DEC should identify all gap-filling monitoring in the “Basis for Monitoring” section of the PRR with a brief discussion of the selected monitoring.

Department Response – DEC agrees with this Action Item. As indicated in DEC’s response to Action Item 1, DEC is currently working to revise internal guidance which instructs permit writers how to properly develop a PRR. The revised document will emphasize the level of detail that must be included in the Basis of Monitoring portion of the PRR to address all gap-filling monitoring conditions contained in a Title V permit. At a minimum, this will include identification of all gap-filling monitoring conditions along with a brief discussion of the selected monitoring.

Emission Information

Action Item 1: For permit modifications, DEC should provide in the public notice the change in emissions for each pollutant emitted by the emission unit(s) involved in the permit modification.

Department Response – DEC agrees with this Action Item. While many permit modifications contain emission change information in the public notice, DEC intends to develop a procedure to ensure all public notices for significant modifications of Title V permits include emission changes for all regulated pollutants involved in the modification. Developing such a procedure involves not only DAR staff, but Division of Environmental Permits (DEP) staff as well, as DEP staff is responsible for public notice preparation of all DEC permits. DEC intends to develop such a procedure by the end of 2015.

Action Item 2: DEC should submit to EPA a copy of the public notice for a permit modification issued by each of its 9 regional offices since the date of this audit report to reflect implementation of 40 CFR §70.7(h)(2).

Department Response – DEC disagrees with this Action Item. EPA can obtain public notices of draft significant modifications to Title V permits through DEC’s public website. Additionally, DEC notifies EPA Region 2 when draft Title V significant modifications are available for public comment.

Action Item 3: DEC should submit to EPA a commitment that all of its 9 regional offices will provide the emission summary sheet with the PRR within 90 days after the date of this report.

Department Response – DEC disagrees with this Action Item. For each relevant permit, DEC already provides to EPA the documentation required by 40 CFR § 70.8(a)(1). To DEC’s knowledge, there is no requirement for an emission summary sheet for initial or renewal Title V permits. DEC has not sought nor come to an agreement with EPA Region 2 about generating

such a document, as may be contemplated by 40 CFR § 70.8(a)(1). DEC makes available to EPA Region 2 each proposed Title V permit and corresponding application as required by 40 CFR §70.8(a)(1). Emission rates for regulated pollutants are contained in the PRR of each proposed Title V permit.

Action Item 4: DEC should submit to EPA for initial permits and renewal permits an emission summary sheet which lists the emission rate in tons/year for each air pollutant emitted by the source (including those that are below the NSR/PSD or Title V threshold levels).

Department Response – See response to Action Item 3.

Capping Limits

Action Item 1: DEC should substantiate in either the public notice or the PRR all capping limits that render applicable requirements no longer applicable to the source.

Department Response – DEC agrees with this Action Item. DEC substantiates capping limits and the avoidance of applicable requirements in public notices and Title V permits. Also, as previously noted in the Department’s response to Rationale for Gap-Filling Monitoring in Permit Record Action Items 1 and 2, DEC is revising internal guidance which instructs permit writers how to properly develop a PRR. A portion of this guidance will address how capping limits should be described in a PRR.

Action Item 2: All permits with capping limits should be issued with appropriate monitoring, recordkeeping and reporting requirements.

Department Response – DEC agrees with this Action Item. DEC issues Title V permits with capping limits that contain appropriate monitoring, recordkeeping and reporting requirements. However, DEC recognizes that its guidance describing how to write federally enforceable capping limits (Air Guide 10) is outdated and needs revision. DEC has drafted revisions to this guidance and expects to propose such revisions in 2015.

Action Item 3: DEC should submit to EPA a copy of the first PRR and draft permit issued by each of its 9 regional offices containing the justification for capping limits that render applicable requirements inapplicable to the source and the requisite monitoring, recordkeeping and reporting requirements.

Department Response – DEC disagrees with this Action Item. DEC notifies EPA Region 2 when draft Title V permits are available for public comment. During its review of the permits, EPA can determine whether the capping limits are appropriately addressed in the permit and PRR.

Federal Enforceability

Action Item 1: DEC should include all non-delegated federal standards in the Title V permits to be issued by all 9 NYSDEC regional offices.

Department Response – DEC agrees with this Action Item and will continue to include all non-delegated federal standards in the Title V permits it issues.

Action Item 2: DEC should submit to EPA a copy of the first draft permit from each of its 9 regional offices showing non-delegated federal standards being included in the Title V permit.

Department Response – DEC disagrees with this Action Item. See Department's response to Capping Limits Action Item 3.

Action Item 3: If DEC intends to accept delegation of the 11 federal standards noted in EPA's June 4, 2014 letter (see Appendix B), EPA requests a commitment to incorporate them into 6NYCRR 200.10 and the corresponding tables within 6 months of the date of this report.

Department Response – DEC disagrees with this Action Item. DEC intends to accept delegation of all federal standards in EPA's June 4, 2014 letter, with the exception of 40 CFR § 63 Subpart JJJJJJ – Area Source Industrial, Commercial, and Institutional Boilers. DEC is undergoing the rule making process to incorporate the remaining 10 federal standards by reference into 6 NYCRR Part 200.10 and the corresponding tables. While DEC is working to have the Part 200.10 revisions finalized as expeditiously as possible, it can make no commitment as to when those rule revisions will be finalized. DEC must comply with the requirements of the State Administrative Procedure Act (SAPA) for all rulemakings, including those to incorporate federal standards by reference. SAPA contains various legal procedural requirements and timeframes regarding publication, public notice and comment. To ensure compliance with SAPA, DEC cannot alter the requirements of SAPA nor specify a date by which it will finalize revisions to Part 200.10. In the meantime, as previously noted in the Department's response to Action Item 1, DEC will continue to include all non-delegated federal standards in the Title V permits it issues.

Action Item 4: EPA requests a commitment from DEC to update 6NYCRR 200.10 and the corresponding tables within 6 months of the promulgation of future federal standards.

Department Response – DEC disagrees with this Action Item. DEC can make no commitment about the frequency or timing of future rulemakings. As discussed in the Department's response to Action Item 3, DEC must comply with the requirements of SAPA for all rulemakings. Moreover, the promulgation of regulations by DEC can be resource-intensive and costly. Therefore, it is typically more cost-effective for DEC to combine the incorporation by reference of multiple federal standards into a single DEC rulemaking rather than go through a separate SAPA rulemaking process to incorporate each individual federal standard. Regardless, as previously noted in the Department's response to Action Items 1 and 3, DEC will continue to include all non-delegated federal standards in the Title V permits it issues.

Action Item 5: DEC should commit to designating RACT variances that have not been approved into the SIP by EPA on the state-only section of the Title V permit, or inform EPA of a different method of designation, or list only existing SIP limits in the permit but denote those for which source-specific RACT variances have been submitted to EPA for approval.

Department Response – DEC disagrees with this Action Item. DEC does not feel that Reasonably Available Control Technology (RACT) variances of State Implementation Plan (SIP) approved regulations need to be placed on the state-only section of Title V permits as they are federal applicable requirements as defined by 40 CFR § 70.2. DEC regulations providing the methodology for obtaining RACT variances have already been approved into the SIP by EPA. Therefore, RACT variances are “standard[s] or other requirement[s] provided for in the applicable implementation plan approved or promulgated by EPA” as specified in paragraph (1) of the “applicable requirement” definition in 40 CFR § 70.2. Given that RACT variances are allowed for in SIP approved regulations, conditions containing the requirements of a RACT variance must be placed in the federally enforceable section of the permit. Moreover, all Title V permits with proposed RACT variances are available to EPA when they are draft and public noticing commences, giving EPA sufficient opportunity to comment on any particular proposed RACT variance approved by DEC pursuant to the process outlined in DEC’s SIP-approved regulations. Furthermore, EPA has a 45 day objection period, following the public noticing period, in which to raise any objections to DEC proposed RACT variances. Especially absent any comment or objection, DEC considers proposed RACT variances acceptable to EPA. Thus, RACT variances approved by DEC are properly placed in the federally enforceable section of the permit.

Title V Fee Program

Action Item 1: Explore ways that may allow the Title V program to be funded solely with Title V fee revenues.

Department Response – DEC agrees with this Action Item and will explore various possibilities. However, in its report, EPA suggests (on page 13) charging fees for title V applicability reviews. DEC believes that this is contrary to the guidance provided by EPA’s ‘Matrix of Title V-Related and Air Grant-eligible Activities’ published 5/20/1994. In this guidance, EPA identifies review of application for non-Part 70 sources as Air Grant-eligible and not a Title V activity.

*EPA also suggests (Page 13) that DEC collect fees one year ahead. DEC believes that this cannot be done within the existing law ECL 72-0303(2) which states “Bills issued for the fee shall be based on actual emissions for **the prior calendar year**”. DEC cannot alter the basis of billing without a legislative change to the existing law.*

Action Item 2: Submit to the legislature a request for CPI adjustment for all Title V fee rates.

Department Response – DEC agrees with this Action Item. Governor Cuomo’s 2015-16 budget includes a fee increase and a Consumer Price Index adjustment for fees. However, DEC

Executive cannot control whether this proposed legislation gets passed into law by the legislature.

Action Item 3: Submit to the legislature a request to eliminate the fee rates that are lower than the maximum fee rate from the variable fee schedule.

Department Response – DEC agrees with the recommendation and the 2015-16 Executive Budget includes a proposal to raise the per ton fees and establish a base fee of \$2,500. However, the proposal continues to have a graduated fee schedule based upon total emissions. DEC cannot control whether this proposed legislation gets passed into law.

Action Item 4: Elaborate on ways to shorten permit review times.

Department Response – DEC agrees with this Action Item and would implement any viable measure to shorten permit review times. Currently, new permits and modifications are DEC's highest priority for Title V permit reviews. Permit renewals are DEC's lowest priority; therefore, they generally have the longest review time. Additional staff would enable DEC to cultivate a more vigorous and robust program that would provide the ability to shorten permit review times, especially renewals.

Action Item 5: Explore ways the SBEO and SBEAP can coordinate workshops and seminars on the same standards to save costs.

Department Response – DEC agrees with this Action Item; however, this is already being done. Workshops and seminars conducted by the Small Business Environmental Assistance Program (SBEAP) and Small Business Environmental Ombudsman (SBEO) do not overlap. SBEAP workshops and seminars are technical compliance assistance, providing detailed and specific information to help small businesses comply with regulations. SBEO conducts outreach workshops and seminars to help small businesses become aware of new and/or existing regulations and then directing them to the appropriate resources for detailed assistance, including SBEAP and NYSDEC. In the past, SBEAP and SBEO have co-sponsored workshops and seminars to provide these complementary functions at a single event.

Action Item 6: Transfer from the Title V fund to the General Fund activities associated with SBEO's assistance to small businesses for compliance with New York regulations that relate to labor, tax, health, and worker safety. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.

Department Response – DEC disagrees with this Action Item because the SBEO does not offer labor, tax, health, and worker safety info as part of its duties. If issues are identified concerning these areas they may be referred to other departments within ESD that can provide assistance. There is no charge to the Title V program for any additional assistance if a question is referred to another ESD department.

Action Item 7: Transfer from the Title V fund to the General Fund DOH's activities that are not related to Title V. For those activities that will be paid for by Title V, NYSDEC must specifically identify them

with justification for each. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.

***Department Response** – DEC will evaluate with DOH both the level of expenditure of Title V funds, and the activities funded under these funds to assure they are consistent with federal and state requirements.*

6. **Criteria and Hazardous Air Pollutants** – provide comments on proposed changes to the NAAQS for NO₂ and SO₂; tracks environmental hazards on health effects, birth defects, birth outcomes, asthma, etc.; and create maps of cancer incidence.
7. **Special Studies** – as a member of the State Energy Planning Board, the DOH Commissioner participates in the State’s energy planning effort which ensures adequate power supply, advocates new technologies and efficiency in energy development, preserves the environment, reduce dependence on imported gas and oil, stimulate economic growth, and preserve the individual welfare of NY citizens and energy users. DOH also provides technical support for state’s Environmental Justice Brief and Climate Action Plan. Other studies as requested by NYSDEC are also conducted.

Many of the activities listed above pertain to research studies on health issues due to emissions of criteria and HAPs from select facilities, technical support on State rule development or emission guidelines, energy usage forecasts, State’s plan for future sources of energy, etc. Of the seven activities listed, only DOH’s participation in the Mapping Workgroup of the Governor’s Task Force on Environmental Justice where areas of environmental justice concerns are identified (under “Assessment of Emission Sources”) pertains to title V permitting. Funding all of these activities through the title V fee revenues calls into question compliance with 40 CFR § 70.9. Tasks or activities that are unrelated to meeting the requirements of title V of the CAA must be defunded from the title V fee program. NYSDEC should scrutinize the activities undertaken by DOH for relation to the title V requirements. NYSDEC should submit to EPA justification for funding any and all tasks undertaken by the DOH with the title V fees. Expenses for non-title V related activities must be transferred to other funding mechanism, e.g., the State General Fund.

IV. Summary of Action Items

Below is a summary of the issues or discussion items presented in this audit that should be followed up with action from the NYSDEC in coordination with the EPA Region 2 Office. Please refer to Sections II and III of this report for details.

Issues	Actions Needed from NYSDEC
<p>Rationale for Gap-filling Monitoring in Permit Record</p>	<ol style="list-style-type: none"> 1) DEC should submit to EPA a commitment that all of its 9 regional offices will provide the required documentation for gap-filling monitoring in the PRR beginning 90 days after the date of this report. 2) DEC should identify all gap-filling monitoring in the “Basis for Monitoring” section of the PRR with a brief discussion of the selected monitoring.

<p>Emission Information</p>	<ol style="list-style-type: none"> 1) For permit modifications, DEC should provide in the public notice the change in emissions for each pollutant emitted by the emission unit(s) involved in the permit modification. 2) DEC should submit to EPA a copy of the public notice for a permit modification issued by each of its 9 regional offices since the date of this audit report to reflect implementation of 40 CFR §70.7(h)(2). 3) DEC should submit to EPA a commitment that all of its 9 regional offices will provide the emission summary sheet with the PRR within 90 days after the date of this report. 4) DEC should submit to EPA for initial permits and renewal permits an emission summary sheet which lists the emission rate in tons/year for each air pollutant emitted by the source (including those that are below the NSR/PSD or title V threshold levels).
<p>Capping Limits</p>	<ol style="list-style-type: none"> 1) DEC should substantiate in either the public notice or the PRR all capping limits that render applicable requirements no longer applicable to the source. 2) All permits with capping limits should be issued with appropriate monitoring, recordkeeping and reporting requirements. 3) DEC should submit to EPA a copy of the first PRR and draft permit issued by each of its 9 regional offices containing the justification for capping limits that render applicable requirements inapplicable to the source and the requisite monitoring, recordkeeping and reporting requirements.

<p>Federal Enforceability</p>	<ol style="list-style-type: none"> 1) DEC should include all non-delegated federal standards in the title V permits to be issued by all 9 NYSDEC regional offices. 2) DEC should submit to EPA a copy of the first draft permit from each of its 9 regional offices showing non-delegated federal standards being included in the title V permit. 3) If DEC intends to accept delegation of the 11 federal standards noted in EPA's June 4, 2014 letter (see <u>Appendix B</u>), EPA requests a commitment to incorporate them into 6NYCRR 200.10 and the corresponding tables within 6 months of the date of this report. 4) EPA requests a commitment from DEC to update 6NYCRR 200.10 and the corresponding tables within 6 months of the promulgation of future federal standards. 5) DEC should commit to designating RACT variances that have not been approved into the SIP by EPA on the state-only section of the title V permit, or inform EPA of a different method of designation, or list only existing SIP limits in the permit but denote those for which source-specific RACT variances have been submitted to EPA for approval.
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Title V Fee Program	<p>Following are additional suggested measures to address New York's title V fiscal issues. Please provide a response to each of the items suggested below within 90 days of receiving this audit report.</p> <ol style="list-style-type: none">1) Explore ways that may allow the title V program to be funded solely with title V fee revenues.2) Submit to legislature a request for CPI adjustment for all title V fee rates.3) Submit to the legislature a request to eliminate the fee rates that are lower than the maximum fee rate from the variable fee schedule.4) Elaborate on ways to shorten permit review times.5) Explore ways the SBEO and SBEAP can coordinate workshops and seminars on the same standards to save costs.6) Transfer from the title V fund to the General Fund activities associated with SBEO's assistance to small businesses for compliance with New York regulations that relate to labor, tax, health, and worker safety. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.7) Transfer from the title V fund to the General Fund DOH's activities that are not related to title V. For those activities that will be paid for by title V, NYSDEC must specifically identify them with justification for each. NYSDEC must commit to this in writing in its response to this audit report and reflect this commitment in its annual reports.
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 29 2015

SEP 29 2015

Honorable Marc Gerstman
Acting Commissioner
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233-1011

Dear Commissioner Gerstman:

On February 25, 2015, the New York State Department of Environmental Conservation (DEC) submitted its response to the audit conducted by the United States Environmental Protection Agency (EPA), Region 2 Office, of New York's Title V Operating Permit Program. DEC's response addressed most of the action items identified in EPA's November 25, 2014 audit report. However, there are fundamental differences between EPA's and DEC's positions on Reasonably Available Control Technology variances, federal enforceability of Maximum Achievable Control Technology requirements, and title V permit fees which are discussed in detail in Section I of the enclosure. These issues may require a formal issues resolution process to rectify. Issues listed in Section II of the enclosure may be resolved with further attention and commitment from DEC.

Clarification on two discrepancies in the financial data used in EPA's audit report is also included in Section I of the enclosure. In order to gain a better understanding of DEC's current funding needs and therefore the appropriate fee rate to gradually bring DEC's deficit to zero, DEC is requested to submit a fee demonstration in accordance with 40 CFR § 70.9(c). EPA is committed to working with DEC to complete this analysis in fiscal year 2016.

If you have any questions, please do not hesitate to call me or have your staff contact Steven Riva at (212) 637-4074.

Sincerely yours,


Judith A. Enck
Regional Administrator

Enclosure

cc: Robert Stanton, Director
Bureau of Stationary Sources
DAR, NYSDEC

Enclosure

I. Issues That May Require a Formal Issues Resolution Process

a. Reasonably Available Control Technology (RACT) Variance

Currently, DEC includes state-approved variances of RACT requirements in the state and federal section of title V permits though they have not been approved by EPA and incorporated into the SIP as federally enforceable limits. DEC asserts that RACT variances derived using an EPA-approved methodology (such as 6 NYCRR Part 212-3.1 or Subpart 227-2.3) can be made federally enforceable via the title V permit in lieu of the standard SIP revision process.

Contrary to DEC's assertion, the EPA-approved methodology for obtaining RACT variances provides only the method under which a variance from the RACT requirement can be derived; the variance is still subject to EPA approval. Until they are approved into the SIP by EPA, the state-approved RACT variances are not federal applicable requirements as defined by 40 CFR § 70.2. EPA's SIP approvability review cannot be replaced by the 45-day EPA review provided for proposed title V permits under 40 CFR § 70.8. DEC cannot preclude EPA's RACT variance review and approval process by using the title V permit issuance process.

EPA's November 25, 2014, letter including results of its audit of New York's title V operating permit program (EPA audit letter) suggested that DEC-approved RACT variances that have not received EPA approval remain in the state-only section of the title V permit until EPA approval is completed. Alternatively, EPA suggested that DEC identify permit conditions containing an existing SIP limit that, upon EPA approval, would be replaced by an EPA-approved RACT variance. DEC disagrees with EPA's suggestion and argues that its current practice is proper.

DEC is asked to reevaluate EPA's suggested remedies and correct its practice of including state-approved RACT variances on the state and federal side of title V permits, if they have not yet been approved by EPA through the SIP revision process. Continuation of this practice could be the basis of a future finding of violation of Section 502(b)(3) of the Clean Air Act (CAA) and 40 CFR § 70.9. If such a finding were to occur, the State would be subject to the provisions of 40 CFR § 70.10(d) if the deficiency is not corrected in a timely manner. EPA remains amenable to working with DEC to develop an acceptable solution to this process.

b. Federal Enforceability – Maximum Achievable Control Technology (MACT) Delegation

In its response to EPA's audit letter, DEC states that it will continue to include all non-delegated federal standards in the title V permits it issues and intends to accept delegation of 10 of the 11 federal standards identified in EPA's June 4, 2014 letter. However, DEC states it cannot commit to updating 6 NYCRR 200.10 within 6 months of promulgation of new federal standards because all rulemakings in the State of New York are governed by the State Administrative Procedure Act (SAPA) and DEC cannot commit to the frequency or timing of future rulemaking.

EPA recognizes a State's discretion to decide when and if to take delegation of federal standards. However, as we indicated in Section II.D of the audit letter, this discretion does not excuse the State from including all applicable requirements in the title V permits it issues as well as

implementing and enforcing them. *See* CAA sections 502(b)(5)(A), (B) and (E) and 502(d)(1); see also 40 CFR § 70.4(b)(3). That requirement is nondiscretionary and integral to the proper functioning of a State's title V program, and it is separate from the discretion provided to states in determining whether to take delegation of certain federal standards (e.g. standards issued pursuant to sections 111 and 112 of the CAA).

The Act is clear that the permitting authority must have adequate authority to "issue permits and assure compliance by all sources required to have a permit...with each applicable standard, regulation or requirement." CAA 502(b)(5)(A). The EPA regulations at 40 CFR § 70.2 define applicable requirements to include, among other things, any standard or other requirement under section 111 and 112 of the Act as they apply to emissions units in a part 70 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates). Regardless of whether NYSDEC has accepted delegation of certain federal standards and updated 6 NYCRR 200.10 and the corresponding tables with those standards, because the standards are included in 40 CFR parts 60 and 63, they are applicable requirements as defined by 40 CFR § 70.2. These standards must be included in title V permits issued by NYSDEC to subject sources in the State.

DEC's response to the audit indicates that it "will continue to include all non-delegated federal standards in the Title V permits it issues." In many instances, however, DEC simply includes a citation to the federal standard in the Title V permit. This is not sufficient to satisfy CAA Section 504. DEC must determine the emission limitations, operating parameters, work practices, etc. that assure compliance with the federal standard. Not only does the Act provide, at Section 504(a), that each title V permit include "enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less than every 6 months, the results of any required monitoring," it also requires, at Section 504(c), inclusion of "inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions." New York's interpretation of "include," coupled with its delays in incorporating by reference, undermines its ability to comply with 40 CFR § 70.4(b)(3)(i), which requires the permitting authority to "[i]ssue permits and assure compliance with each applicable requirement and requirement of this part by all part 70 sources." It is improper for a title V permitting authority to interpret its regulations in a manner that undermines its ability to include and enforce applicable requirements in a title V permit, particularly where the cited statute does not expressly prevent the State from complying with its title V responsibilities.

DEC's written response to the audit does not address whether it will enforce the non-delegated federal standards in the permits it issues. As our November 25, 2014 audit letter explained, the CAA is clear that a permitting authority must have adequate authority to "assure compliance by all sources required to have a permit under this subchapter" and to "enforce permits." CAA section 502(b)(5)(A), (E). New York must include and enforce all applicable requirements stipulated in a source's title V permit.

As EPA's audit letter explained, NYSDEC is not correct that if it has not taken delegation it is excused from implementing and enforcing those applicable federal NESHAP provisions once those provisions are incorporated into a title V permit. The CAA and EPA's regulations implementing the requirements of title V require States to assert the authority to implement and enforce, and actually implement and enforce, all applicable CAA requirements as a condition of program approval. *See* CAA sections 502(b)(5)(A), (B) and (E). The assertion that incorporation of federal regulations into state law is required before applicable requirements can be

implemented and enforced pursuant to a title V permit is without foundation and contrary to the express requirements of the CAA. Please refer to Section II.D of the audit report for detail.

While EPA understands NYSDEC cannot commit to updating 6 NYCRR 200.10 within a date certain of promulgation of new federal standards as all rulemakings in the State of New York are governed by SAPA, we cannot understand the delay in incorporating certain federal standards into 6 NYCRR 200.10, updates the State asserts are necessary to comply with its title V responsibility. While we believe the State should act expeditiously in revising 6 NYCRR 200.10 to list the eleven NESHAP standards if the State intends to take delegation of those standards pursuant to Part 63, Subpart E, such action is not required for the State to include those standards in title V permits to the extent they are applicable to sources within the State. As required by the CAA, with regard to existing and future federal standards, NYSDEC must incorporate all requirements (with specific emission limits, operating restrictions, etc.) as applicable to title V sources into title V permits, within the time frames provided in the relevant rules, even if the State has not accepted delegation of the federal standards or not incorporated them into 6 NYCRR 200.10.

EPA withdraws its request for a copy of the first draft permit from each regional office showing non-delegated federal standards being included in the Title V permit based on DEC's explanation that it notifies EPA Region 2 when draft Title V permits are available for public comment on DEC's website.

c. Title V Fee Program

Clarification is offered below regarding discrepancies related to the Small Business Program (SBP) Actual Expenses for FY 2010-2011 and the program deficit as of March 31, 2014:

- DEC is correct that the SBP Actual Expenses for FY 2010-2011 should be \$1,416,000; an error occurred in the arithmetic calculation.
- With regard to its calculation of the program deficit as of March 31, 2014, EPA used information from Subpart 482-2.4, as revised on June 18, 2014. The running deficit of \$17,885,690 stated in the audit report was the sum of the negative account balance of \$17,084,690 and the estimated amount of \$801,000 needed by DEC to perform title V commitments made in fiscal years prior to March 31, 2014. In a subsequent conversation with EPA, DEC explained that the \$801,000 should not be included in the deficit because it is an estimation that may be more or less than the actual amount. DEC's request to replace the running deficit with a positive cash balance of \$17,084,690 as of March 31, 2014 is incorrect. The actual operating permit program account balance was negative \$17,084,690.

EPA's review of DEC's title V fee program illustrates the need for DEC to perform a fee demonstration to more accurately assess its funding needs. The goal of this exercise is to determine the correct fee rate that will bring the deficit to zero while ensuring that New York's title V program becomes self-sustaining as Congress envisioned when authorizing fees collection under title V of the CAA. In accordance with 40 CFR § 70.9(c) the title V fee revenue collected must fund the direct and indirect costs of the title V program. In this fee demonstration, New York should not include costs related to program ramp-up activities that are already completed; e.g., costs for program development and infrastructure set-up.

Please consult section 502(b)(3) of the CAA and the following guidance documents to prepare the fee demonstration:

1. August 4, 1993 memo from John S. Seitz, entitled “Reissuance of Guidance on Agency Review of State Fee Schedules for Operating Permits Programs Under Title V” lists activities, including title V applicability reviews that can be funded by part 70 fees, available at: <http://www.epa.gov/region07/air/title5/t5memos/fees.pdf>
2. November 1, 1993 memo from John S. Seitz, entitled “Title V Fee Demonstration And Additional Fee Demonstration Guidance, available at: <http://www.epa.gov/region07/air/title5/t5memos/feedemon.pdf>
3. July 21, 1994 memo from Mary D. Nichols, entitled “Transition to Funding Portions of State and Local Air Programs with Permit Fees Rather than Federal Grants” and its attachment entitled “Matrix of Title V-Related and Air Grant-eligible Activities” provide detailed information on activities that are grant-eligible and title V-eligible. This document is available at: <http://www.epa.gov/region07/air/title5/t5memos/grantmem.pdf>

EPA withdraws its request for DEC to transfer certain SBEO activities from the Title V Fund to the General Fund based on DEC’s clarification that “SBEO does not offer labor, tax, health and worker safety info as part of its duties.”

II. Issues That Require Further Attention and Commitment from DEC

EPA and DEC agree that the issues listed below need to be corrected to improve New York’s Operating Permit Program.

DEC asserts that efforts to improve the permit review report (PRR) were initiated in October 2014 and that it is currently working to revise an internal PRR guidance document that will instruct all permit writers in its 9 regional offices. DEC advises that it is due to be released in draft during 2015.

Prior to as well as subsequent to receiving DEC’s response to the audit report, EPA has identified problems in proposed title V permits that are similar to those raised in the audit report. To be consistent, EPA provided the same recommendations contained in the audit report to the Regional Office in the form of permit specific comments. While DEC works to revise its guidance document, DEC may wish to convey the revisions to its existing policy verbally to its Regional Offices so that correction to issues identified in the audit report can be implemented without delay. EPA notes that New York’s targeted date for issuing its internal PRR guidance document in draft is 2015, so EPA hereby requests a draft copy for review when it is issued by the end of the year.

a. Capping Limits

EPA’s recent oversight review of proposed title V permits with capping limits raises concerns, in particular, as to the amount of time DEC projects for the issuance of its internal guidance to help resolve issues related to capping limits. Pursuant to 6 NYCRR 201-7.1(c), the PRR for a permit with a capping limit must include a discussion of the emission limit and how it justifies the non-applicability determination. In addition, 6 NYCRR 201-7.1(d) requires the permit to stipulate the appropriate monitoring, recordkeeping and reporting requirements to demonstrate that the emissions limitation under the capping limit is verifiable and enforceable. Permits must be consistent with the title V regulations, even as the guidance is being drafted. Proposed title V

permits issued with inadequate monitoring, recordkeeping and reporting do not assure practical enforceability of the capping limits. Such permits are subject to EPA objection for failing to assure compliance with all applicable requirements. A capping limit stipulated in a permit with inadequate justification provided in the PRR is also subject to the same EPA scrutiny.

EPA withdraws its request for copies of the permits based on DEC's explanation that it notifies EPA Region 2 when draft Title V permits are available for public comment on DEC's website.

b. Rationale for Gap-filling Monitoring in Permit Record

DEC agrees the PRR must include the proper justification regarding gap-filling monitoring. DEC asserts this information will be included in the "Basis of Monitoring" section of the PRR and will address all gap-filling monitoring conditions contained in a title V permit. At a minimum, the PRR will identify all gap-filling monitoring conditions along with a brief discussion of the selected monitoring.

EPA accepts DEC's explanation that development of the PRR by its regional offices will improve due to ongoing efforts to revise its internal guidance this calendar year. In consideration of DEC's intention to finalize its draft internal guidance by the end of 2015, EPA withdraws its request for a commitment from DEC that its regional offices provide the required documentation for gap-filling monitoring within 90 days of EPA's November 25, 2014 audit report.

c. Emission Information – Emission Summary

EPA requested an emission summary sheet to be provided with each PRR to facilitate the public's and EPA's review of draft and proposed permits. The emission summary sheet would list the emission rate in tons per year for each air pollutant emitted by the source. Currently, the PRR only provides the range in tons per year within which pollutants are emitted by the facility; no specific emission rate is provided for any pollutant. DEC views this request as unnecessary because DEC claims that "[e]mission rates for regulated pollutants are contained in the PRR of each proposed Title V permit."

EPA would agree that a separate emission summary sheet is unnecessary if DEC provides the emission rates, not the emission ranges, for each regulated pollutants emitted by the source in the PRR. Therefore, EPA considers DEC's statement in its response to the audit report that, "Emission rates for regulated pollutants are contained in the PRR of each proposed Title V permit," as DEC's agreement to include emission rates for each regulated pollutant, in tons per year, in the PRR of each proposed Title V permit.

ATTACHMENT 2

**NYSDEC Response to Title V Program Review Questionnaire for the State of
New York Fiscal Year 2018**

Title V Program Review Questionnaire for the State of New York Fiscal Year 2018

I. Follow up issues from the 2014 audit:

A. Title V Fee Program Evaluation

1. The following items are “Action Item” that NYSDEC agreed to address in the 2014 Audit. Please provide information as how these Action Items were addressed.
 - a. Action Item 1: Please identify the ways and measures that NYSDEC explored and/or employed since the 2014 Audit for funding the Title V program solely with Title V fee revenues. ***In 2015, through the Legislative process, the per ton fee was increased and a \$2,500 base fee was implemented.***
 - b. Action Item 4: Please identify the measures that NSYDEC explored and/or employed to reduce or shorten permit review times. ***DEC initiated monthly conference calls with the Regions in 2014 to review the status of all pending Air State Facility and Title V permit applications. These calls, which include Division of Air management, are now ~ quarterly and continue to allow for the identification of issues and roadblocks that can cause permitting delays. In the DEC R2 office, staff from the Air Program and Environmental Permits program hold monthly docketing sessions to resolve issues and track timeframes. Permit applications for new sources/facilities and modifications are DEC’s highest priority. A new computer system was explored but shelved due to resource constraints. Continued staff reductions, primarily through retirements of experienced personnel, make this action item a challenge. A final idea to speed permit review is if EPA would evaluate the possibility of running its 45 day review period concurrently with the public’s 30 day period.***
 - c. Action Item 7: Please identify and provide, in a format table, the DOH’s activities that were paid for by title V for the State Fiscal years 2014 through 2017. ***See attached OPP Reports with DOH section for 2014-2017.***
2. In addition to providing more insight, EPA would like to obtain the following information to update the status of the fee issue:
 - a. Please provide the fees information indicated in Table 1 of Enclosure 1. Alternatively, the NYSDEC could provide EPA with the relevant annual reports that would contain the fees information specified in Table 1. ***See attached, completed Table 1.***
 - b. Please provide the following information related to the graduated fee schedule for each of the following State Fiscal years 2014 through 2017:

- Actual Annual Emissions in tons for which fees were paid
- Actual Annual Emissions in tons, which were subject to the “less than 1,000 tons fee per ton category”;
- Actual Annual Emissions in tons, which were subject to the “1,000 tons or more but less than 2,000 tons fee per ton category”;
- Actual Annual Emissions in tons, which were subject to the “2,000 tons or more but less than 5,000 tons fee per ton category”; and
- Actual Annual Emissions in tons, which were subject to the “5,000 tons fee per ton category”;

See attached chart of tons by category & year.

3. Fee Issue: 2014 Audit and Current Status.

At the time of the title V program review in 2014, EPA noted that the NYSDEC should explore options to address the title V budget shortfall. Title V mandates that the program be fully funded by title V fees. Also, EPA suggested that a title V fee demonstration be performed to help DEC assess more accurately its funding needs and determine the appropriate fee rate that will sufficiently cover the permit program costs and gradually eliminate the title V program deficit. However, there was no formal response provided by NYSDEC regarding EPA’s suggestion to perform a fee demonstration. In its response to the 2014 Audit, the NYSDEC agreed with EPA’s conclusion and committed to explore ways to resolve the budget shortfall by (1) raising the per ton fees; (2) including a Consumer Price Index adjustment for fees; and (3) establishing a base fee of \$2,500.

As shown by 6 NYCRR Subpart 482-2.4 “Annual fee and fee calculation,” as of January 1, 2017, NYSDEC started applying increased per ton fee rates (i.e., following a graduated fee schedule) and as of July 1, 2017, NYSDEC started collecting the \$2,500 base fee.

Does the NYSDEC agree that the above summary is a fair characterization of the 2014 fee issue and its current status? *No, not completely. The fee increase and base fee were implemented in 2015, and remain in effect currently. While there was no “formal response” to EPA’s suggestion that DEC perform a fee demonstration, the EPA suggestion was discussed at more than one meeting with an informal response given. To perform a fee demonstration as defined by EPA in “Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70” dated 3/27/2018 requires a prescribed, time consuming and labor intensive process. The DEC Annual reports accurately reflect the status of the Title V fee funding and corresponding shortfall. Performing a fee demonstration to reach a known conclusion does not seem to be a prudent use of reduced DEC staff resources for little if any benefit.*

Does NYSDEC have anything further to add to the current status of the issue? *Thank you, not at this time.*

Are there any thoughts to lower the cumulative deficit? *Not at this time.*

On March 27, 2018 EPA released additional guidance regarding title V fees, namely, the “Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70¹” and “Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs Under Title V².” Does NYSDEC see a benefit to jointly review certain portions of these new fee guidance with EPA Region 2, which may be helpful in addressing or clarifying NYSDEC’s title V fee issues? ***DEC has reviewed the new guidance and does not see a need to meet at this time.***

4. EPA recognizes that the issue of insufficient fee revenue to fund the State’s title V program is not unique to the State of New York. Permitting authorities continue to face declining title V fee revenue for various reasons. Both EPA and NYSDEC need to work together to explore strategies and approaches that can lead to improved and sustainable funding for the title program on a long-term basis. ***A primary reason for declining Title V fee revenue is the overall success in reducing air pollution. In 1994, New York State billed 494,380 actual tons of emissions. In 2017, Title V facilities were billed for 67,007 tons of actual emissions, an 86% decrease. Stated another way, actual tons billed were almost 7 ½ times greater in 1994 than they were for 2017. The fact that Air quality has improved greatly should not be lost as new strategies and approaches are explored.***

B. Other Issues

EPA requests that NYSDEC provide examples or identify those permits which addressed the following Action Items from the 2014 Audit:

1. Rationale for Gap-filling Monitoring in Permit Record - Action Item 2: Please identify and provide electronic copies of four Permit Review Reports (“PRRs”) that were prepared by NYSDEC for permits issued after the 2014 Audit that address and discuss the gap-filling monitoring conditions included in the corresponding title V permits.
 1. ***Owens-Corning Insulating Systems – Feura Bush (4-0122-00004)***
 2. ***Sumitomo Rubber USA LLC (9-1464-00030)***
 3. ***Kings Plaza Energy LLC (2-6105-00301)***
 4. ***Pearl River Campus LLC (3-3924-00025)******(Information for each of the above is located on the attached zip file)***
2. Capping Limits - Action Items 1 and 2: Please identify and provide electronic copies of four title V permits and their corresponding PRRs issued by the NYSDEC after the 2014 Audit that contain capping limits and for which no comments were received from EPA.
 1. ***Owens-Corning Insulating Systems – Feura Bush (4-0122-00004)***
 2. ***Sumitomo Rubber USA LLC (9-1464-00030)***
 3. ***Pearl River Campus LLC (3-3924-00025)***

¹ This guidance could be found at https://www.epa.gov/sites/production/files/2018-03/documents/title_v_fee_eval_strat_guid_03_27_18.pdf

² This guidance could be found at https://www.epa.gov/sites/production/files/2018-03/documents/title_v_fee_schedule_guidance_memo_03_27_18.pdf

4. Kings Plaza Energy LLC (2-6105-00301)

(Information for each of the above is located on the attached zip file)

3. Federal Enforceability - Action Item 1: Please identify and provide electronic copies of four title V permits issued by NYSDEC after the 2014 Audit that include conditions from non-delegated federal standards (e.g., NSPS, NESHAP) and for which no comments were received from EPA.

1. Owens-Corning Insulating Systems – Feura Bush (4-0122-00004)

2. Sumitomo Robber USA LLC (9-1464-00030)

3. Pearl River Campus LLC (3-3924-0025)

4. United Riverhead Terminal (1-4730-00023)

(Information for each of the above is located on the attached zip file)

4. Reasonably Available Control Technology (RACT) Variances -Action Item 5:
During the 2014 title V program review, EPA informed NYSDEC that including state-approved RACT variances in the state/federal enforceable section of the title V permit, as is being practiced by the NYSDEC, is not acceptable because such variances are not federal applicable requirements as defined in 40 CFR § 70.2 until they are approved into the SIP by EPA.

EPA suggested NYSDEC the following options, as a remedy for the above-described RACT issue (1) place state-approved RACT variances in the state-only section of the title V permit; or (2) include the existing SIP-approved limit on the state/federal side of the title V permit with a notation (e.g., asterisk) that, upon EPA approval of the RACT variance, the permit will be revised, via an administrative amendment, to include the variance; or (3) propose a different method of designation, or listing only existing SIP limits in the permit but denoting those for which source-specific RACT variances have been submitted to EPA for approval. NYSDEC asserted that RACT variances derived using an EPA-approved methodology can be made federally enforceable via the title V permit in lieu of the standard SIP revision process, and disagreed with the EPA's proposed options to remedy the RACT issue (*See* options 1 and 2 above). Also, the NYSDEC did not propose any alternative method to address the RACT issue, as suggested by EPA (*See* option 3, above). Thus, to date, there was no mutually agreed remedy to address the RACT variances issue. There is a need for further discussions to identify a solution for this issue. Does NYSDEC have any updates to the status of this issue? Are there any thoughts to resolve the RACT variances issue? ***As a result of recent discussions between EPA & DEC, we believe we have come to an agreement that would be workable for all parties.***

DEC will share pending RACT determinations with EPA as early in the permitting process as possible to afford EPA opportunity to weigh-in. At a minimum this would occur at the time of public notice but preferably prior to notice.

The RACT determination will be placed on the federal side of the permit. (EPA refers to this as the federal/state side.)

EPA will review the determination within the permit process time frames, i.e. by the end of the comment period, or inform DEC that they will not be commenting.

The Public Notice will mention that a RACT determination is included in the noticed Title V permit modification. The Public Notice will mention that the RACT determination is to be submitted to EPA as a Single Source SIP revision request.

The permit is to include conditions that refer to the RACT determination/SIP language contained in the applicable State Regulations.

DEC will submit to EPA, at the time of permit issuance or as soon as practical after that date, the formal source specific RACT determination as a Single Source SIP revision.

II. Additional questions for the 2018 title V program audit

A. Compliance Assurance Monitoring (“CAM”)

Please identify and provide electronic copies of four title V permits issued by NYSDEC in the last four years that contain CAM requirements, and their associated PRR and the CAM Plan Application.

- 1. Owens-Corning Insulating Systems – Feura Bush (4-0122-00004)**
 - 2. Sumitomo Rubber USA LLC (9-1464-00030)**
 - 3. Adchem Corporation (1-4730-00001)**
 - 4. Ball Metal Beverage Container Corporation (5-4115-00002)**
- (Information for each of the above is located on the attached zip file)*

B. Availability of Public Information - Permit Related Documents During the Public Comment

Does NYSDEC or the Regional Offices have any written guidance for preparing and ensuring that the permitting record is readily available upon request during the public comment period? If such guidance exists, please provide a copy. ***Generally, there is no guidance beyond the regulations related to publically noticing of permits.***

Every T-V Public notice includes: “Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the “permitting authority”) that are relevant to this permitting decision should contact the DEC representative listed below. The Draft Permit and Permit Review Report may be viewed and printed from the Department web site at: <http://www.dec.ny.gov/chemical/32249.html>.”

C. Quality Assurance Process for reviewing pre-draft permits and PRR before they become available for public and EPA review

Please describe the process employed by the NSYDEC Regional Offices for quality assuring title V permits and PRR, including documenting the changes made in a permit, prior to formally proposing them for public and EPA review. If there is any written procedure to this effect, please provide a copy. ***Please note, all changes made to a working copy of a permit prior to public notice are not documented. Changes made as part of the public or EPA review are documented via formal comments received, the Response to Comments prepared by DEC and any resultant changes incorporated into a permit.***

There is a permit Manual available which is useful to new permitting staff. Each permit must also “pass” a basic Application QA and Permit QA function performed by the AFS permitting system. Draft Permits & PRR’s are generally shared with the applicant for review prior to public notice. In some Regions, the RAPCE is taking a look at each T-V & ASF permit for completeness and accuracy before it is publically noticed (this works when the RAPCE is experienced in permit writing). One Region is requesting the Albany Office review a percentage of T-V’s before being noticed. Another Region had each permit reviewed by one of the other Permitting Engineers, which created conflicts with shortening review times. Personnel changes in Air & Environmental Permits has impacts in this area.

D. Changes to 6 NYCRR Part 201-6 “Title V Facility Permits”

Please provide a list and a description of any changes that have been made to 6 NYCRR Part 201-6 since the 2014 audit. If any of the rule changes have been submitted to EPA for review and incorporation into NY’s title V Operating Permits Program, note the date of such submittal(s). ***201 has not been changed since the 2014 audit. DEC is currently undertaking a rulemaking to update 201. A draft for public comment may go out in 2018.***

E. EPA Regulations and Policy that cause problems or confusion

Please identify any EPA regulations or policies on which additional clarification would benefit NYSDEC.

The RICE rules could be much less complicated, and less onerous.

Many federal regulations utilize “layering citations”, where one section cites another section in the same rule which cites another, etc. & eventually reach where the actual requirements are. This can make these regulations confusing and cumbersome.

What approval, if any, is required from EPA for Non-hazardous Secondary Material determinations made pursuant to 40 CFR Part 241?

The interaction between the municipal solid waste landfill Emission Guidelines Cc (EG), NSPS rules, 40CFR 60 Subparts WWW & XXX and the NESHAP rule 40CFR 63 Subpart AAAA is very confusing and cumbersome. DEC recently received the following from EPA in order to help make determinations:

- *Under the NSPS program, a MSW landfill can only be subject to one NSPS; Once a modified MSW landfill becomes subject to Subpart XXX that MSW landfill is no longer subject to Subpart WWW or EG.*
- *MSW landfills that are subject to the operational standards for collection and control system of Subpart WWW or Emission Guidelines Cc are also subject to the NESHAP AAAA. 40 C.F.R. § 63. 1955 “What requirements must I meet” establishes that MSW landfills (which are subject to NESHAP AAAA) must comply with the Subpart WWW or EG requirements, which include the operational standards for collection and control system.*
- *NESHAP AAA applicability is separate from the NSPS applicability, even though NESHAP AAAA points to Subpart NSPS WWW and EG.*
- *Given the fact that Subpart XXX gives MSW landfills a 30-month window to install and start up the collection and control system, the “gap” is covered by the NESHAP AAAA, which already applies to the modified MSW landfills and requires operation of a collection and control system, and establishes several continuous compliance requirements for the [already] installed collection and control system at a MSW landfill. So, between the time Subpart WWW will cease being applicable and before the startup of a Subpart XXX compliant collection and control system, the modified MSW landfill will have to follow the NESHAP AAAA requirements, which have, already, been applicable to that MSW landfill, before the modification.*
- *A MSW landfill will no longer be covered under Subpart WWW by the way of the NSPS program. However, although, the Subpart WWW will no longer apply, the landfill would still be covered by NESHAP AAAA, which refers to Subpart WWW. The landfill will have to comply with NESHAP AAAA up and beyond the Subpart XXX’s 30-month window for the installation and startup of the collection and control system. The Subpart WWW requirements would still stand by the way of the NESHAP AAAA. The landfill will have to comply with, both, NESHAP AAAA and the Subpart XXX operational standards for collection and control system requirements, however, the most stringent of the two sets of requirements would apply.*

The above is meant as an example and not a criticism of the EPA R-2 Office. When EPA develops regulations, there should not have to be extensive guidance to try to explain what is in the regulation.

F. Title V program issues & concerns

Are there any issues affecting implementation of the title V program in your state right now that you consider particularly important? And, if so, how can EPA help?

As a general issue, the Non-Title V workload competes for staff's time. Rules are often voluminous, complex and difficult to interpret. DEC simply asks for EPA patience... on a case by case basis.

G. Communications between the NYSDEC and EPA

What are your suggestions for improving communications between the NYSDEC and EPA? *Overall, communications have greatly improved in recent years. EPA's willingness to participate in DEC's Division Management Meetings which allow for face to face communications with DEC staff from across the State has helped with this improvement. It is important to note that good communications between agencies does not necessarily mean agreement on all issues. It does mean we will continue to be open to discuss issues in a professional manner.*

Enclosure 1

Table 1- Fees Information for State Fiscal Years 2013 through 2017/2018

Sate Fiscal Year	Total number of title V Sources which pay fees	Annual Emissions (tons) for which fees were paid	Annual Fees Revenue Collected from title V Sources "R"	Actual Title V Permit Program Expenses "E" [E= DEC + SBP*+DOH**]	State Fiscal Year Appropriation Amount	Beginning of State Fiscal Year title V Account Balance
2013/2014	403	107,455	\$6,079,140	E \$15,366,000 DEC \$14,329,000 SPB \$327,000 DOH \$710,000	\$8,989,600	Negative \$15,184,879
2014/2015	398	99,745	\$5,341,607	E \$15,866,000 DEC \$14,424,000 SPB \$820,000 DOH \$622,000	\$9,326,600	Negative \$17,084,690
2015/2016	402	94,984	\$7,989,988	E \$15,572,000 DEC \$14,590,000 SPB \$382,000 DOH \$600,000	\$9,559,000	Negative \$19,996,630
2016/2017	390	80,779	\$6,749,640	E \$16,480,000 DEC \$15,435,000 SPB \$295,000 DOH \$750,000	\$9,598,000	Negative \$19,199,593
2017/2018	384	66,619	Not yet available R = [Fees collected for actual emissions] + [annual base fee of \$2,500 per each facility]	E Not yet available DEC SPB DOH	\$9,751,000	Negative \$20,347,827

*SBP: Small Business Program;

**DOH: Department of Health

EPA Title V Audit

Follow up Question 2b

	SFY 2013/14	SFY 2014/15	SFY 2015/16	SFY 2016/17	SFY 2017/18
Total Tons	107,455	99,745	94,984	80,779	66,619
Tons < 1000	36,638	37,708	35,142	35,123	31,591
Tons 1000 to < 2000	14,986	13,579	13,745	18,214	18,030
Tons 2000 to < 5000	23,796	22,599	21,458	10,457	7,357
Tons 5000 or more	32,036	25,860	24,639	16,986	9,641

ATTACHMENT 3

Examples: Title V permits and PRRs provided by the NYSDEC in the Response to 2018 Questionnaire

Owens-Corning Insulating Systems – Feura Bush (4-0122-00004) Permit

Owens-Corning Insulating Systems – Feura Bush (4-0122-00004) PRR

Sumitomo Rubber USA LLC (9-1464-00030) Permit

Sumitomo Rubber USA LLC (9-1464-00030) PRR

Kings Plaza Energy LLC (2-6105-00301) Permit

Kings Plaza Energy LLC (2-6105-00301) PRR

Pearl River Campus LLC (3-3924-00025) Permit

Pearl River Campus LLC (3-3924-00025) PRR

United Riverhead Terminal (1-4730-00023) Permit

United Riverhead Terminal (1-4730-00023) PRR

Adchem Corporation (1-4730-00001) Permit

Adchem Corporation (1-4730-00001) PRR

Ball Metal Average Container Corporation (5-4115-00002) Permit

Ball Metal Average Container Corporation (5-4115-00002) PRR

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: OWENS CORNING INSULATING SYSTEMS LLC
1 OWENS CORNING PKWY
TOLEDO, OH 43659

Facility: OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH
1277 FEURA BUSH RD
FEURA BUSH, NY 12067

Authorized Activity By Standard Industrial Classification Code:
3296 - MINERAL WOOL

Permit Effective Date: 10/03/2016

Permit Expiration Date: 10/02/2021



PAGE LOCATION OF CONDITIONS

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

9	1	6 NYCRR 200.6: Acceptable Ambient Air Quality
9	2	6 NYCRR 201-6.4 (a) (7): Fees
9	3	6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
10	4	6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
10	5	6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
12	6	6 NYCRR 201-6.4 (e): Compliance Certification
14	7	6 NYCRR 202-2.1: Compliance Certification
14	8	6 NYCRR 202-2.5: Recordkeeping requirements
15	9	6 NYCRR 215.2: Open Fires - Prohibitions
16	10	6 NYCRR 200.7: Maintenance of Equipment
16	11	6 NYCRR 201-1.7: Recycling and Salvage
16	12	6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
16	13	6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
17	14	6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
17	15	6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
17	16	6 NYCRR 201-6.4 (a) (8): Right to Inspect
18	17	6 NYCRR 201-6.4 (f) (6): Off Permit Changes
18	18	6 NYCRR 202-1.1: Required Emissions Tests
18	19	40 CFR Part 68: Accidental release provisions.
19	20	40CFR 82, Subpart F: Recycling and Emissions Reduction
19	21	6 NYCRR Subpart 201-6: Emission Unit Definition
23	22	6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
24	23	6 NYCRR 201-6.4 (g): Non Applicable requirements
26	24	6 NYCRR 201-6.5: Compliance Certification
28	*25	6 NYCRR Subpart 201-7: Capping Monitoring Condition
31	*26	6 NYCRR Subpart 201-7: Capping Monitoring Condition
32	*27	6 NYCRR Subpart 201-7: Capping Monitoring Condition
34	*28	6 NYCRR Subpart 201-7: Capping Monitoring Condition
35	29	6 NYCRR 202-1.2: Notification
36	30	6 NYCRR 202-1.3: Acceptable procedures - Stack test report submittal
36	31	6 NYCRR 211.1: Air pollution prohibited
36	32	6 NYCRR Part 212: Compliance Certification
37	33	6 NYCRR 212.4 (a): Compliance Certification
37	34	6 NYCRR 212.6 (a): Compliance Certification
38	35	6 NYCRR 227-2.4 (d): Compliance Certification
39	36	6 NYCRR 228-1.3 (d): Compliance Certification
40	37	6 NYCRR 228-1.4 (d) (3): Compliance Certification
41	38	6 NYCRR 234.3 (a) (1) (i): Compliance Certification
42	39	6 NYCRR 234.5: Compliance Certification
43	40	6 NYCRR 234.6: Compliance Certification
44	41	6 NYCRR 234.7: Compliance Certification
45	42	6 NYCRR 234.8: Compliance Certification
46	43	40CFR 60.110b(b), NSPS Subpart Kb: Compliance Certification

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



- 47 44 40CFR 63.3370(b), Subpart JJJJ: Compliance Certification
- 47 45 40 CFR Part 64: Compliance Certification
- 48 46 40 CFR Part 64: Compliance Certification
- 49 47 40 CFR 64.8: Compliance Certification
- 50 48 40 CFR 64.8: Compliance Certification
- 51 49 40 CFR 64.8: Compliance Certification

Emission Unit Level

- 52 50 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 56 51 6 NYCRR Subpart 201-6: Process Definition By Emission Unit
- 66 52 6 NYCRR Subpart 201-7: Emission Unit Permissible Emissions
- 67 53 6 NYCRR Subpart 201-7: Process Permissible Emissions

EU=U-00001

- 68 54 40CFR 52.21, Subpart A: Compliance Certification

EU=U-00002

- 68 *55 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 70 *56 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 72 *57 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 73 58 40 CFR Part 64: Compliance Certification
- 74 59 40 CFR Part 64: Compliance Certification

EU=U-00003

- 74 *60 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 76 61 40 CFR Part 64: Compliance Certification
- 76 62 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ1,ES=FZ1SS

- 77 63 40 CFR Part 64: Compliance Certification
- 78 64 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ1,ES=FZ2SS

- 78 65 40 CFR Part 64: Compliance Certification
- 79 66 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ1,ES=FZ5SS

- 80 67 40 CFR Part 64: Compliance Certification
- 80 68 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ1,ES=FZ6SS

- 81 69 40 CFR Part 64: Compliance Certification
- 82 70 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ2,ES=FZ3SS

- 82 71 40 CFR Part 64: Compliance Certification
- 83 72 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ2,ES=FZ4SS

- 84 73 40 CFR Part 64: Compliance Certification
- 84 74 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ2,ES=FZEP1

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85 75 40 CFR Part 64: Compliance Certification
86 76 40 CFR Part 64: Compliance Certification

EU=U-00003,Proc=FZ2,ES=FZEP2

86 77 40 CFR Part 64: Compliance Certification
87 78 40 CFR Part 64: Compliance Certification
88 79 6 NYCRR 228-1.3 (b) (1): Compliance Certification

EU=U-00006

89 80 6 NYCRR 229.3 (e) (2) (iv): VOL storage tanks from 10000 - 20000 gallons
89 81 6 NYCRR 229.3 (e) (2) (v): VOL storage tanks less than 10000 gallons

EU=U-00008

89 *82 6 NYCRR Subpart 201-7: Capping Monitoring Condition
90 83 6 NYCRR 231-11.2 (c): Compliance Certification

EU=U-00009

92 84 40CFR 52.21, Subpart A: Compliance Certification

EU=U-00010

93 85 40CFR 52.21, Subpart A: Compliance Certification

EU=U-00011

93 86 40CFR 52.21, Subpart A: Compliance Certification

EU=U-00012

94 *87 6 NYCRR Subpart 201-7: Capping Monitoring Condition
96 *88 6 NYCRR Subpart 201-7: Capping Monitoring Condition
97 *89 6 NYCRR Subpart 201-7: Capping Monitoring Condition
98 90 40 CFR Part 64: Compliance Certification
99 91 40 CFR Part 64: Compliance Certification

EU=U-00013,EP=00017

100 92 6 NYCRR 212.4 (c): Compliance Certification

EU=U-00013,EP=00017,Proc=FC2,ES=DM2DB

100 93 40 CFR Part 64: Compliance Certification

EU=U-00017

101 94 40CFR 52.21, Subpart A: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

104 95 ECL 19-0301: Contaminant List
105 96 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
105 97 6 NYCRR 211.2: Visible Emissions Limited
106 98 6 NYCRR 220-2.4 (a): Compliance Demonstration
106 99 6 NYCRR 220-2.4 (c): Compliance Demonstration
109 100 6 NYCRR 220-2.4 (d): Compliance Demonstration
109 101 6 NYCRR Part 249: BART capping equation - NOx
111 102 6 NYCRR Part 249: BART capping equation - PM-10

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- 112 103 6 NYCRR Part 249: BART capping equation - SO₂
- 113 104 6 NYCRR Part 249: Compliance Demonstration
- 114 105 6 NYCRR Part 249: Compliance Demonstration
- 115 106 6 NYCRR Part 249: Compliance Demonstration

Emission Unit Level

EU=U-00002,Proc=OX1

- 116 107 6 NYCRR 220-2.3 (a): Compliance Demonstration

EU=U-00005,Proc=AA1

- 117 108 6 NYCRR 211.2: Compliance Demonstration

EU=U-00010

- 117 109 6 NYCRR 211.2: Compliance Demonstration

EU=U-00012,Proc=OX2

- 118 110 6 NYCRR 220-2.3 (a): Compliance Demonstration

EU=U-00015,Proc=AA2

- 119 111 6 NYCRR 211.2: Compliance Demonstration

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 10/03/2016 and 10/02/2021

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: Fees**
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

Condition 4: Records of Monitoring, Sampling, and Measurement Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Condition 5: Compliance Certification Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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Regional Air Pollution Control Engineer
NYSDEC Region 4 Headquarters
1130 North Westcott Road
Schenectady, NY 12306-2014

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and



(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive



plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 10: Maintenance of Equipment
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

**Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)



Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: Right to Inspect
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

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(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Off Permit Changes
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 68

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Item 19.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 21: Emission Unit Definition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

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

Emission Unit: U-00001

Emission Unit Description:

This emission unit represents the DM-1 mixed batch bin, contains emission point 00002 and is located in Building 1.

Building(s): 1

Item 21.2:

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

Emission Unit: U-00002

Emission Unit Description:

This unit represents the DM-1 oxy-fuel melter, contains emission points 00100 and 00101, and is located in Building 1. Emission point 00100 feeds into the new, common stack, emission point 00300. Emission point 00101 is used strictly for DEP emergency shutdown, maintenance, or malfunction. When a bypass situation occurs it is best practice to keep the furnace in a condition of thermal stability by maintaining its pull rate. Shutting it off or even restricting the molten glass output for this type of furnace as a perceived means of reducing emissions can thermally shock the furnace refractory resulting in failure or reduced life of the capital asset. In addition to this, restricting or stopping the glass feed during a bypass would reduce the surface area and thickness of the insulating crust of the unmelted batch and potentially result in increased emissions.

Building(s): 1

Item 21.3:

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

Emission Unit: U-00003

Emission Unit Description:

This unit represents the DM-1 mixing chamber, forming zones, curing oven, cooling section, smoke stripping section and the mist control system for the forming basement, which contains emission points 00005, 00006, 00022, 00102, 00103, 00104, and 00105, located in Building 1.

Building(s): 1

Item 21.4:

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

Emission Unit: U-00005

Emission Unit Description:

This unit represents the DM-1 asphalt applicator and flexographic printing, which contains emission point 00013, and is located in Building 1.

Building(s): 1

Item 21.5:

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

Emission Unit: U-00006

Emission Unit Description:

This unit represents facility storage tanks including asphalt and process vegetable oil. This unit contains emission points 00009, 00012, and 00020. Emission points 00009, 00011, 00012, and 00020 are located in Building 2. As part of the conversion to a starch-based binder system, there are two maltodextrin tanks (at 15,227 gallons each), and the existing 13,900 gallon tank was modified to store sodium hydroxide. In addition, there are three storage tanks (a

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sodium hypophosphite tank at 6,189 gallons and two citric acid tanks at 8,225 gallons each) that are below the exemption levels noted in 6 NYCRR 201-3.2(c)(25) and, therefore, are not required to be individually listed elsewhere in this permit.

Building(s): 1

Item 21.6:

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

Emission Unit: U-00007

Emission Unit Description:

This unit represents the binder room, which contains emission point 00027, and is located in Building 1. Four storage tanks (one binder mix tank at 917 gallons and three binder circulation tanks at 1,202 gallons each) were added as part of the conversion to a starch-based binder system. All of these tanks have capacities below the exemption levels noted in 6 NYCRR 201-3.2(c)(25) and, therefore, are not required to be individually listed elsewhere in this permit.

Building(s): 1

Item 21.7:

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

Emission Unit: U-00008

Emission Unit Description:

This unit represents DM-1 bagging equipment, which contains emission points 00030 and 00031, and is located in Building 1.

Building(s): 1

Item 21.8:

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

Emission Unit: U-00009

Emission Unit Description:

This unit represents the DM-1 conditioning and forehearth area which contains emission point 00035, and is located in Building 1.

Building(s): 1

Item 21.9:

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

Emission Unit: U-00010

Emission Unit Description:

This unit represents miscellaneous fugitive emission sources including: 2 ink jet printers, a wash water system, aggregate cullet storage pile, and unloading and mixing of glass batch material. The wash water system is located in Building 1, the aggregate cullet storage pile is located in Building 4, and the unloading and mixing of glass batch material is located in Building 3. Two storage tanks (a hood wall wash water recirculation tank at 2,000 gallons and a binder make-up water tank at 1,737 gallons) were added as part of the conversion to a starch-based binder system. These two tanks have

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capacities below the exemption levels noted in 6 NYCRR 201-3.2(c)(25) and, therefore, are not required to be individually listed elsewhere in this permit.

Building(s): 1
3
4

Item 21.10:

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

Emission Unit: U-00011

Emission Unit Description:

This unit represents the DM-2 mixed batch bin, which contains emission point 00014, and is located in Building 1.

Building(s): 1

Item 21.11:

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

Emission Unit: U-00012

Emission Unit Description:

This emission unit represents the DM-2 oxy fuel melter, contains emission points 00200, 000201 and is located in Building 1. Emission point 00200 feeds into the common stack, emission point 00300. Emission point 00201 is used strictly for DEP emergency shutdown, maintenance, or malfunction. When a bypass situation occurs it is best practice to keep the furnace in a condition of thermal stability by maintaining its pull rate. Shutting it off or even restricting the molten glass output for this type of furnace as a perceived means of reducing emissions can thermally shock the furnace refractory resulting in failure or reduced life of the capital asset. In addition to this, restricting or stopping the glass feed during a bypass would reduce the surface area and thickness of the insulating crust of the unmelted batch and potentially result in increased emissions.

Building(s): 1

Item 21.12:

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

Emission Unit: U-00013

Emission Unit Description:

This unit represents the DM-2 mixing chamber, which contains emission point 00017, and is located in Building 1.

Building(s): 1

Item 21.13:

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

Emission Unit: U-00014

Emission Unit Description:

This unit represents the DM-2 cooling area, comprised of DM-2 smoke

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stripper and DM-2 cooling section. This unit contains emission points 00018 and 00021, and is located in Building 1.

Building(s): 1

Item 21.14:

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

Emission Unit: U-00015

Emission Unit Description:

This unit represents the DM-2 asphalt applicator and flexographic printing, which contains emission point 00019, and is located in Building 1.

Building(s): 1

Item 21.15:

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

Emission Unit: U-00016

Emission Unit Description:

This unit represents the DM-2 bagging equipment, which contains emission point 00032, and is located in Building 1.

Building(s): 1

Item 21.16:

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

Emission Unit: U-00017

Emission Unit Description:

This unit represents the penclone collectors 1, 2, 3, and 4 which contains emission point 00028 and 00029, and is located in Building 1.

Building(s): 1

Item 21.17:

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

Emission Unit: U-00018

Emission Unit Description:

This unit represents the DM-2 conditioning area, which contains emission point 00036, and is located in Building 1.

Building(s): 1

Condition 22: Progress Reports Due Semiannually
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (d) (4)

Item 22.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by

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the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 23: Non Applicable requirements
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (g)

Item 23.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

40 CFR 60.680

Reason: Currently, both the DM-1 and DM-2 manufacturing lines are not subject to 40 CFR 60, Subpart PPP (40 CFR 60.680 or NSPS PPP) - Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants. The binder change project to a starch-based binder did not trigger the applicability of NSPS PPP for either the DM-1 or DM-2 manufacturing lines. Applicability of NSPS PPP is for rotary spin wool fiberglass insulation manufacturing lines that commence construction, modification or reconstruction after February 7, 1984. 40 CFR 60.14 defines modification as any physical change or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies, where the emission rate is required to be expressed as kg/hour. In other words, the NSPS modification provisions apply an hourly emissions rate test to determine whether an emissions increase results from a physical or operational change. Pursuant to longstanding USEPA interpretations, the emission rate before and after a physical or operational change is evaluated at each unit by comparing the hourly potential emissions under current maximum capacity to hourly emissions at maximum capacity after the change.

The binder change project did not increase the hourly bare glass production rate or emission rate of any pollutant from either of the affected manufacturing lines. Therefore, the non-applicability determination of NSPS PPP for both the DM-1 and DM-2 manufacturing lines remains in effect.

40 CFR 63.820

Reason: This standard covers wide web flexographic printing. Although the facility does use flexographic printing in emission unit U-00005, process FG1 and emission unit U-00015, process FG2, it does not qualify as wide web. In all cases, the printing face is less than



18 inches wide.

40 CFR Part 63, Subpart NNN

Reason: As part of its application submitted to the Department on December 7, 2009 for a permit modification to allow conversion from a binder system based on a phenol-formaldehyde resin to a binder system formulated around a starch-based resin at the Feura Bush facility, Owens Corning Insulating Systems, LLC (OCIS) presented supporting information (dated November 20, 2009 and March 9, 2010) requesting a determination regarding the applicability of the NESHAP for Wool Fiberglass Manufacturing (Subpart NNN) to operations at this facility following the binder conversion. The Department forwarded this request onto the United States Environmental Protection Agency (USEPA), which oversees the federal NESHAP program. In response, USEPA informed the Department on June 15, 2010 of its determination that, upon completion of the conversion to the starch-based binder system, the OCIS Feura Bush facility would no longer meet the definition of an affected facility in 40 CFR 63.1380 and, therefore, would no longer be subject to Subpart NNN. The conversion to the starch-based binder system at the facility was completed in February 2011 for the DM-1 production line and in September 2011 for the DM-2 production line. Therefore, because the facility no longer uses phenol-formaldehyde binders, it is no longer subject to the Subpart NNN requirements.

The NESHAP for Wool Fiberglass Manufacturing lists three affected sources subject to the standards of Subpart NNN: glass-melting furnaces located at a wool fiberglass manufacturing facility; rotary spin wool fiberglass manufacturing lines producing a bonded wool fiberglass building insulation product; and flame attenuation wool fiberglass manufacturing lines producing a bonded heavy density product. Prior to the switch to a starch-based binder, the facility operated two glass-melting furnaces located at a wool fiberglass manufacturing facility and two rotary spin wool fiberglass manufacturing lines producing a bonded wool fiberglass building insulation product that were subject to Subpart NNN requirements. There is no flame attenuation wool fiberglass manufacturing line at the facility.

Consistent with other Subpart NNN determinations by USEPA for similar wool fiberglass manufacturing facilities elsewhere, the following is the rationale that was used for the Subpart NNN non-applicability determination relating to the starch-based binder conversion. With the switch to a starch-based binder system from a phenol-formaldehyde binder, the facility no longer produces a bonded product and, therefore, does not produce building insulation as defined per Subpart NNN. Because the facility no longer produces building insulation per Subpart NNN, it does not meet the definition of a rotary spin manufacturing line. If there is no rotary spin manufacturing line or flame attenuation manufacturing line located at the facility, then the facility does not meet the definition of a wool fiberglass manufacturing facility in Subpart NNN. Additionally, since the

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facility is no longer defined as a wool fiberglass manufacturing facility, as a result of the switch to a starch-based binder (i.e., non-phenol, non-formaldehyde), then the glass-melting furnaces located at the facility are no longer subject to Subpart NNN because these furnaces are no longer located at a wool fiberglass manufacturing facility.

Condition 24: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 201-6.5

Item 24.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00003
Process: BP1

Emission Unit: U-00003
Process: CO1

Emission Unit: U-00003
Process: CS1

Emission Unit: U-00003
Process: FZ1

Emission Unit: U-00003
Process: FZ2

Emission Unit: U-00003
Process: ME1

Emission Unit: U-00003
Process: SS1

Emission Unit: U-00013
Process: FC2

Emission Unit: U-00014
Process: CS2

Emission Unit: U-00014
Process: SC2

Item 24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



The facility owner or operator shall conduct VOC emission retesting/analysis on the forming, curing, and cooling sections (includes smoke strippers) of each manufacturing line (DM-1 and DM-2) in order to calculate associated emission factors in pounds of VOC per pound of binder solids applied. These emission factors will be used to demonstrate compliance with the VOC emission cap set forth elsewhere in this permit from the modification in the binder formulation. The Department will review the variability of the VOC emission rates compared to previous test results to determine if future testing shall be conducted on a periodic basis. An acceptable VOC testing protocol must be submitted to the department at least thirty (30) days prior to conducting such testing. Testing/analysis results must be reported to the department within sixty (60) days following the completion of the testing. The testing results must also be included in the semi-annual reporting and annual compliance certification required in this permit.

While submission of an acceptable testing protocol is required as explained above, the facility anticipates using the following method for the testing of VOC emissions from the new starch-based binder formulation:

The method consists of a Method 5E (or equivalent) sampling train configured for total organic carbon (TOC) analysis of the back half, combined with a Method 25A (or equivalent) analyzer on a portion of the airstream exiting the Method 5E impinger train.

The 0.1 N NaOH impinger contents of the Method 5E train can be analyzed for TOC, following the protocol described in Method 5E. In addition, a portion of the impinger catch can be analyzed using methods such as Gas Chromatography with Flame Ionization Detection (GC-FID) where analytes are known. A portion of the 0.1 N NaOH impinger catch can also be extracted and analyzed by Gas Chromatography-Mass Spectrometry to permit identification of compounds, similar to EPA Method 8270, a water method for determining semi-volatiles. Finally, ion chromatography can be applied to the impinger catch to separate analytes such as formic acid and acetic acid. Other techniques are possible, depending upon the nature of the analytes. Polar and semi-volatile compounds will be collected by the 0.1 N NaOH impinger train. These analysis tools will establish a typical mass to carbon ratio. Once a typical mass to carbon ratio for the Method 5E catch is established, it will be used to apply to the Method 5E results when future VOC testing is required. Results will be stated as lb/hr VOC.

Non-polar compounds, such as light hydrocarbons will not be collected, and they will be measured by the Method 25A FID train. The Method 25A FID train will be calibrated as propane and the results specified as lb/hr VOC. Corrections for methane or ethane will be made before the results are specified.

Total VOC emissions will be the sum of the Method 5E results and the



Method 25A results specified as lb/hr VOC.

The following calculation will be used for the scaling factor determination of the hourly VOC rate:

Given the following:

- Molecular weight of each known compound
 - Number of carbons in each known compound
 - Mass of each compound
- 1) Calculate the mass of carbon contributed by each compound
 - 2) Sum up the total mass of carbon
 - 3) Calculate the percentage (%) of total mass contributed by each compound
 - 4) Calculate the carbon to mass ratio for each compound (scaling factor for that individual compound)
 - 5) Calculate the contribution to the scaling factor of each compound by multiplying the individual mass to carbon ratio by its percentage (%) of the total mass
 - 6) Sum up all the individual contributions to obtain the scaling factor for the mix

Reference Test Method: Method 5E and Method 25A (or approved equivalent)

Monitoring Frequency: Once every five years

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 25: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 25.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-6

Item 25.2:

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

Item 25.3:

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.

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Item 25.4:

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 25.5:

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 25.6:

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

Emission Unit: U-00003
Process: BP1

Emission Unit: U-00003
Process: CO1

Emission Unit: U-00003
Process: CS1

Emission Unit: U-00003
Process: FZ1

Emission Unit: U-00003
Process: FZ2

Emission Unit: U-00003
Process: ME1

Emission Unit: U-00003
Process: SS1

Emission Unit: U-00006
Process: 212

Emission Unit: U-00006
Process: 229

Emission Unit: U-00006
Process: MSH

Emission Unit: U-00007
Process: BDR

Emission Unit: U-00010
Process: FES

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Emission Unit: U-00013
Process: FC2

Emission Unit: U-00014
Process: CS2

Emission Unit: U-00014
Process: SC2

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 25.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The purpose of this cap is to limit the VOC emissions increase from all process sources affected by the starch-based binder change project to less than the 6 NYCRR Part 231 significant project threshold of 40 tons per year, thereby avoiding the lowest achievable emission rate and offset requirements of 6 NYCRR 231-6. Therefore, the increase in potential VOC emissions from the affected process sources associated with this project will be limited to no more than 39 tons per year. When added to the two-year average baseline emissions of 59.78 tpy (from the 2005-2006 facility emissions statements) for the affected process sources, the total VOC emissions from the affected process sources shall not exceed 98.78 tons per year, as a rolling 12-month total.

To demonstrate compliance with the rolling 12-month total VOC emissions limit of 98.78 tons per year the facility will record binder solids usage for each manufacturing line. The detailed description of the process performed by the facility to calculate manufacturing line specific emission factors is delineated in a July 2010 amendment to "Appendix F - VOC Documentation" of the facility application for a Title V permit modification addressing the starch-based binder change project which was submitted to the Department in December 2009. The VOC emissions will be calculated for each line by multiplying the binder usage by the VOC emission factor and then summing the emissions from both lines to get the total VOC emissions subject to the cap.

The VOC emission factors are:
DM-1: 10.070 lbs VOC/ton binder solids
DM-2: 24.062 lbs VOC/ton binder solids

Parameter Monitored: VOC
Upper Permit Limit: 98.78 tons per year

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Monitoring Frequency: MONTHLY
Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 26: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 26.1:

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 otherwise be subject to:

6 NYCRR Part 249

Item 26.2:

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

Item 26.3:

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 26.4:

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 26.5:

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 26.6:

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

Emission Unit: U-00002

Emission Unit: U-00003

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Emission Unit: U-00012

Emission Unit: U-00013

Emission Unit: U-00014

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 26.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

To avoid applicability of Part 249, Best Available Retrofit Technology (BART), the total annual SO₂ emissions from the BART-eligible sources EU2 (DM1 Oxy Fuel Furnace), EU3 (DM1 Forming/Curing/Cooling/Smoke Stripper), EU12 (DM2 Oxy Fuel Furnace), EU13 (DM2 Mixing Chamber), and EU14 (DM2 Cooling Area and Smoke Stripper) shall not exceed 249 tons per year (tpy) calculated as a rolling, 12-month summation of emissions, and calculated on a monthly basis using the procedure outlined in the special condition covering the BART capping equations for SO₂ located elsewhere in this permit.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: GLASS

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 249 tons per year

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 27: Capping Monitoring Condition

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 27.1:

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 otherwise be subject to:

6 NYCRR Part 249

Item 27.2:

Operation of this facility shall take place in accordance with the approved criteria, emission

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limits, terms, conditions and standards in this permit.

Item 27.3:

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 27.4:

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 27.5:

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 27.6:

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

Emission Unit: U-00002

Emission Unit: U-00003

Emission Unit: U-00012

Emission Unit: U-00013

Emission Unit: U-00014

Regulated Contaminant(s):

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

Item 27.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

To avoid applicability of Part 249, Best Available Retrofit Technology (BART), the total annual PM-10 emissions from the BART-eligible sources EU2 (DM1 Oxy Fuel Furnace), EU3 (DM1 Forming/Curing/Cooling/Smoke Stripper), EU12 (DM2 Oxy Fuel Furnace), EU13 (DM2 Mixing Chamber), and EU14 (DM2 Cooling Area and Smoke Stripper) shall not exceed 249 tons per year (tpy) calculated as a rolling, 12-month summation of emissions, and calculated on a monthly

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basis using the procedure outlined in the special condition covering the BART capping equations for PM-10 located elsewhere in this permit.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: GLASS

Parameter Monitored: PM-10

Upper Permit Limit: 249 tons per year

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 28: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 28.1:

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 otherwise be subject to:

6 NYCRR Part 249

Item 28.2:

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

Item 28.3:

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 28.4:

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 28.5:

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.

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Item 28.6:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00002

Emission Unit: U-00003

Emission Unit: U-00012

Emission Unit: U-00013

Emission Unit: U-00014

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 28.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

To avoid applicability of Part 249, Best Available Retrofit Technology (BART), the total annual NO_x emissions from the BART-eligible sources EU2 (DM1 Oxy Fuel Furnace), EU3 (DM1 Forming/Curing/Cooling/Smoke Stripper), EU12 (DM2 Oxy Fuel Furnace), EU13 (DM2 Mixing Chamber), and EU14 (DM2 Cooling Area and Smoke Stripper) shall not exceed 249 tons per year (tpy) calculated as a rolling, 12-month summation of emissions, and calculated on a monthly basis using the procedure outlined in the special condition covering the BART capping equations for NO_x located elsewhere in this permit.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: GLASS

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 249 tons per year

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 29: Notification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 202-1.2

Item 29.1:

A person who is required by the commissioner to submit a stack test report shall notify the



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commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

Condition 30: Acceptable procedures - Stack test report submittal
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 202-1.3

Item 30.1:

Emission test reports must be submitted in triplicate to the commissioner within 60 days after the completion of the tests, unless additional time is requested in writing.

Condition 31: Air pollution prohibited
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 211.1

Item 31.1:

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 32: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Part 212

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000050-00-0	FORMALDEHYDE
CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 007664-41-7	AMMONIA
CAS No: 0NY998-00-0	VOC

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As of 11/30/00, the department has reviewed the following documents and find them to be acceptable:
RACT-VOC from mixing chambers and forming sections, 8/00 (reference part 212.10(c)(4)(i))



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BACT-Ammonia from mixing chambers and forming sections, 8/00
(reference part 212.5(d))
BACT-Formaldehyde and VOC from mixing chambers and forming sections,
8/00 (reference 212.5(d))
BACT-CO from mixing chambers, 7/99 (reference 212.5(d))

Therefore the BACT analyses are approved. The RACT analysis have been submitted to EPA as a SIP revision.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 33: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 212.4 (a)

Item 33.1:

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

Emission Unit: U-00002

Emission Unit: U-00012

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

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as required under section 201.8 of Title 6, no person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2 of Part 212 for the environmental rating issued by the Commissioner. (Table 4 for the glass production furnaces is less stringent than the 40 CFR 52.21 furnace particulate caps and therefore the caps govern. Table 4: DM-1: 14.5 lb/hr; DM-2: 13.9 lb/hr. Caps: DM-1: ~ 3.5 lb/hr; DM-2: ~2.2 lb/hr.)

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 34: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 212.6 (a)

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Item 34.1:

The Compliance Certification activity will be performed for the Facility.

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct daily observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 35: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR 227-2.4 (d)

Item 35.1:



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The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a small boiler, small combustion turbine, or small internal combustion engine must perform an annual tune-up of their equipment. This tune-up should be performed in accordance with the requirements of the DAR-5 guidance document. Records of each tune-up must be kept on-site for a minimum of five years.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

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

Condition 36: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 228-1.3 (d)

Item 36.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00005

Process: AA1

Emission Point: 00013

Emission Source: DM1AA

Emission Unit: U-00015

Process: AA2

Emission Point: 00019

Emission Source: DM2AA

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within the work area(s) associated with a coating line, the owner or operator of a facility subject to this Subpart must:

(a) use closed, non-leaking containers to store or dispose of cloth or other absorbent applicators impregnated with VOC solvents that are

used for surface preparation, cleanup or coating removal;

(b) store in closed, non-leaking containers spent or fresh VOC

solvents to be used for surface preparation, cleanup or coating removal;

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- (c) not use VOC solvents to cleanup spray equipment unless equipment is used to collect the cleaning compounds and to minimize VOC evaporation;
- (d) not use open containers to store or dispense surface coatings and/or inks unless production, sampling, maintenance or inspection procedures require operational access. This provision does not apply to the actual device or equipment designed for the purpose of applying a coating material to a substrate. These devices may include, but are not limited to: spray guns, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters;
- (e) not use open containers to store or dispose of spent surface coatings, or spent VOC solvents;
- (f) minimize spills during the handling and transfer of coatings and VOC solvents; and
- (g) clean hand held spray guns by one of the following:
 - (1) an enclosed spray gun cleaning system that is kept closed when not in use;
 - (2) non-atomized discharge of VOC solvent into a paint waste container that is kept closed when not in use;
 - (3) disassembling and cleaning of the spray gun in a vat that is kept closed when not in use; or
 - (4) atomized spray into a paint waste container that is fitted with a device designed to capture atomized VOC solvent emissions.

Open containers, if found, shall be covered and such deviations shall be noted in a log maintained in the operating area. The log shall include the following information:

- date and time of observation
- description of observed deviation from this permit condition
- corrective measures taken, if necessary

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 37: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 228-1.4 (d) (3)

Item 37.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

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Emission Unit: U-00005
Process: AA1

Emission Point: 00013
Emission Source: DM1AA

Emission Unit: U-00015
Process: AA2

Emission Point: 00019
Emission Source: DM2AA

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility applying coatings to paper film and foil may not use coatings with VOC contents, as applied, which exceed the limits specified in table D-2 of Subpart 228-1. The units in table D-2 of Subpart 228-1 are in terms of weight of VOC per weight of coating applied.

(i) The VOC content limits in table D-2 of Subpart 228-1 can be met by averaging the VOC content of the materials used on a single surface coating line (i.e. daily with-in-line averaging).

(ii) Materials used to form unsupported substrates, such as calendaring of vinyl, brown film, cast film, extruded film and co-extruded film are not considered coating for the purpose of table D-2 of Subpart 228-1.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: COATING

Parameter Monitored: VOC CONTENT

Upper Permit Limit: 0.08 pounds of VOC per pound of coating

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 38: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 234.3 (a) (1) (i)

Item 38.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00005
Process: FG1

Emission Point: 00013
Emission Source: DM1FG

Emission Unit: U-00015
Process: FG2

Emission Point: 00019
Emission Source: DM2FG

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Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

A packaging rotogravure, publication rotogravure, or flexographic printing process that uses ink, coating or adhesive containing VOC shall not operate if it: is located in a severe ozone non-attainment area; has an annual potential to emit VOC of 25 tons per year or more; or is located in a facility that has an annual potential to emit VOC of 50 tons per year or more, unless the printing process uses an ink, coating or adhesive with a low VOC content equal to or less than 0.16 kilograms of VOC per kilogram of ink, coating or adhesive as applied (0.16 kg VOC/ kg material as applied).

VOC content limits can be met by averaging the VOC content of materials used on a single press (i.e., within a line).

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: INKS, SOLVENTS AND ADHESIVES

Parameter Monitored: VOC

Upper Permit Limit: 0.16 kilograms VOC per kilogram as applied

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 39: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 234.5

Item 39.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A person shall not sell, specify, or require the application of a coating, ink or adhesive on a substrate if such activity is prohibited



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by any of the provisions of this Part. The prohibition of this section shall apply to all written or oral contracts under the terms of which a coating, ink or adhesive is to be applied to a substrate.

This prohibition shall not apply to the following:

(1) Ink, coating, or adhesive used in printing processes where control equipment has been installed to demonstrate compliance with this Part; or

(2) Ink, coating, or adhesive used in printing processes that have been granted variances for reasons of technological and economic feasibility per section 234.3(f) of this Part.

A person selling an ink, coating, or adhesive used in a printing process subject to this Part must, upon request, provide the buyer with certification of the VOC content of the coating, ink or adhesive supplied.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 40: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 234.6

Item 40.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

An owner or operator of a facility subject to this Part shall not:

(a) Use open containers to store or dispose of cloth or paper impregnated with VOC or solvents that are used for surface preparation, cleanup or the removal of ink, coating or adhesive;

(b) Use open containers to store or dispose of spent or fresh VOC or solvents used for surface preparation, cleanup or the removal of ink, coating or adhesive;

(c) Use open containers to store, dispose or dispense ink, coating or



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adhesive unless production, sampling, maintenance or inspection procedures require operational access. This provision does not apply to the actual device or equipment designed for the purposes of applying an ink, coating or adhesive to a substrate.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 41: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 234.7

Item 41.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00005

Process: FG1

Emission Point: 00013

Emission Source: DM1FG

Emission Unit: U-00015

Process: FG2

Emission Point: 00019

Emission Source: DM2FG

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Purchase, use, and production records of ink, coating, adhesive, VOCs, solvent, fountain solution and cleaning material must be maintained in a format acceptable to the Department, and upon request, submitted to the Department. Any other information required to determine compliance with this Part must be provided to the Department in an acceptable format. Records must be maintained at the facility for five years.

The results of an analysis or other procedure used to establish compliance with this Part must be provided to the Department. Department representatives shall be permitted, during reasonable business hours, to obtain ink, coating, adhesive, cleaning material and fountain solution samples to determine compliance with this Part.

The owner or operator of a graphic art facility which is not subject to the control requirements of this Part because its annual potential to emit VOC or its total actual VOC emissions, whichever applies is below the applicability criteria, must maintain records in a format



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acceptable to the Department that verify the facility's annual potential to emit VOC or its total actual VOC emissions. Upon request, these records must be submitted to the Department.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 42: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 234.8

Item 42.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00005
Process: FG1

Emission Point: 00013
Emission Source: DM1FG

Emission Unit: U-00015
Process: FG2

Emission Point: 00019
Emission Source: DM2FG

Item 42.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

A person shall not cause or allow emissions having an average opacity of 10 percent or greater for any consecutive six minute period from any emission source subject to this Part into the outdoor atmosphere.

The permittee will conduct observations of visible emissions from all affected emission sources daily while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the Method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up Method 9



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tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY
Upper Permit Limit: 10 percent
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 43: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.110b(b), NSPS Subpart Kb

Item 43.1:

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

Emission Unit: U-00006	Emission Point: 00040
Process: MSH	Emission Source: MALT1
Emission Unit: U-00006	Emission Point: 00041
Process: MSH	Emission Source: MALT2
Emission Unit: U-00006	Emission Point: 00042
Process: MSH	Emission Source: NAOH1
Regulated Contaminant(s):	
CAS No: 0NY998-00-0	VOC

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A record must be kept of the storage vessel dimensions and capacity. There are no other requirements for a tank of less than 20,000 gallon design capacity in 40 CFR 60 Kb. There are no reporting requirements.

The vessels have capacities as follows: 15,227 gallons (MALT1), 15,227 gallons (MALT2), and 13,900 gallons (NAOH1).

Monitoring Frequency: SINGLE OCCURRENCE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)



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Reports due 30 days after the reporting period.
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Condition 44: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 63.3370(b), Subpart JJJJ

Item 44.1:

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

Emission Unit: U-00005
Process: AA1

Emission Unit: U-00015
Process: AA2

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

A facility that chooses to comply with Subpart JJJJ by using coating materials that individually meet the emission standards in 40 CFR 63.3320(b)(2) must demonstrate that each coating material applied during the month at an existing affected source contains no more than 0.04 mass fraction of organic HAP on an as-purchased basis as determined in accordance with 40 CFR 63.3360(c). The facility is in compliance with the emission standards if each coating material satisfies the above criteria and is applied as-purchased. The facility must comply with the reporting requirements listed in 40 CFR 63.3400(c) and maintain records in accordance with 40 CFR 63.3410.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: COATING

Parameter Monitored: ORGANIC HAP CONTENT

Upper Permit Limit: 4 percent by weight

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 45: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Item 45.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 45.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring devices used to determine compliance shall be calibrated at the frequency below. Results of such calibrations shall be maintained on site for a minimum of five years and made available to the department upon request.

Monitoring Frequency: QUARTERLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 46: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 46.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00002

Emission Unit: U-00012

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Corrective action shall be initiated within 1 hour, when any 3-hour block average of a monitored electrostatic precipitator (ESP) parameter is outside the parametric range. Corrective action shall be completed in a timely manner according to the procedures in the operations, maintenance, and monitoring (OMM) plan.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Condition 47: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR 64.8

Item 47.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ1SS

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ2SS

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ5SS

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ6SS

Emission Unit: U-00003

Process: FZ2

Emission Source: FZ3SS

Emission Unit: U-00003

Process: FZ2

Emission Source: FZ4SS

Emission Unit: U-00003

Process: FZ2

Emission Source: FZEP1

Emission Unit: U-00003

Process: FZ2

Emission Source: FZEP2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Corrective action shall be initiated in a timely manner when: 1) the average pressure drop or liquid flow rate for each DM1 forming wet scrubber is outside the limits as described elsewhere in the permit; or 2) the 3rd field secondary voltage or current for each DM1 forming wet ESP for any 3-hour block period is outside the limits as described elsewhere in the permit; or 3) the wash water solids content for the DM1 forming wet ESPs is outside the limit as described elsewhere in the permit.

The following are the process and emission source associations effected by this condition:

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Process FZ1, Emission Source FZ1SS – Forming zone A
Process FZ1, Emission Source FZ2SS – Forming zone B
Process FZ1, Emission Source FZ5SS – Forming zone E
Process FZ1, Emission Source FZ6SS – Forming zone F
Process FZ2, Emission Source FZ3SS – Forming zone C
Process FZ2, Emission Source FZ4SS – Forming zone D

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 48: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR 64.8

Item 48.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00003 Process: FZ1	Emission Source: FZ1SS
Emission Unit: U-00003 Process: FZ1	Emission Source: FZ2SS
Emission Unit: U-00003 Process: FZ1	Emission Source: FZ5SS
Emission Unit: U-00003 Process: FZ1	Emission Source: FZ6SS
Emission Unit: U-00003 Process: FZ2	Emission Source: FZ3SS
Emission Unit: U-00003 Process: FZ2	Emission Source: FZ4SS
Emission Unit: U-00003 Process: FZ2	Emission Source: FZEP1
Emission Unit: U-00003 Process: FZ2	Emission Source: FZEP2

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

Item 48.2:

Compliance Certification shall include the following monitoring:



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A QIP shall be implemented (consistent with the CAM provisions of 40 CFR 64, Subpart D) when any scrubber or wet ESP parameter is outside the limits established during the most recent stack test for more than 5 percent of the total operating time in a 6 month block reporting period.

The following are the process and emission source associations effected by this condition:

Process FZ1, Emission Source FZ1SS – Forming zone A

Process FZ1, Emission Source FZ2SS – Forming zone B

Process FZ1, Emission Source FZ5SS – Forming zone E

Process FZ1, Emission Source FZ6SS – Forming zone F

Process FZ2, Emission Source FZ3SS – Forming zone C

Process FZ2, Emission Source FZ4SS – Forming zone D

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 49: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR 64.8

Item 49.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ1SS

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ2SS

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ5SS

Emission Unit: U-00003

Process: FZ1

Emission Source: FZ6SS

Emission Unit: U-00003

Process: FZ2

Emission Source: FZ3SS

Emission Unit: U-00003

Process: FZ2

Emission Source: FZ4SS

Emission Unit: U-00003

Process: FZ2

Emission Source: FZEP1

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Facility DEC ID: 4012200004



Emission Unit: U-00003

Process: FZ2

Emission Source: FZEP2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 49.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each scrubber or wet ESP shall be operated such that the monitored parameter is not outside the limits established during the most recent stack test for more than 10% of the total operating time in a 6 month block reporting period.

The following are the process and emission source associations effected by this condition:

Process FZ1, Emission Source FZ1SS – Forming zone A

Process FZ1, Emission Source FZ2SS – Forming zone B

Process FZ1, Emission Source FZ5SS – Forming zone E

Process FZ1, Emission Source FZ6SS – Forming zone F

Process FZ2, Emission Source FZ3SS – Forming zone C

Process FZ2, Emission Source FZ4SS – Forming zone D

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

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

**Condition 50: Emission Point Definition By Emission Unit
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 50.1:

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

Emission Unit: U-00001

Emission Point: 00002

Height (ft.): 95

Diameter (in.): 9

NYTMN (km.): 4715.057 NYTME (km.): 592.416 Building: 1

Item 50.2:

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

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Facility DEC ID: 4012200004



Emission Unit: U-00002

Emission Point: 00101

Height (ft.): 70 Diameter (in.): 34
NYTMN (km.): 4715.343 NYTME (km.): 592.404 Building: 1

Emission Point: 00300

Height (ft.): 160 Diameter (in.): 58
NYTMN (km.): 4715.115 NYTME (km.): 592.373 Building: 1

Item 50.3:

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

Emission Unit: U-00003

Emission Point: 00005

Height (ft.): 76 Length (in.): 192 Width (in.): 36
NYTMN (km.): 4715.104 NYTME (km.): 592.459

Emission Point: 00006

Height (ft.): 50 Diameter (in.): 42
NYTMN (km.): 4715.122 NYTME (km.): 592.486

Emission Point: 00022

Height (ft.): 45 Diameter (in.): 14
NYTMN (km.): 4715.12 NYTME (km.): 592.472

Emission Point: 00102

Height (ft.): 105 Diameter (in.): 55
NYTMN (km.): 4715.34 NYTME (km.): 592.494

Emission Point: 00103

Height (ft.): 105 Diameter (in.): 55
NYTMN (km.): 4715.34 NYTME (km.): 592.494

Emission Point: 00104

Height (ft.): 45 Diameter (in.): 14
NYTMN (km.): 4715.34 NYTME (km.): 592.493

Emission Point: 00105

Height (ft.): 80 Diameter (in.): 32
NYTMN (km.): 4715.34 NYTME (km.): 592.493 Building: 1

Item 50.4:

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

Emission Unit: U-00005

Emission Point: 00013

Height (ft.): 41 Diameter (in.): 16
NYTMN (km.): 4715.12 NYTME (km.): 592.488

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Item 50.5:

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

Emission Unit: U-00006

Emission Point: 00009

Height (ft.): 4 Diameter (in.): 7

NYTMN (km.): 4715.241 NYTME (km.): 592.458

Emission Point: 00011

Height (ft.): 22

Diameter (in.): 5

NYTMN (km.): 4715.25 NYTME (km.): 592.469

Emission Point: 00012

Height (ft.): 22

Diameter (in.): 5

NYTMN (km.): 4715.246 NYTME (km.): 592.459

Emission Point: 00020

Height (ft.): 22

Diameter (in.): 5

NYTMN (km.): 4715.258 NYTME (km.): 592.453

Emission Point: 00040

Height (ft.): 19

Diameter (in.): 6

NYTMN (km.): 4715.259 NYTME (km.): 592.462

Emission Point: 00041

Height (ft.): 19

Diameter (in.): 6

NYTMN (km.): 4715.259 NYTME (km.): 592.462

Emission Point: 00042

Height (ft.): 18

Diameter (in.): 6

NYTMN (km.): 4715.259 NYTME (km.): 592.462

Item 50.6:

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

Emission Unit: U-00007

Emission Point: 00027

Height (ft.): 34

Length (in.): 54

Width (in.): 54

NYTMN (km.): 4715.278 NYTME (km.): 592.471

Item 50.7:

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

Emission Unit: U-00008

Emission Point: 00030

Height (ft.): 35

Length (in.): 96

Width (in.): 48

NYTMN (km.): 4715.386 NYTME (km.): 592.578

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Emission Point: 00031
Height (ft.): 35 Length (in.): 96 Width (in.): 48
NYTMN (km.): 4715.405 NYTME (km.): 592.573

Item 50.8:

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

Emission Unit: U-00009

Emission Point: 00035
Height (ft.): 68 Length (in.): 240 Width (in.): 912
NYTMN (km.): 4715.282 NYTME (km.): 592.449

Item 50.9:

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

Emission Unit: U-00011

Emission Point: 00014
Height (ft.): 94 Diameter (in.): 10
NYTMN (km.): 4715.067 NYTME (km.): 592.404

Item 50.10:

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

Emission Unit: U-00012

Emission Point: 00201
Height (ft.): 70 Diameter (in.): 34
NYTMN (km.): 4715.343 NYTME (km.): 592.403 Building: 1

Item 50.11:

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

Emission Unit: U-00013

Emission Point: 00017
Height (ft.): 76 Length (in.): 216 Width (in.): 36
NYTMN (km.): 4715.12 NYTME (km.): 592.444

Item 50.12:

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

Emission Unit: U-00014

Emission Point: 00018
Height (ft.): 50 Diameter (in.): 60
NYTMN (km.): 4715.141 NYTME (km.): 592.469

Emission Point: 00021
Height (ft.): 44 Diameter (in.): 14
NYTMN (km.): 4715.115 NYTME (km.): 592.467

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Item 50.13:

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

Emission Unit: U-00015

Emission Point: 00019

Height (ft.): 40

Diameter (in.): 16

NYTMN (km.): 4715.139

NYTME (km.): 592.472

Item 50.14:

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

Emission Unit: U-00016

Emission Point: 00032

Height (ft.): 35

Length (in.): 90

Width (in.): 48

NYTMN (km.): 4715.404

NYTME (km.): 592.556

Item 50.15:

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

Emission Unit: U-00017

Emission Point: 00028

Height (ft.): 55

Length (in.): 30

Width (in.): 60

NYTMN (km.): 4715.447

NYTME (km.): 592.534

Emission Point: 00029

Height (ft.): 55

Length (in.): 30

Width (in.): 60

NYTMN (km.): 4715.453

NYTME (km.): 592.553

Item 50.16:

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

Emission Unit: U-00018

Emission Point: 00036

Height (ft.): 68

Length (in.): 240

Width (in.): 360

NYTMN (km.): 4715.305

NYTME (km.): 592.427

Condition 51: Process Definition By Emission Unit

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 51.1:

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

Emission Unit: U-00001

Process: MB1

Source Classification Code: 3-05-012-21

Process Description:

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Facility DEC ID: 4012200004



Process provides for surge storage of mixed (sand & mineral) batch at the furnace. The mixed batch is pneumatically conveyed from a separate blending operation to this batch bin.

Emission Source/Control: DM1FF - Control
Control Type: FABRIC FILTER

Emission Source/Control: DM1MB - Process

Item 51.2:

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

Emission Unit: U-00002

Process: OX1

Source Classification Code: 3-05-012-02

Process Description:

Conversion of sand and mineral batch to glass by thermal heating through oxy fuel fired melter. This process is handled by emission point 00300 in normal operating mode and 00101 during DEP emergency shutdown, maintenance or malfunction.

Emission Source/Control: DM1EP - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: DM10M - Process

Item 51.3:

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

Emission Unit: U-00003

Process: BP1

Source Classification Code: 3-05-012-06

Process Description:

This process represents the operation of DM-1 cooling section by itself while DM-1 smoke stripper is out of service due to scheduled maintenance events. Section 201-1.4 applies during scheduled maintenance which is performed under section 200.7.

Emission Source/Control: DM1DM - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: DM1EF - Control
Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM1F1 - Control
Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM1F2 - Control
Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM1S1 - Control
Control Type: WET SCRUBBER

Emission Source/Control: DM1S2 - Control

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emission point 00005.

Emission Source/Control: DM1PH - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: FZ1SS - Control
Control Type: WET SCRUBBER

Emission Source/Control: FZ2SS - Control
Control Type: WET SCRUBBER

Emission Source/Control: FZ5SS - Control
Control Type: WET SCRUBBER

Emission Source/Control: FZ6SS - Control
Control Type: WET SCRUBBER

Emission Source/Control: FZ001 - Process

Emission Source/Control: FZ002 - Process

Emission Source/Control: FZ005 - Process

Emission Source/Control: FZ006 - Process

Item 51.7:

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

Emission Unit: U-00003

Process: FZ2

Source Classification Code: 3-05-012-04

Process Description:

Forming zones FZ003 and FZ004 draw pack forming air from beneath the pack forming conveyor. This process is vented through emission points 00102 and 00103.

Emission Source/Control: FZ3SS - Control
Control Type: WET SCRUBBER

Emission Source/Control: FZ4SS - Control
Control Type: WET SCRUBBER

Emission Source/Control: FZEP1 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: FZEP2 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: FZ003 - Process

Emission Source/Control: FZ004 - Process

Item 51.8:

New York State Department of Environmental Conservation

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

Emission Unit: U-00003

Process: ME1

Source Classification Code: 3-05-012-04

Process Description:

This process provides the ventilation for the basement portion of the forming zones.

Emission Source/Control: DM1ME - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: DM1BH - Process

Item 51.9:

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

Emission Unit: U-00003

Process: SS1

Source Classification Code: 3-05-012-06

Process Description:

This process is used to draw air through the pack to "strip" out the smoke and pollutant gases. This process is served by emission points 00102 and 00103 during normal operation, and 00104 and 00022 during wet electrostatic precipitator downtime. Operation of DM1SS does not require the simultaneous use of controls.

Emission Source/Control: DM1F1 - Control

Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM1F2 - Control

Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM1S1 - Control

Control Type: WET SCRUBBER

Emission Source/Control: DM1S2 - Control

Control Type: WET SCRUBBER

Emission Source/Control: FZEP1 - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: FZEP2 - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: DM1SS - Process

Item 51.10:

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

Emission Unit: U-00005

Process: AA1

Source Classification Code: 4-05-005-99

Process Description:

DM-1 asphalt applicator. Process applies a thin coating of

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petroleum-based asphalt to paper for the backing on fiberglass insulation.

Emission Source/Control: DM1AA - Process

Item 51.11:

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

Emission Unit: U-00005

Process: FG1

Source Classification Code: 4-05-005-99

Process Description:

DM-1 flexographic printing. This process uses ink to print information on the fiberglass backing (paper substrate)

Emission Source/Control: DM1FG - Process

Item 51.12:

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

Emission Unit: U-00006

Process: 212

Source Classification Code: 4-07-999-98

Process Description:

Storage tanks including asphalt and process vegetable oil tanks.

Emission Source/Control: ASPST - Process

Emission Source/Control: PROST - Process

Item 51.13:

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

Emission Unit: U-00006

Process: 229

Source Classification Code: 4-07-999-98

Process Description:

Storage tanks including asphalt and process vegetable oil tanks.

Emission Source/Control: ASPST - Process

Emission Source/Control: PROST - Process

Item 51.14:

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

Emission Unit: U-00006

Process: MSH

Source Classification Code: 4-07-999-98

Process Description:

Storage tanks including two Maltodextrin (MALT1 & MALT2) tanks and one Sodium Hydroxide (NAOH1) tank.

Emission Source/Control: MALT1 - Process

Design Capacity: 15,227 gallons

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Emission Source/Control: MALT2 - Process
Design Capacity: 15,227 gallons

Emission Source/Control: NAOH1 - Process
Design Capacity: 13,900 gallons

Item 51.15:

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

Emission Unit: U-00007
Process: BDR Source Classification Code: 4-07-999-98
Process Description:
Binder room contains various process mix tanks (including the exempt binder mix and circulation tanks) used in the production of binder.
The binder room is exhausted through a ceiling fan.

Emission Source/Control: BINDR - Process

Item 51.16:

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

Emission Unit: U-00008
Process: BC1 Source Classification Code: 3-05-012-99
Process Description:
Eight collection units associated with fiberglass insulation bagging equipment.

Emission Source/Control: DM12C - Process

Emission Source/Control: DM16C - Process

Item 51.17:

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

Emission Unit: U-00009
Process: CA1 Source Classification Code: 3-05-012-02
Process Description:
The conditioning area includes the conditioning section and forehearth of the hot end, the areas surrounding the furnace, and the batch charger system. Emissions from these three activities originate inside the building and eventually exit the building through louvers.

Emission Source/Control: DM1CN - Process

Item 51.18:

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

Emission Unit: U-00010
Process: FES Source Classification Code: 3-05-012-99
Process Description:
Fugitive emission sources including: wash water system, aggregate cullet storage pile, and unloading and mixing of glass batch

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material.

Emission Source/Control: AGCSP - Process

Emission Source/Control: ECSYS - Process

Emission Source/Control: WWSYS - Process

Item 51.19:

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

Emission Unit: U-00010

Process: INK

Source Classification Code: 4-05-005-99

Process Description: Fugitive emissions from inkjet printing.

Emission Source/Control: DM1IJ - Process

Item 51.20:

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

Emission Unit: U-00011

Process: MB2

Source Classification Code: 3-05-012-21

Process Description:

DM-2 mixed batch bin. Process provides for surge storage of mixed (sand and mineral) batch at the furnace. The mixed batch is pneumatically conveyed from a separate blending operation to this batch bin.

Emission Source/Control: DM2FF - Control

Control Type: FABRIC FILTER

Emission Source/Control: DM2MB - Process

Item 51.21:

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

Emission Unit: U-00012

Process: OX2

Source Classification Code: 3-05-012-02

Process Description:

Conversion of sand and mineral batch to glass by thermal heating through oxy fuel fired melter. This process is handled by emission point 00300 in normal operating mode and 00201 during DEP emergency shutdown, maintenance or malfunction.

Emission Source/Control: DM2EP - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: DM2OM - Process

Item 51.22:

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

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Emission Unit: U-00013

Process: FC2

Source Classification Code: 3-05-012-04

Process Description:

DM-2 mixing chamber. Mixing chamber mixes 2 air streams: 1) saturated air from the fiber forming process that goes through a dropout box and moisture eliminator; and 2) exhaust air from the cure oven afterburner. The oven cures the fiber pack prior to fabrication.

Emission Source/Control: DM2AB - Control

Control Type: DIRECT FLAME AFTERBURNER

Emission Source/Control: DM2DB - Control

Control Type: GAS SCRUBBER (GENERAL, NOT CLASSIFIED)

Emission Source/Control: DM2ME - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: DM2CO - Process

Emission Source/Control: DM2FA - Process

Item 51.23:

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

Emission Unit: U-00014

Process: CS2

Source Classification Code: 3-05-012-06

Process Description:

DM-2 cooling area. This process represents the operation of DM-2 cooling section by itself while DM-2 smoke stripper is out of service due to scheduled maintenance events. Section 201-1.4 applies during this scheduled maintenance which is performed under section 200.7.

Emission Source/Control: DM2AF - Control

Control Type: MAT OR PANEL FILTER

Emission Source/Control: DM2AS - Control

Control Type: WET SCRUBBER

Emission Source/Control: DM2CS - Control

Control Type: WET SCRUBBER

Emission Source/Control: DM2DM - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: DM2EF - Control

Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM2WS - Control

Control Type: SINGLE CYCLONE

Emission Source/Control: DM2CA - Process

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Item 51.24:

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

Emission Unit: U-00014

Process: SC2

Source Classification Code: 3-05-012-06

Process Description:

DM-2 cooling area. This process removes smoke from the cured fiberglass and draws cooling air through the glass pack.

Emission Source/Control: DM2AF - Control

Control Type: MAT OR PANEL FILTER

Emission Source/Control: DM2AS - Control

Control Type: WET SCRUBBER

Emission Source/Control: DM2CS - Control

Control Type: WET SCRUBBER

Emission Source/Control: DM2DM - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: DM2EF - Control

Control Type: HIGH EFFICIENCY PARTICULATE AIR FILTER

Emission Source/Control: DM2WS - Control

Control Type: SINGLE CYCLONE

Emission Source/Control: DM2CA - Process

Item 51.25:

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

Emission Unit: U-00015

Process: AA2

Source Classification Code: 4-05-005-99

Process Description:

DM-2 asphalt applicator. Process applies a thin coat of petroleum-based asphalt to paper substrate that is the backing of fiberglass insulation.

Emission Source/Control: DM2AA - Process

Item 51.26:

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

Emission Unit: U-00015

Process: FG2

Source Classification Code: 4-05-005-99

Process Description:

DM-2 flexographic printing. This process uses ink to print information on the fiberglass backing.

Emission Source/Control: DM2FG - Process

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Emission Unit: U-00001

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 0.024 pounds per hour

210 pounds per year

Emission Unit: U-00008

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 5.207 pounds per hour

45,613 pounds per year

Emission Unit: U-00009

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 0.136 pounds per hour

1,191 pounds per year

Emission Unit: U-00010

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 0.278 pounds per hour

2,435 pounds per year

Emission Unit: U-00017

CAS No: 0NY075-00-5

Name: PM-10

PTE(s): 6.336 pounds per hour

55,503 pounds per year

**Condition 53: Process Permissible Emissions
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 53.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: U-00016

Process: BC2

CAS No: 0NY075-00-0

Name: PARTICULATES

PTE(s): 0.0082 grains per dscf

27.77 pounds per hour



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

243,266 pounds per year

Emission Unit: U-00018

Process: CA2

CAS No: 0NY075-00-0

Name: PARTICULATES

PTE(s): 0.05 grains per dscf

128.57 pounds per hour

1,126,274 pounds per year

Condition 54: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 54.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 54.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment New Source Review (PSD). For this emission unit, the cap is set at 0.024 lb/hr, with annual emissions also capped to the product of this limit and 8760 hours/year. Stack testing of this emission unit is not possible due to a lack of an actual stack and because of varying parameters. Therefore, to monitor compliance with the ton per year and lb/hr thresholds, the facility shall track and record the number of batch transfers throughout the year.

Records shall be kept in accordance with part 201-6.4(c).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 55: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Item 55.1:

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 otherwise be subject to:

40 CFR 52.21

Item 55.2:

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

Item 55.3:

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 55.4:

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 55.5:

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 55.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 007439-92-1	LEAD
CAS No: 007446-09-5	SULFUR DIOXIDE
CAS No: 007664-39-3	HYDROGEN FLUORIDE
CAS No: 0NY075-00-5	PM-10
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 0NY075-00-0	PARTICULATES

Item 55.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



For the past project that involved this emission unit, future potential minus prior actual emissions capped at 1) less than the 25 ton/yr significance threshold for PM; 2) less than the 15 ton/yr significance threshold for PM-10; 3) less than the 40 ton/yr significance threshold for NO_x, SO₂; 4) less than the 100 ton/yr significance threshold for CO; 5) less than the 3 ton/yr significance threshold for hydrogen fluoride; 6) less than the 0.6 ton/yr significance threshold for lead, to avoid attainment New Source Review (PSD).

The sum of future potential emissions from the emissions units specified in this permit, a) this includes emission units U-00001, U-00002, U-00003, U-00005, U-00008, U-00009, U-00010, U-00011, U-00012, U-00017 for PM, PM-10; b) this includes emission units U-00002, U-00003, U-00012 for NO_x, CO; c) this includes emission units U-00002, U-00003, U-00009, U-00012 for SO₂; d) this includes emission units U-00002, U-00009, U-00012 for hydrogen fluoride, lead, capped 1), 2) at 179.81 ton/yr for PM, PM-10; 3a) at 220.157 ton/yr for NO_x; 3b) at 68.188 ton/yr for SO₂; 4) at 174.34 ton/yr for CO; 5) at 0.179 ton/yr for hydrogen fluoride; 6) at 0.0058 ton/yr for lead.

Emissions are capped by limiting glass pulled at the DM-1 line.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: GLASS

Upper Permit Limit: 62050 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 56: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 56.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-2

Item 56.2:

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

Item 56.3:



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

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 56.4:

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 56.5:

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 56.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

CAS No: 0NY998-00-0 VOC

Item 56.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

For the past project that involved this emission unit, Maximum Annual Potential (MAP) minus prior actual annual emissions are capped at less than the 40 ton/yr significant source project threshold (SSPT) to avoid non-attainment New Source Review (Part 231-2).

The sum of future potential emissions from the emissions units specified in this permit, a) this includes emission units U-00002, U-00003, U-00005, U-00007, U-00010, U-00012 for VOC, b) this includes emission units U-00002, U-00003, U-00012 for NOx, capped 1) at 54.776 ton/yr for VOC; 2) at 220.157 ton/yr for NOx.

Emissions are capped by limiting glass pulled at the DM-1 line.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: GLASS

Upper Permit Limit: 62050 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 57: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 57.1:

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 otherwise be subject to:

40 CFR 52.21

Item 57.2:

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

Item 57.3:

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 57.4:

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 57.5:

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 57.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

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

Item 57.7:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment new source review (PSD).

A stack test shall be done at the frequency below.

Upper Permit Limit: 3.542 pounds per hour

Reference Test Method: Methods 5 and 202

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 58: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 58.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 58.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary voltage limited to the values from the most recent stack test. The upper limit is determined by an electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: VOLTAGE

Lower Permit Limit: 30 kilovolts

Upper Permit Limit: 70 kilovolts

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Condition 59: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 59.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 59.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary amperage limited to the values from the most recent stack test. The upper limit is determined by an electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: CURRENT/CURRENT DRAW

Lower Permit Limit: 100 milliamps

Upper Permit Limit: 400 milliamps

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 60: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 60.1:

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 otherwise be subject to:

40 CFR 52.21

Item 60.2:

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

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Item 60.3:

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 60.4:

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 60.5:

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 60.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):

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

Item 60.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment New Source Review (PSD).

Stack testing to be performed at the frequency below. The stack test shall be done for emission points 00005, 00102, 00103.

This limit is based on the total emissions from emission unit U-00003. Since only 3 of the 5 systems in the unit are to be stack tested, 1.264 lb/hr must be added (for the 1] mist eliminator and 2] cooling section) to the results from the 3 stacks and compared to the 23.131 lb/hr limit.

Upper Permit Limit: 23.131 pounds per hour

Reference Test Method: Methods 5 and 202

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD
INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 61: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 61.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

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

Item 61.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator (emission sources FZEP1 and FZEP2) solids content of
plate wash water limited to the value during the most recent stack
test. As an alternative, the pounds per gallon limit may be
met.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: CONCENTRATION
Upper Permit Limit: 0.75 percent by weight
Reference Test Method: Owens Corning Test Method
Monitoring Frequency: DAILY
Averaging Method: 7-DAY AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 62: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 62.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

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



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Lower Permit Limit: 4 inches of water
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 64: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 64.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003
Process: FZ1 Emission Source: FZ1SS

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

Item 64.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Water flow rate limited to the value from the most recent stack test.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: MASS FLOW RATE
Lower Permit Limit: 170 gallons per minute
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 65: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 65.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003
Process: FZ1 Emission Source: FZ2SS



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 67: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 67.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003
Process: FZ1 Emission Source: FZ5SS

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

Item 67.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Water flow rate limited to the value from the most recent stack test.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: MASS FLOW RATE
Lower Permit Limit: 100 gallons per minute
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 68: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 68.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003
Process: FZ1 Emission Source: FZ5SS



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

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

Item 71.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Pressure drop limited to the value from the most recent stack test.
An upper limit is not necessary, because higher pressure drops can
only achieve a higher particulate control efficiency.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: PRESSURE CHANGE
Lower Permit Limit: 4 inches of water
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 72: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 72.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003
Process: FZ2 Emission Source: FZ3SS

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

Item 72.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Water flow rate limited to the value from the most recent stack test.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: MASS FLOW RATE
Lower Permit Limit: 200 gallons per minute
Monitoring Frequency: CONTINUOUS



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

CAS No: 0NY075-00-0 PARTICULATES

Item 74.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Pressure drop limited to the value from the most recent stack test.
An upper limit is not necessary, because higher pressure drops can
only achieve a higher particulate control efficiency.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: PRESSURE CHANGE

Lower Permit Limit: 4 inches of water

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 75: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 75.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Process: FZ2

Emission Source: FZEP1

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 75.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary amperage is limited to the values
from the most recent stack test. The upper limit is determined by an
electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: CURRENT/CURRENT DRAW

Lower Permit Limit: 100 milliamps

Upper Permit Limit: 400 milliamps



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Process: FZ2

Emission Source: FZEP2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 77.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary amperage is limited to the values from the most recent stack test. The upper limit is determined by an electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: CURRENT/CURRENT DRAW

Lower Permit Limit: 100 milliamps

Upper Permit Limit: 400 milliamps

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 78: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 78.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Process: FZ2

Emission Source: FZEP2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 78.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary voltage is limited to the values from the most recent stack test. The upper limit is determined by an electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).



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Parameter Monitored: VOLTAGE
Lower Permit Limit: 30 kilovolts
Upper Permit Limit: 70 kilovolts
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 79: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 228-1.3 (b) (1)

Item 79.1:

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

Emission Unit: U-00005	Emission Point: 00013
Process: AA1	Emission Source: DM1AA
Emission Unit: U-00015	Emission Point: 00019
Process: AA2	Emission Source: DM2AA

Item 79.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an emission source subject to 6 NYCRR Part 228-1 must maintain the following records in a format acceptable to the department for a period of at least five years:

1. A certification from the coating supplier or manufacturer which lists the parameters used to determine the actual VOC content of each as applied coating used at the facility.
2. Purchase, usage and/or production records of each coating material, including solvents.
3. Records identifying each air cleaning device that has an overall removal efficiency of at least 90 percent.
4. Records verifying each parameter used to calculate the overall removal efficiency, as described in Equation 2 of Section 228-1.5(c), if applicable.
5. Any additional information required to determine compliance with Part 228-1.

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Upon request, the owner or operator of an emission source subject to 6 NYCRR Part 228-1 must submit a copy of the records kept in accordance with this condition to the department within 90 days of receipt of the request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 80: VOL storage tanks from 10000 - 20000 gallons
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR 229.3 (e) (2) (iv)

Item 80.1:

This Condition applies to Emission Unit: U-00006

Item 80.2:

Volatile organic liquid tanks with a capacity greater than or equal to 10,000 gallons but less than 20,000 gallons must be equipped with submerged fill.

**Condition 81: VOL storage tanks less than 10000 gallons
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR 229.3 (e) (2) (v)

Item 81.1:

This Condition applies to Emission Unit: U-00006

Item 81.2:

Volatile organic liquid tanks with a capacity of less than 10,000 gallons must be equipped with a conservation vent.

**Condition 82: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 82.1:

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 otherwise be subject to:

40 CFR 52.21

Item 82.2:

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

Item 82.3:



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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 82.4:

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 82.5:

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 82.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00008

Regulated Contaminant(s):

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

Item 82.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment new Source Review (PSD).

Stack testing to be performed at the discretion of the department.

Upper Permit Limit: 5.207 pounds per hour

Reference Test Method: Methods 5 and 202

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 83: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 231-11.2 (c)

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Item 83.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00008

Emission Unit: U-00016

Item 83.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For a modification with a project emission potential which is less than 50 percent of the applicable significant project threshold in Table 3, Table 4 or Table 6 of Subpart 231-13 of this Part, but equals or exceeds 50 percent of the applicable significant project threshold when emissions excluded in accordance with clause 231-4.1(b)(41)(i)(c) of this Part are added and is less than the applicable significant project threshold, or for a modification with a project emission potential which equals or exceeds 50 percent of the applicable significant project threshold in Table 3, Table 4 or Table 6 of Subpart 231-13 of this Part and is less than the applicable significant project threshold, the facility owner or operator must submit an application to modify the facility permit under the minor permit provisions of Subpart 201-6 of this Title or obtain a preconstruction permit under the provisions of Subpart 201-6 of this Title, and must:

(1) maintain the following information for a minimum of five years:

(i) a description of the modification.

(ii) an identification of each new or modified emission source(s) including the associated processes and emission unit.

(iii) the calculation of the project emission potential for each modified emission source(s) including supporting documentation.

(iv) the date the modification commenced operation.

(2) monitor the emissions of each regulated NSR contaminant from the emission source(s) that will increase as a result of the modification, and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the modification, or for a period of 10 years following resumption of regular operations after the change if the modification increases the design capacity of or potential to emit the regulated NSR contaminant at such emission source(s); and

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(3) submit a report to the department within 30 days after the end of each year during which records must be generated in accordance with Paragraph 231-11.2(c)(2) of this Part. The report must contain:

(i) the name, address, and telephone number of the major facility.

(ii) the annual emissions as calculated pursuant to Paragraph (c)(2) of this Section.

(iii) a comparison of actual annual emissions to the projected actual emissions and, if applicable, an explanation as to why the actual annual emissions exceeded the projected actual emissions.

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

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

Condition 84: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 84.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00009

Regulated Contaminant(s):

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

Item 84.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than 0.136 lb/hr, that is, less than the 15 ton/yr significance threshold for PM-10 to avoid attainment New Source Review (PSD).

Stack testing of this emission unit is not possible: there is no exhaust stack and it is not possible to retrofit anything onto the unit which would capture all of its emissions.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

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Condition 85: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 85.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00010

Regulated Contaminant(s):

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

Item 85.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment New Source Review (PSD). For this emission unit, the cap is set at 0.278 lb/hr, with annual emissions also capped to the product of this limit and 8760 hours/year. Emissions from sources in this emission unit are fugitive in nature, and thus stack testing of this emission unit is not possible due to a lack of an actual stack and because of varying parameters. Therefore, to monitor compliance with the ton per year and lb/hr thresholds, the facility shall on a continuous basis comply with its fugitive dust control plan required for this emission unit elsewhere in this permit (under 6 NYCRR 211.2 citation).

Records shall be kept in accordance with part 201-6.4(c).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 86: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 86.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00011

Regulated Contaminant(s):

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

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Item 86.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment New Source Review (PSD). For this emission unit, the cap is set at 0.024 lb/hr, with annual emissions also capped to the product of this limit and 8760 hours/year. Stack testing of this emission unit is not possible due to a lack of an actual stack and because of varying parameters. Therefore, to monitor compliance with the ton per year and lb/hr thresholds, the facility shall track and record the number of batch transfers throughout the year.

Records shall be kept in accordance with part 201-6.4(c).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 87: Capping Monitoring Condition

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 87.1:

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 otherwise be subject to:

40 CFR 52.21

Item 87.2:

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

Item 87.3:

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 87.4:

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



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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 87.5:

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 87.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00012

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 007439-92-1	LEAD
CAS No: 007446-09-5	SULFUR DIOXIDE
CAS No: 007664-39-3	HYDROGEN FLUORIDE
CAS No: 0NY075-00-5	PM-10
CAS No: 0NY210-00-0	OXIDES OF NITROGEN
CAS No: 0NY075-00-0	PARTICULATES

Item 87.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions capped at 1) less than the 25 ton/yr significance threshold for PM; 2) less than the 15 ton/yr significance threshold for PM-10; 3) less than the 40 ton/yr significance threshold for NOx, SO2; 4) less than the 100 ton/yr significance threshold for CO; 5) less than the 3 ton/yr significance threshold for hydrogen fluoride; 6) less than the 0.6 ton/yr significance threshold for lead to avoid attainment New Source Review (PSD).

The sum of future potential emissions from the emissions units specified in this permit, a) this includes emission units U-00001, U-00002, U-00003, U-00005, U-00008, U-00009, U-00010, U-00011, U-00012, U-00017 for PM, PM-10; b) this includes emission units U-00002, U-00003, U-00012 for NOx, CO; c) this includes emission units U-00002, U-00003, U-00009, U-00012 for SO2; d) this includes emission units U-00002, U-00009, U-00012 for hydrogen fluoride, lead, capped 1), 2) at 179.81 ton/yr for PM, PM-10; 3a) at 220.157 ton/yr for NOx; 3b) at 68.188 ton/yr for SO2; 4) at 174.34 ton/yr for CO; 5) at 0.179 ton/yr for hydrogen fluoride; 6) at 0.0058 ton/yr for lead.

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Emissions are capped by limiting glass pulled at the DM-2 line.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: GLASS

Upper Permit Limit: 58400 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 88: Capping Monitoring Condition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 88.1:

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 otherwise be subject to:

40 CFR 52.21

Item 88.2:

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

Item 88.3:

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 88.4:

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 88.5:

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 88.6:

The Compliance Certification activity will be performed for:

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Emission Unit: U-00012

Regulated Contaminant(s):

CAS No: ONY075-00-5 PM-10

Item 88.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid attainment New Source Review (PSD). This limit is approximately equivalent to 0.336 lbs/ton of glass (method 5).

A stack test shall be done at the monitoring frequency below.

Upper Permit Limit: 2.224 pounds per hour

Reference Test Method: Methods 5 and 202

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 89: Capping Monitoring Condition

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 89.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-2

Item 89.2:

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

Item 89.3:

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 89.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an

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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 89.5:

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 89.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00012

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

CAS No: 0NY998-00-0 VOC

Item 89.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

For the past project that involved this emission unit, Maximum Annual Potential (MAP) minus prior actual annual emissions are capped at less than the 40 ton/yr significant source project threshold (SSPT) to avoid non-attainment New Source Review (Part 231-2).

The sum of future potential emissions from the emissions units specified in this permit, a) this includes emission units U-00002, U-00003, U-00005, U-00007, U-00010, U-00012 for VOC, b) this includes emission units U-00002, U-00003, U-00012 for NO_x, capped 1) at 54.776 ton/yr for VOC; 2) at 220.157 ton/yr for NO_x.

Emissions are capped by limiting glass pulled at the DM-2 line.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: GLASS

Upper Permit Limit: 58400 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 90: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

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Applicable Federal Requirement:40 CFR Part 64

Item 90.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00012

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

Item 90.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary voltage limited to the values from the most recent stack test. The upper limit is determined by an electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: VOLTAGE
Lower Permit Limit: 30 kilovolts
Upper Permit Limit: 70 kilovolts
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-HOUR BLOCK AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 91: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64

Item 91.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00012

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

Item 91.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Precipitator 3rd field secondary amperage limited to the values from



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the most recent stack test. The upper limit is determined by an electronic limit in the unit's control/alarm system.

Records shall be kept in accordance with part 201-6.4(c).

Parameter Monitored: CURRENT/CURRENT DRAW

Lower Permit Limit: 100 milliamps

Upper Permit Limit: 400 milliamps

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 92: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 212.4 (c)

Item 92.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00013

Emission Point: 00017

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 92.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In instances where determination or permissible emission rate using process weight is not applicable (see Table 5 of Part 212) and for environmental rating of B or C, no person will cause or allow emissions greater than the limit below, except as provided in section 201.6 (exemptions) of Title 6. For the DM-1 line, this limit is superseded by the 40 CFR 52.21 particulate lb/hr cap for emission unit U00003. A stack test shall be done at the frequency below.

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: Method 5

Monitoring Frequency: Once every five years

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 93: Compliance Certification
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40 CFR Part 64



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Item 93.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00013

Emission Point: 00017

Process: FC2

Emission Source: DM2DB

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 93.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The DM-2 drop-out box water supply minimum shall be limited.

Within 180 days of the effective date of the permit the facility shall:

1) design, procure, install and commission the water flow monitoring instrumentation.

2) complete a water flow monitoring program. This will include creation of a data base of actual flows and analysis of the flow data to establish the minimum acceptable flow rate. Rates shall be verified once during the permit term during the required "once during permit term" stack test.

Note: if the DM-2 production line is not operational after 180 days after the effective date of this permit, then the above requirements shall commence within 180 days after the first re-start of the DM-2 production line.

Parameter Monitored: WATER

Lower Permit Limit: 480 gallons per minute

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-hour average

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 94: Compliance Certification

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 94.1:

The Compliance Certification activity will be performed for:

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Emission Unit: U-00017

Regulated Contaminant(s):

CAS No: ONY075-00-5 PM-10

Item 94.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For the past project that involved this emission unit, future potential minus prior actual emissions are capped at less than the 15 ton/yr significance threshold for PM-10 to avoid PSD (attainment New Source Review) requirements. For this emission unit, the cap is set at 6.336 lb/hr, with annual emissions also capped to the product of this limit and 8760 hours/year. Emissions from sources in this emission unit are fugitive in nature, and thus stack testing of this emission unit is not possible due to a lack of an actual stack and because of varying parameters. Therefore, to monitor compliance with the ton per year and lb/hr thresholds, the facility shall track operating hours of the penclone units which are used to collect particulate matter resulting from fiberglass cutting, trimming, and repacking. The facility shall also maintain normal work practices and conduct periodic inspections to ensure penclone fabric integrity.

Records shall be kept in accordance with part 201-6.4(c).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 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: 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.

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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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 95: Contaminant List
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:ECL 19-0301

Item 95.1:

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

CAS No: 000050-00-0
Name: FORMALDEHYDE

CAS No: 000630-08-0
Name: CARBON MONOXIDE

CAS No: 007439-92-1
Name: LEAD

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

CAS No: 007664-39-3
Name: HYDROGEN FLUORIDE

CAS No: 007664-41-7
Name: AMMONIA

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

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

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

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Name: VOC

Condition 96: Malfunctions and start-up/shutdown activities
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 201-1.4

Item 96.1:

(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 97: Visible Emissions Limited
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 211.2

Item 97.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted

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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.

Condition 98: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 220-2.4 (a)

Item 98.1:

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

Emission Unit: U-00002
Process: OX1

Emission Unit: U-00012
Process: OX2

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 98.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of the facility must maintain a file of daily glass production rates. The production rates must be summarized monthly. Glass production records must be retained for at least five years following the date of such records and must be made available for inspection by the department during normal business hours.

Monitoring Frequency: MONTHLY
Averaging Method: Daily block average
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 99: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 220-2.4 (c)

Item 99.1:

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

Emission Unit: U-00002
Process: OX1

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Emission Unit: U-00012
Process: OX2

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 99.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a glass melting furnace shall install, calibrate, evaluate, operate, and maintain a continuous emissions monitoring system (CEMS), in accordance with the provisions of 40 CFR part 60, appendices A, B and F, for measuring NO_x and shall record the output of the system.

As part of its application for a permit or permit modification, the owner or operator of a glass melting furnace shall submit for department approval a CEMS plan.

The owner or operator of a glass melting furnace shall submit for department approval a CEMS certification protocol at least 60 days prior to CEMS certification testing. The certification protocol shall include the location of and specifications for each instrument or device, as well as procedures for calibration, operation, data evaluation, and data reporting.

The procedures in subparagraphs (i) through (v) below shall be used for determining compliance with the NO_x RACT emission limit established under section 6 NYCRR Part 220-2.3(a).

(i) The owner or operator of a glass melting furnace shall determine compliance daily on a 30 day rolling average basis. The 30 day rolling averages shall be calculated by dividing 30 day total NO_x emissions by 30 day total glass production. Only days when the furnace operates shall be included in the 30 day rolling averages.

(ii) At a minimum, valid CEMS data shall be obtained for 90 percent of the operating hours in each calendar quarter that the subject facility is operating.

(iii) All valid CEMS data shall be used in calculating emission rates even if the minimum data requirements of subparagraph (ii) above are not met.

(iv) Along with any specific additional data requirements mandated by the department for a particular glass melting furnace, annual recertifications, quarterly accuracy, and daily calibration drift tests shall be performed in accordance with 40 CFR part 60, appendix F.

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(v) When NO_x emissions data are not obtained because of CEMS downtime, or for periods when no valid CEMS data is available, emission data shall be obtained by using the 90th percentile value of all CEMS NO_x emission data collected over the last 180 days.

In addition to the requirements of subparagraphs (i) through (iii) below, the owner or operator of a glass melting furnace shall comply with the CEMS recordkeeping and reporting requirements of 40 CFR part 60, subpart A and appendix F.

(i) The owner or operator of a glass melting furnace shall notify the department of the planned initial start-up date of any new CEMS.

(ii) Emissions, monitoring, and operating parameter records or measurements required by this Subpart and any additional parameters required by the department shall be maintained for at least five years and made available to the department upon request.

(iii) On a semi-annual basis, the owner or operator of a glass melting furnace shall tabulate and summarize applicable emissions, monitoring, and operating parameter measurements recorded during the preceding six months, and submit these records to the department. These records shall be submitted in a format acceptable to the department and shall include:

(a) the 30 day rolling average NO_x emissions as specified under paragraph (4) of this subdivision;

(b) identification of the operating hours when NO_x emissions data are not included in a calculation of the 30 day rolling average emissions and the reasons for not including that data;

(c) a comparison of the NO_x emissions to the NO_x RACT emissions limit(s);

(d) type and amount of fuel burned on a daily basis and the as burned heat content of the fuel;

(e) the total daily NO_x emissions and total daily glass production; and

(f) the results of CEMS accuracy assessments as required by 40 CFR part 60, appendix F and any additional data quality information required by the department.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

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Condition 100: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 220-2.4 (d)

Item 100.1:

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

Emission Unit: U-00002
Process: OX1

Emission Unit: U-00012
Process: OX2

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 100.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Protocols, reports, summaries, schedules, and any other information required to be submitted to the department under provisions of this Subpart must be sent (in either hardcopy or electronically) as follows:

(1) one copy to the Division of Air Resources, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233; and

(2) one copy to the Regional Air Pollution Control Engineer, New York State Department of Environmental Conservation - Region 4 Office, 1130 North Westcott Road, Schenectady, NY 12306.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 101: BART capping equation - NO_x
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Part 249

Item 101.1:

Total annual NO_x emissions from the BART-eligible sources: EU2 (DM1 Oxy Fuel Furnace), EU3 (DM1 Forming, Curing, Cooling and Smoke Stripper), EU12 (DM2 Oxy Fuel Furnace), EU13 (DM2 Mixing Chamber), and EU14 (DM2 Cooling Area to include Smoke Stripper) shall



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not exceed 249 tons per year (tpy) NOx, calculated as a rolling, 12-month summation of emissions, and calculated on a monthly basis using the following equations:

Equation 1 – Total NOx Emissions Cap Monitoring Method

$$249 \text{ tpy} > \text{EU2NOx} + \text{EU3NOx} + \text{EU12NOx} + \text{EU13NOx} + \text{EU14NOx}$$

Where:

$\text{EU2NOx} = \text{DM1 Oxy Fuel Furnace NOx Emissions (Tons/rolling 12-month period)}$

$\text{EU3NOx} = \text{DM1 Forming,Curing,Cooling,SmokeStripper NOx Emissions (Tons/rolling 12-month period)}$

$\text{EU12NOx} = \text{DM2 Oxy Fuel Furnace NOx Emissions (Tons/rolling 12-month period)}$

$\text{EU13NOx} = \text{DM2 Mixing Chamber which comprises DM2 Forming and Curing NOx Emissions (Tons/rolling 12-month period)}$

$\text{EU14NOx} = \text{DM2 Cooling and Smoke Stripper NOx Emissions (Tons/rolling 12-month period)}$

The NOx emissions from the glass furnaces (EU2 and EU12) are calculated based on the following equation:

Equation 2 – Furnace NOx (EU2NOx and EU12NOx) Emissions Monitoring Method

$$= (\text{Niterusage} \times \text{NiterEF}) + (\text{Glasspull rate} \times \text{FurnaceNOx})$$

Where:

$\text{Niterusage} = \text{Niter usage of each furnace (Tons/rolling 12-month period)}$

$\text{NiterEF} = \text{Niter NOx emission factor (tons NOx/ton niter usage), developed based on the assertion that all of the nitrogen in the niter becomes NO2}$

$\text{Glasspull rate} = \text{Glass pull rate of each furnace (Tons/12-month rolling period)}$

$\text{FurnaceNOx} = \text{NOx emission factor for each furnace (lb NOx/ton glass), developed based on most recent stack test results and credible readings from an operational NOx CEMS}$

The NOx emissions from the forming, curing, cooling and smoke stripper sections associated with each source (EU3, EU13, and EU14) on the wool fiberglass insulation manufacturing lines are calculated based on the following equation:

Equation 3 – Forming, Curing, Cooling and Smoke Stripper section NOx (EU3NOx, EU13NOx and EU14NOx) Emissions Monitoring Method

$$= (\text{Natural Gasrate} \times \text{Forming,Curing,Cooling,SmokeStripperNOx})$$

Where:

$\text{Natural Gasrate} = \text{natural gas that is used by the fiberizer burners (applicable to Forming sections' NOx) or the total used by the oven zone burners, stack burners and incinerator burners (applicable to Curing, Smoke Stripping and Cooling NOx) (millions of cubic feet of natural gas)}$

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per rolling 12-month period)

Forming,Curing,Cooling,SmokeStripperNOx = NOx emission factor for the forming, curing, cooling and smoke stripper section of each source (lb NOx per million cubic feet of natural gas used by the source applicable burner system), developed based on most recent stack test results

Condition 102: BART capping equation - PM-10
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Part 249

Item 102.1:

Total annual PM10 emissions from the BART-eligible sources: EU2 (DM1 Oxy Fuel Furnace), EU3 (DM1 Forming, Curing, Cooling and Smoke Stripper), EU12 (DM2 Oxy Fuel Furnace), EU13 (DM2 Mixing Chamber), and EU14 (DM2 Cooling Area to include Smoke Stripper) shall not exceed 249 tons per year (tpy) PM10, calculated as a rolling, 12-month summation of emissions, and calculated on a monthly basis using the following equations:

Equation 1 – Total PM10 Emissions Cap Monitoring Method

$$249 \text{ tpy} > \text{EU2PM10} + \text{EU3PM10} + \text{EU12PM10} + \text{EU13PM10} + \text{EU14PM10}$$

Where:

EU2PM10 = DM1 Oxy Fuel Furnace PM10 Emissions (Tons/rolling 12-month period)

EU3PM10 = DM1 Forming,Curing,Cooling,SmokeStripper PM10 Emissions (Tons/rolling 12-month period)

EU12PM10 = DM2 Oxy Fuel Furnace PM10 Emissions (Tons/rolling 12-month period)

EU13PM10 = DM2 Mixing Chamber which comprises Forming and Curing PM10 Emissions (Tons/rolling 12-month period)

EU14PM10 = DM2 Cooling and Smoke Stripper PM10 Emissions (Tons/rolling 12-month period)

The PM10 emissions from the glass furnaces (EU2 and EU12) are calculated based on the following equation:

Equation 2 – Furnace PM10 (EU2PM10 and EU12PM10) Emissions Monitoring Method

$$= [(\text{HoursFurnace} \cdot \text{DEP} \times \text{Furnace} \cdot \text{DEPEF}) + [(\text{HoursFurnace} \times \text{FurnaceEF})]$$

Where:

HoursFurnace.DEF = Operational hours that each respective furnace discharged its emissions for control into its associated DEF (Hours/rolling 12-month period)

Furnace.DEPEF = PM10 emission factor (lb PM10/hr) equation, developed based on most recent stack test results for the combined operation of the respective furnace and associated Dry



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Electrostatic Precipitator (DEP)

HoursFurnace = Hours that each respective furnace operated on by-pass and its DEP not in service (Hours/rolling 12-month period)

FurnaceEF = PM10 emission factor (lb PM10/hr), developed based on most recent stack test results for the operation of the respective furnace with DEP by-passed

The PM10 emissions from the forming, curing, cooling and smoke stripper sections associated with each source (EU3, EU13, and EU14) are calculated based on the following equation:

Equation 3 – Forming, Curing, Cooling and Smoke Stripper section PM10 (EU3PM10, EU13PM10 and EU14PM10) Emissions Monitoring Method

$$= (\text{HoursForming,Curing,Cooling,SmokeStripper}) \times (\text{Forming,Curing,Cooling,SmokeStripperPM10})$$

Where:

HoursForming,Curing,Cooling,SmokeStripper = Each respective Forming, Curing, Cooling section and Smoke Stripper operational hours (Hours/rolling 12-month period)

Forming,Curing,Cooling,SmokeStripperPM10 = PM10 emission factor (lb PM10/hr) for each respective forming, curing, cooling and smoke stripper section, developed based on most recent stack test results

Condition 103: BART capping equation - SO2
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Part 249

Item 103.1:

Total annual SO2 emissions from the BART-eligible sources: EU2 (DM1 Oxy Fuel Furnace), EU3 (DM1 Forming, Curing, Cooling and Smoke Stripper), EU12 (DM2 Oxy Fuel Furnace), EU13 (DM2 Mixing Chamber), and EU14 (DM2 Cooling Area to include Smoke Stripper) shall not exceed 249 tons per year (tpy) SO2, calculated as a rolling, 12-month summation of emissions, and calculated on a monthly basis using the following equations:

Equation 1 – Total SO2 Emissions Cap Monitoring Method

$$249 \text{ tpy} > \text{EU2SO2} + \text{EU3SO2} + \text{EU12SO2} + \text{EU13SO2} + \text{EU14SO2}$$

Where:

EU2SO2 = DM1 Oxy Fuel Furnace SO2 Emissions (Tons/rolling 12-month period)

EU3SO2 = DM1 Forming,Curing,Cooling,SmokeStripper SO2 Emissions (Tons/rolling 12-month period)

EU12SO2 = DM2 Oxy Fuel Furnace SO2 Emissions (Tons/rolling 12-month period)



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EU13SO2 = DM2 Mixing Chamber which comprises Forming and Curing SO2 Emissions (Tons/rolling 12-month period)

EU14SO2 = DM2 Cooling and Smoke Stripper SO2 Emissions (Tons/rolling 12-month period)

The SO2 emissions from the glass furnaces (EU2 and EU12) are calculated based on the following equation:

Equation 2 – Furnace SO2 (EU2SO2 and EU12SO2) Emissions Monitoring Method

$$= (NGusage \times NGEF) + (Glasspull \text{ rate} \times FurnaceSO2)$$

Where:

NGusage = Natural gas usage of each furnace (MMscf/rolling 12-month period)

NGEF = AP-42 Natural gas emission factor for external combustion sources (lb SO2/MMscf natural gas usage)

Glasspull rate = Glass pull rate of each furnace (Tons/rolling 12-month period)

FurnaceSO2 = SO2 emission factor (lb SO2/ton glass) for SO2 released from glass batch materials for each furnace, developed based on most recent stack test results

The SO2 emissions from the forming, curing, cooling and smoke stripper sections associated with each source (EU3, EU13, and EU14) are calculated based on the following equation:

Equation 3 – Forming, Curing, Cooling and Smoke Stripper section SO2 (EU3SO2, EU13SO2 and EU14SO2) Emissions Monitoring Method

$$= (NGrate \times \text{Forming,Curing,Cooling,SmokeStripperSO2})$$

Where:

NGrate = natural gas that is used by the fiberizer burners (applicable to Forming sections' SO2) or the total used by the oven zone burners, stack burners and incinerator burners (applicable to Curing, Cooling and Smoke Stripper SO2) (millions of cubic feet of natural gas per rolling 12-month period)

Forming,Curing,Cooling,SmokeStripperSO2 = SO2 emission factor for the forming, curing, cooling and smoke stripper section of each source (lb SO2 per million cubic feet of natural gas used by the source applicable burner system), developed based on most recent stack test results

Condition 104: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Part 249

Item 104.1:

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

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Facility DEC ID: 4012200004



Emission Unit: U-00002

Emission Unit: U-00003

Emission Unit: U-00012

Emission Unit: U-00013

Emission Unit: U-00014

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 104.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall conduct stack testing, at the monitoring frequency specified below, of the emission points associated with each manufacturing line (DM-1 and DM-2) furnace and forming, curing, cooling and smoke stripper sections in order to reestablish the SO₂ emissions factors used in the BART SO₂ emissions capping equations specified elsewhere in this permit.

An acceptable testing protocol must be submitted to the department at least thirty (30) days prior to conducting such testing. Emissions testing results must be reported to the department within sixty (60) days following the completion of the testing.

Reference Test Method: Method 6 (or approved equivalent)

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 105: Compliance Demonstration

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Part 249

Item 105.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00002

Emission Unit: U-00003



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Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Emission Unit: U-00012

Emission Unit: U-00013

Emission Unit: U-00014

Regulated Contaminant(s):

CAS No: ONY075-00-5 PM-10

Item 105.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall conduct stack testing, at the monitoring frequency specified below, of the emission points associated with each manufacturing line (DM-1 and DM-2) furnace and forming, curing, cooling and smoke stripper sections in order to reestablish the PM-10 emissions factors used in the BART PM-10 emissions capping equations specified elsewhere in this permit.

An acceptable testing protocol must be submitted to the department at least thirty (30) days prior to conducting such testing. Emissions testing results must be reported to the department within sixty (60) days following the completion of the testing.

Reference Test Method: Methods 201/201A and 202 (or approved equivalent)

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 106: Compliance Demonstration

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Part 249

Item 106.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00002

Emission Unit: U-00003

Emission Unit: U-00012

Emission Unit: U-00013

Emission Unit: U-00014



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 106.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall conduct stack testing, at the monitoring frequency specified below, of the emission points associated with each manufacturing line (DM-1 and DM-2) furnace and forming, curing, cooling and smoke stripper sections in order to reestablish the NOx emissions factors used in the BART NOx emissions capping equations specified elsewhere in this permit.

An acceptable testing protocol must be submitted to the department at least thirty (30) days prior to conducting such testing. Emissions testing results must be reported to the department within sixty (60) days following the completion of the testing.

Reference Test Method: Method 7E (or approved equivalent)
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2017.
Subsequent reports are due every 6 calendar month(s).

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

Condition 107: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 220-2.3 (a)

Item 107.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: OX1

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 107.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Emissions of oxides of nitrogen from the DM-1 oxyfuel melter are limited to 1.890 pounds per ton of glass.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: GLASS

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.890 pounds per ton

Monitoring Frequency: CONTINUOUS

Averaging Method: 30 DAY ROLLING AVERAGE, ROLLED DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 108: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 211.2

Item 108.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00005

Process: AA1

Item 108.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The asphalt applicator bath temperature shall be limited and tracked as a surrogate to the visible emissions check. Records shall be kept in accordance with Part 201-6.4(c).

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 0 degrees Fahrenheit

Upper Permit Limit: 425 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: 15-MINUTE ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 109: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 211.2

Item 109.1:

The Compliance Demonstration activity will be performed for:

New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004



Emission Unit: U-00010

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

Item 109.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within 180 days of permit issuance, the facility shall submit to the Department a brief fugitive dust control plan to address fugitives from cullet spilled on the ground between the furnace building and cullet storage pile.

After the plan is approved, the facility shall comply with the plan.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 110: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 220-2.3 (a)

Item 110.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00012
Process: OX2

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 110.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Emissions of oxides of nitrogen from the DM-2 oxyfuel melter are limited to 2.771 pounds per ton of glass.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: GLASS

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 2.771 pounds per ton

Monitoring Frequency: CONTINUOUS

Averaging Method: 30 DAY ROLLING AVERAGE, ROLLED DAILY



New York State Department of Environmental Conservation

Permit ID: 4-0122-00004/00039

Facility DEC ID: 4012200004

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 111: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 211.2

Item 111.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00015

Process: AA2

Item 111.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The asphalt applicator bath temperature shall be limited and tracked as a surrogate to the visible emissions check. Records shall be kept in accordance with Part 201-6.4(c).

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 0 degrees Fahrenheit

Upper Permit Limit: 425 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: 15-MINUTE ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2017.

Subsequent reports are due every 6 calendar month(s).





**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 4-0122-00004/00039

Renewal Number: 2

05/08/2018

Facility Identification Data

Name: OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH

Address: 1277 FEURA BUSH RD

FEURA BUSH, NY 12067

Owner/Firm

Name: OWENS CORNING INSULATING SYSTEMS LLC

Address: 1 OWENS CORNING PKWY

TOLEDO, OH 43659, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: ANGELIKA R STEWART

Address: NYSDEC - REGION 4

1130 N WESTCOTT RD

SCHENECTADY, NY 12306

Phone:

Division of Air Resources:

Name: STEVE YARRINGTON

Address: NYSDEC - HEADQUARTERS

625 BROADWAY

ALBANY, NY 12233-3254

Phone:5184028403

Air Permitting Contact:

Name: Kevin Hunsaker

Address: 1277 Feura Bush Road

Feura Bush, NY 12067

Phone:5184753601

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This is the second renewal of the Title V permit pursuant to Article 19 (Air Pollution Control) of the New York State Environmental Conservation Law and Title V of the federal Clean Air Act. The facility manufactures wool fiberglass insulation products and includes two glass furnaces and associated production lines controlled by electrostatic precipitators and other air pollution control equipment.



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In accordance with Subpart 220-2 and Owens Corning's Renewal 1 Modification 4 permit, the facility conducted NOx emission testing on both oxymelters to determine NOx RACT emission limits. The facility proposed more stringent NOx emission limits for each line and this renewal incorporates those new limits into the permit.

This renewal also proposes to revise the process permissible emissions for the bagging equipment on the DM-2 manufacturing line (process BC2) to reflect the emission rate used in the Renewal 1 Modification 8 application and to correct typographical errors.

Attainment Status

OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH is located in the town of BETHLEHEM in the county of ALBANY.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

The facility manufactures fiberglass insulation products. Operations consist of two glass furnaces and associated production lines (DM-1 and DM-2) controlled by electrostatic precipitators and other air pollution control equipment. Each manufacturing line produces a wide batt of insulation that is cut into standard widths and packaged as either a faced or unfaced product. For the faced product the facility uses hot asphalt as an adhesive for the paper backing and for the unfaced product the facility uses an ink jet to indicate the R-value of the insulation. The insulation is then cut into standard lengths and bagged for shipment.

Permit Structure and Description of Operations

The Title V permit for OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a



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stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH is defined by the following emission unit(s):

Emission unit U00010 - This unit represents miscellaneous fugitive emission sources including: 2 ink jet printers, a wash water system, aggregate cullet storage pile, and unloading and mixing of glass batch material. The wash water system is located in Building 1, the aggregate cullet storage pile is located in Building 4, and the unloading and mixing of glass batch material is located in Building 3. Two storage tanks (a hood wall wash water recirculation tank at 2,000 gallons and a binder make-up water tank at 1,737 gallons) were added as part of the conversion to a starch-based binder system. These two tanks have capacities below the exemption levels noted in 6 NYCRR 201-3.2(c)(25) and, therefore, are not required to be individually listed elsewhere in this permit.

Process: FES is located at Building 1 - Fugitive emission sources including: wash water system, aggregate cullet storage pile, and unloading and mixing of glass batch material.

Process: INK is located at Building 1 - Fugitive emissions from inkjet printing.

Emission unit U00011 - This unit represents the DM-2 mixed batch bin, which contains emission point 00014, and is located in Building 1.

Emission unit U00011 is associated with the following emission points (EP):
00014

Process: MB2 is located at Building 1 - DM-2 mixed batch bin. Process provides for surge storage of mixed (sand and mineral) batch at the furnace. The mixed batch is pneumatically conveyed from a separate blending operation to this batch bin.

Emission unit U00012 - This emission unit represents the DM-2 oxy fuel melter, contains emission points 00200, 000201 and is located in Building 1. Emission point 00200 feeds into the common stack, emission point 00300. Emission point 00201 is used strictly for DEP emergency shutdown, maintenance, or malfunction. When a bypass situation occurs it is best practice to keep the furnace in a condition of thermal stability by maintaining its pull rate. Shutting it off or even restricting the molten glass output for this type of furnace as a perceived means of reducing emissions can thermally shock the furnace refractory



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resulting in failure or reduced life of the capital asset. By reducing the surface area and thickness of the insulating crust of unmelted batch such actions can also actually increase emissions.

Emission unit U00012 is associated with the following emission points (EP):

00201

Process: OX2 is located at Building 1 - Conversion of sand and mineral batch to glass by thermal heating through oxy fuel fired melter. This process is handled by emission point 00300 in normal operating mode and 00201 during DEP emergency shutdown, maintenance or malfunction.

Emission unit U00013 - This unit represents the DM-2 mixing chamber, which contains emission point 00017, and is located in Building 1.

Emission unit U00013 is associated with the following emission points (EP):

00017

Process: FC2 is located at Building 1 - DM-2 mixing chamber. Mixing chamber mixes 2 air streams: 1) saturated air from the fiber forming process that goes through a dropout box and moisture eliminator; and 2) exhaust air from the cure oven afterburner. The oven cures the fiber pack prior to fabrication.

Emission unit U00014 - This unit represents the DM-2 cooling area, comprised of DM-2 smoke stripper and DM-2 cooling section. This unit contains emission points 00018 and 00021, and is located in Building 1.

Emission unit U00014 is associated with the following emission points (EP):

00018, 00021

Process: CS2 is located at Building 1 - DM-2 cooling area. This process represents the operation of DM-2 cooling section by itself while DM-2 smoke stripper is out of service due to scheduled maintenance events. Section 201-1.4 applies during this scheduled maintenance which is performed under section 200.7.

Process: SC2 is located at Building 1 - DM-2 cooling area. This process removes smoke from the cured fiberglass and draws cooling air through the glass pack.

Emission unit U00015 - This unit represents the DM-2 asphalt applicator and flexographic printing, which contains emission point 00019, and is located in Building 1.

Emission unit U00015 is associated with the following emission points (EP):

00019

Process: AA2 is located at Building 1 - DM-2 asphalt applicator. Process applies a thin coat of petroleum-based asphalt to paper substrate that is the backing of fiberglass insulation.

Process: FG2 is located at Building 1 - DM-2 flexographic printing. This process uses ink to print information on the fiberglass backing.



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Emission unit U00016 - This unit represents the DM-2 bagging equipment, which contains emission point 00032, and is located in Building 1.

Emission unit U00016 is associated with the following emission points (EP):
00032

Process: BC2 is located at Building 1 - DM-2 bagging equipment. Eight dust collection units associated with the fiberglass bagging equipment.

Emission unit U00017 - This unit represents the penclone collectors 1, 2, 3, and 4 which contains emission point 00028 and 00029, and is located in Building 1.

Emission unit U00017 is associated with the following emission points (EP):
00028, 00029

Process: PC1 The penclone units are used to collect particulate matter resulting from fiberglass cutting, trimming, and repack operations.

Process: PC2 is located at Building 1 - Operation of bisect saw on DM-2 manufacturing line

Emission unit U00018 - This unit represents the DM-2 conditioning area, which contains emission point 00036, and is located in Building 1.

Emission unit U00018 is associated with the following emission points (EP):
00036

Process: CA2 is located at Building 1 - Conditioning

Emission unit U00001 - This emission unit represents the DM-1 mixed batch bin, contains emission point 00002 and is located in Building 1.

Emission unit U00001 is associated with the following emission points (EP):
00002

Process: MB1 is located at Building 1 - Process provides for surge storage of mixed (sand & mineral) batch at the furnace. The mixed batch is pneumatically conveyed from a separate blending operation to this batch bin.

Emission unit U00002 - This unit represents the DM-1 oxy-fuel melter, contains emission points 00100 and 00101, and is located in Building 1. Emission point 00100 feeds into the new, common stack, emission point 00300. Emission point 00101 is used strictly for DEP emergency shutdown, maintenance, or malfunction. When a bypass situation occurs it is best practice to keep the furnace in a condition of thermal stability by maintaining its pull rate. Shutting it off or even restricting the molten glass output for this type of furnace as a perceived means of reducing emissions can thermally shock the furnace refractory resulting in failure or reduced life of the capital asset. By reducing the surface area and thickness of the insulating crust of the unmelted batch can also result in actually increased emissions.



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Emission unit U00002 is associated with the following emission points (EP):
00101, 00300

Process: OX1 is located at Building 1 - Conversion of sand and mineral batch to glass by thermal heating through oxy fuel fired melter. This process is handled by emission point 00300 in normal operating mode and 00101 during DEP emergency shutdown, maintenance or malfunction.

Emission unit U00003 - This unit represents the DM-1 mixing chamber, forming zones, curing oven, cooling section, smoke stripping section and the mist control system for the forming basement, which contains emission points 00005, 00006, 00022, 00102, 00103, 00104, and 00105, located in Building 1.

Emission unit U00003 is associated with the following emission points (EP):
00005, 00006, 00022, 00102, 00103, 00104, 00105

Process: BP1 This process represents the operation of DM-1 cooling section by itself while DM-1 smoke stripper is out of service due to scheduled maintenance events. Section 201-1.4 applies during scheduled maintenance which is performed under section 200.7.

Process: CO1 is located at Building 1 - This process involves the operation of a curing oven which cures the fiber pack prior to fabrication.

Process: CS1 is located at Building 1 - This process involves the cooling of the pack prior to packaging by passing air through the pack. This process contains emission point 00006.

Process: FZ1 is located at Building 1 - Forming zones FZ001, FZ002, FZ005, and FZ006 draw pack forming air from beneath the pack forming conveyor. This process is handled by emission point 00005.

Process: FZ2 is located at Building 1 - Forming zones FZ003 and FZ004 draw pack forming air from beneath the pack forming conveyor. This process is vented through emission points 00102 and 00103.

Process: ME1 is located at Building 1 - This process provides the ventilation for the basement portion of the forming zones.

Process: SS1 is located at Building 1 - This process is used to draw air through the pack to "strip" out the smoke and pollutant gases. This process is served by emission points 00102 and 00103 during normal operation, and 00104 and 00022 during wet electrostatic precipitator downtime. Operation of DM1SS does not require the simultaneous use of controls.

Emission unit U00005 - This unit represents the DM-1 asphalt applicator and flexographic printing, which contains emission point 00013, and is located in Building 1.

Emission unit U00005 is associated with the following emission points (EP):
00013

Process: AA1 is located at Building 1 - DM-1 asphalt applicator. Process applies a thin coating of petroleum-based asphalt to paper for the backing on fiberglass insulation.

Process: FG1 is located at Building 1 - DM-1 flexographic printing. This process uses ink to print information on the fiberglass backing (paper substrate)



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Emission unit U00006 - This unit represents facility storage tanks including asphalt and process vegetable oil. This unit contains emission points 00009, 00012, and 00020. Emission points 00009, 00011, 00012, and 00020 are located in Building 2. As part of the conversion to a starch-based binder system, there are two maltodextrin tanks (at 15,227 gallons each), and the existing 13,900 gallon tank was modified to store sodium hydroxide. In addition, there are three storage tanks (a sodium hypophosphite tank at 6,189 gallons and two citric acid tanks at 8,225 gallons each) that are below the exemption levels noted in 6 NYCRR 201-3.2(c)(25) and, therefore, are not required to be individually listed elsewhere in this permit.

Emission unit U00006 is associated with the following emission points (EP):

00009, 00011, 00012, 00020, 00040, 00041, 00042

Process: 212 is located at Building 1 - Storage tanks including asphalt and process vegetable oil tanks.

Process: 229 is located at Building 1 - Storage tanks including asphalt and process vegetable oil tanks.

Process: MSH is located at Building 1 - Storage tanks including two Maltodextrin (MALT1 & MALT2) tanks and one Sodium Hydroxide (NAOH1) tank.

Emission unit U00007 - This unit represents the binder room, which contains emission point 00027, and is located in Building 1. Four storage tanks (one binder mix tank at 917 gallons and three binder circulation tanks at 1,202 gallons each) were added as part of the conversion to a starch-based binder system. All of these tanks have capacities below the exemption levels noted in 6 NYCRR 201-3.2(c)(25) and, therefore, are not required to be individually listed elsewhere in this permit.

Emission unit U00007 is associated with the following emission points (EP):

00027

Process: BDR is located at Building 1 - Binder room contains various process mix tanks (including the exempt binder mix and circulation tanks) used in the production of binder. The binder room is exhausted through a ceiling fan.

Emission unit U00008 - This unit represents DM-1 bagging equipment, which contains emission points 00030 and 00031, and is located in Building 1.

Emission unit U00008 is associated with the following emission points (EP):

00030, 00031

Process: BC1 is located at Building 1 - Eight collection units associated with fiberglass insulation bagging equipment.

Emission unit U00009 - This unit represents the DM-1 conditioning and forehearth area which contains emission point 00035, and is located in Building 1.

Emission unit U00009 is associated with the following emission points (EP):



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00035

Process: CA1 is located at Building 1 - The conditioning area includes the conditioning section and these three activities originate inside the building and eventually exit the building through louvers.

Title V/Major Source Status

OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH is subject to Title V requirements. This determination is based on the following information:

The facility is major for NOx, PM-10, VOC, and CO.

Program Applicability

The following chart summarizes the applicability of OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	YES
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and



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contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

3296

MINERAL WOOL

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.



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SCC Code	Description
3-05-012-02	MINERAL PRODUCTS MINERAL PRODUCTS - FIBERGLASS MANUFACTURE RECUPERATIVE FURNACE (WOOL-TYPE FIBER)
3-05-012-04	MINERAL PRODUCTS MINERAL PRODUCTS - FIBERGLASS MANUFACTURE FORMING: ROTARY SPUN (WOOL-TYPE FIBER)
3-05-012-05	MINERAL PRODUCTS MINERAL PRODUCTS - FIBERGLASS MANUFACTURE CURING OVEN: ROTARY SPUN (WOOL-TYPE FIBER)
3-05-012-06	MINERAL PRODUCTS MINERAL PRODUCTS - FIBERGLASS MANUFACTURE COOLING (WOOL-TYPE FIBER)
3-05-012-21	MINERAL PRODUCTS MINERAL PRODUCTS - FIBERGLASS MANUFACTURE Raw Material: Unloading/Conveying
3-05-012-99	MINERAL PRODUCTS MINERAL PRODUCTS - FIBERGLASS MANUFACTURE Other Not Classified
4-05-005-99	PRINTING/PUBLISHING PRINTING/PUBLISHING - GENERAL INK THINNING SOLVENT - OTHER NOT SPECIFIED
4-07-999-98	ORGANIC CHEMICAL STORAGE ORGANIC CHEMICAL STORAGE - MISCELLANEOUS Specify in Comments

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
007664-41-7	AMMONIA				
007440-36-0	ANTIMONY				
007440-38-2	ARSENIC				
000630-08-0	CARBON MONOXIDE				
007440-47-3	CHROMIUM				
007440-48-4	COBALT				
000050-00-0	FORMALDEHYDE				
007647-01-0	HYDROGEN CHLORIDE				



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007664-39-3	HYDROGEN FLUORIDE
007783-06-4	HYDROGEN SULFIDE
007439-92-1	LEAD
007439-96-5	MANGANESE
000067-56-1	METHYL ALCOHOL
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS
0NY210-00-0	OXIDES OF NITROGEN
0NY075-00-0	PARTICULATES
0NY075-02-5	PM 2.5
0NY075-00-5	PM-10
007446-09-5	SULFUR DIOXIDE
0NY100-00-0	TOTAL HAP
0NY998-00-0	VOC

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V 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.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)



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This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where



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this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 2 01-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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)

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.

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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_02

Item B: 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.

Regulatory Analysis

Location	Regulation	Condition	Short Description
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Facility/EU/EP/Process/ES

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FACILITY	ECL 19-0301	95		Powers and Duties of the Department with respect to air pollution control
U-00001	40CFR 52-A.21	54		Prevention of Significant Deterioration
U-00009	40CFR 52-A.21	84		Prevention of Significant Deterioration
U-00010	40CFR 52-A.21	85		Prevention of Significant Deterioration
U-00011	40CFR 52-A.21	86		Prevention of Significant Deterioration
U-00017	40CFR 52-A.21	94		Prevention of Significant Deterioration
FACILITY	40CFR 60-Kb.110b(b)	43		Deterioration NSPS for volatile organic liquid storage vessels- applicability and designation of affected facilities
FACILITY	40CFR 63-JJJJ.3370(b)	44		Paper and Other Web Coating NESHAP - Requirements for showing compliance
FACILITY	40CFR 64	45, 46		COMPLIANCE ASSURANCE MONITORING
U-00002	40CFR 64	58, 59		COMPLIANCE ASSURANCE MONITORING
U-00003	40CFR 64	61, 62		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ1/FZ1SS	40CFR 64	63, 64		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ1/FZ2SS	40CFR 64	65, 66		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ1/FZ5SS	40CFR 64	67, 68		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ1/FZ6SS	40CFR 64	69, 70		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ2/FZ3SS	40CFR 64	71, 72		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ2/FZ4SS	40CFR 64	73, 74		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ2/FZEP1	40CFR 64	75, 76		COMPLIANCE ASSURANCE MONITORING
U-00003/-/FZ2/FZEP2	40CFR 64	77, 78		COMPLIANCE ASSURANCE MONITORING
U-00012	40CFR 64	90, 91		COMPLIANCE ASSURANCE MONITORING
U-00013/00017/FC2/DM2DB	40CFR 64	93		COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 64.8	47, 48, 49		CAM - Quality improvement plan (QIP) requirements
FACILITY	40CFR 68	19		Chemical accident prevention provisions
FACILITY	40CFR 82-F	20		Protection of



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FACILITY	6NYCRR 200.6	1	Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.7	10	Acceptable ambient air quality.
FACILITY	6NYCRR 201-1.4	96	Maintenance of equipment.
FACILITY	6NYCRR 201-1.7	11	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.8	12	Recycling and Salvage
FACILITY	6NYCRR 201-3.2(a)	13	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.3(a)	14	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-6	21, 50, 51	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6.4(a)(4)	15	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(c)	3	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)(2)	4	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(d)(4)	22	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(f)(6)	17	Compliance Certification
FACILITY	6NYCRR 201-6.4(g)	23	Off Permit Changes
FACILITY	6NYCRR 201-6.5	24	Permit Shield
FACILITY	6NYCRR 201-7	52, 53	Special Provisions
FACILITY	6NYCRR 202-1.1	18	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.2	29	Required emissions tests.
FACILITY	6NYCRR 202-1.3	30	Notification.
FACILITY	6NYCRR 202-2.1	7	Acceptable procedures.
FACILITY	6NYCRR 202-2.5	8	Emission Statements - Applicability
FACILITY	6NYCRR 211.1	31	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	97	General Prohibitions - air pollution prohibited
			General Prohibitions - visible emissions limited.



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U-00005/-/AA1	6NYCRR 211.2	108	General Prohibitions - visible emissions limited.
U-00010	6NYCRR 211.2	109	General Prohibitions - visible emissions limited.
U-00015/-/AA2	6NYCRR 211.2	111	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212	32	General Process Emission Sources
FACILITY	6NYCRR 212.4(a)	33	General Process Emission Sources - emissions from new sources and/or modifications
U-00013/00017	6NYCRR 212.4(c)	92	General Process Emission Sources - emissions from new processes and/or modifications
FACILITY	6NYCRR 212.6(a)	34	General Process Emission Sources - opacity of emissions limited
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
U-00002/-/OX1	6NYCRR 220-2.3(a)	107	Gaseous emissions from glass melting furnaces - RACT analysis.
U-00012/-/OX2	6NYCRR 220-2.3(a)	110	Gaseous emissions from glass melting furnaces - RACT analysis.
FACILITY	6NYCRR 220-2.4(a)	98	Furnace recordkeeping.
FACILITY	6NYCRR 220-2.4(c)	99	NOx Continuous Emissions Monitoring System (CEMS) requirements.
FACILITY	6NYCRR 220-2.4(d)	100	Submissions to the department.
FACILITY	6NYCRR 227-2.4(d)	35	Small boilers, small combustion turbines, and small stationary internal combustion engines.
U- 00005/00013/AA1/DM1AA	6NYCRR 228-1.3(b)(1)	79	General Requirements - Record Keeping
FACILITY	6NYCRR 228-1.3(d)	36	Surface Coating General Requirements- Handling, storage and disposal
FACILITY	6NYCRR 228-1.4(d)(3)	37	VOC limits for Paper Film & Foil coatings
U-00006	6NYCRR 229.3(e)(2)(iv)	80	Volatile organic liquid storage tanks
U-00006	6NYCRR 229.3(e)(2)(v)	81	Volatile organic liquid storage tanks
U-00008	6NYCRR 231-11.2(c)	83	Reasonable Possibility requirements for insignificant mods - greater than 50% with



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FACILITY	6NYCRR 234.3(a)(1)(i)	38	excluded emissions Control requirements - Ink
FACILITY	6NYCRR 234.5	39	Prohibition of sale or specification
FACILITY	6NYCRR 234.6	40	Handling, storage and disposal of VOCs
FACILITY	6NYCRR 234.7	41	Recordkeeping requirements
FACILITY	6NYCRR 234.8	42	Opacity
FACILITY	6NYCRR 249	101, 102, 103, 104, 105, 106	Best Available Retrofit Technology

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department



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representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.



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6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 201-6.4 (g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of



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appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH has been determined to be subject to the following regulations:

40 CFR 52.21

This citation applies to facilities that are subject to Prevention of Significant Deterioration (PSD) provisions; that is, facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i). The Owens Corning Insulating Systems - Feura Bush facility has capped (under 6 NYCRR Subpart 201-7) the past project from PSD applicability requirements by accepting limits on tons of glass pulled per year and pounds per hour emission rates. These limits have been carried over from the previous Title V permit into this permit renewal.

40 CFR 60.110b (b)

This condition requires the facility to maintain a record of the dimensions and capacity for volatile organic liquid storage vessels (tanks) constructed, reconstructed, or modified after July 23, 1984. There are no other requirements for tanks of less than 20,000 gallon design capacity.

40 CFR 63.3370 (b)

This condition requires the facility to maintain records and submit reports stating the HAP content of coating materials applied.

40 CFR 64.8

This section lists the elements of a Quality Improvement Plan (QIP). A QIP may be required if a permittee has a number of exceedances or excursions of its Compliance Assurance Monitoring (CAM) program during during a reporting period.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units (i.e., sources) that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Conditions requiring 3rd field secondary amperage and voltage monitoring at the Dry Electrostatic Precipitators of both furnaces were added so that these parametric ranges would continue to be used to monitor the effectiveness of such control equipment at the time the facility replaced the phenol/formaldehyde binder with the starch based binder system and the related conditions of 40 CFR 63.1383(c), Subpart NNN became non-applicable.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air



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Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

6 NYCRR 201-6.5

This section specifies special provisions that apply to the title V permit.

6 NYCRR 202-1.2

This regulation specifies that the department is to be notified at least 30 days in advance of any required stack test. The notification is to include a list of the procedures to be used that are acceptable to the department. Finally, free access to observe the stack test is to be provided to the department's representative.

6 NYCRR 202-1.3

This regulation requires that any emission testing, sampling and analytical determination used to determine compliance must use methods acceptable to the department. Acceptable test methods may include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. Alternate methods may also be used provided they are determined to be acceptable by the department. Finally, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 212.4 (a)

This rule requires compliance with the degree of control specified in Tables 2, 3 and 4 for new (after July 1, 1973) process emission sources.

6 NYCRR 212.4 (c)

This rule requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to an particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

6 NYCRR 212.6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6 NYCRR 220-2.3 (a)

This citation required a reasonably available control technology (RACT) analysis to be submitted to the



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department by December 1, 2010 for emissions of oxides of nitrogen (NOx) from the furnaces. The RACT analysis was to propose a RACT emission limit(s) and identify the procedures and monitoring equipment to be used to demonstrate compliance with the proposed RACT emission limit(s) to be expressed in pounds of NOx per ton of glass produced. NOx RACT, as approved by the department, was to be implemented by July 1, 2012. The facility, which is subject to this requirement because it is a glass plant that is a major facility of NOx emissions, has met these RACT deadlines but has since proposed more stringent NOx emission limits specific to each glass melting furnace.

6 NYCRR 220-2.4 (a)

The owner or operator of a glass melting furnace located at a glass plant that meets the applicability requirements of section 220-2.1 must maintain a file of daily glass production rates. The production rates must be summarized monthly. Glass production records must be retained for at least five years following the date of such records and must be made available for inspection by the department during normal business hours.

6 NYCRR 220-2.4 (c)

This citation sets forth the requirements for installing, evaluating, operating, and maintaining the continuous emissions monitoring system (CEMS) which is required to measure NOx emissions from the glass melting furnaces.

6 NYCRR 220-2.4 (d)

Protocols, reports, summaries, schedules, and any other information required to be submitted to the department under provisions of this Subpart must be sent (in either hardcopy or electronically) as follows:

(1) one copy to the Division of Air Resources, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233; and

(2) one copy to the regional air pollution control engineer at the appropriate regional office of the department.

6 NYCRR 227-2.4 (d)

The facility has small combustion sources that are exempt from permitting, however, the sources are still subject to the annual tune-up requirements for NOx RACT.

6 NYCRR 228-1.3 (b) (1)

This regulation requires the facility owner or operator to maintain a certification from the coating manufacturer that contains the information used to determine the as-applied volatile organic compound content of the coating. In addition, the facility owner or operator is required to maintain records of other information used to determine compliance with Part 228-1.

6 NYCRR 228-1.3 (d)

This citation directs the owners or operators of coating operations to minimize the emissions of volatile organic compounds to the atmosphere by properly handling, storing and disposing of coatings containing



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volatile organic compounds.

6 NYCRR 228-1.4 (d) (3)

The citation specifies the maximum VOC content of a coating allowed when coating paper, film or foil.

6 NYCRR 229.3 (e) (2) (iv)

This section requires a tank with submerged fill for storage of volatile organic liquids

6 NYCRR 229.3 (e) (2) (v)

This section requires the tank to be equipped with conservation vents for storage of volatile organic liquids.

6 NYCRR 231-11.2 (c)

This citation lists the record keeping requirements for insignificant modifications that are greater than 50% of the threshold including excluded emissions as defined in 231-4.1(b)(40)(i)(c) of this Part.

6 NYCRR 234.3 (a) (1) (i)

For packaging rotogravure, publication rotogravure or flexographic printing processes that use ink, coating or adhesive containing VOC must use inks that have a VOC content of 0.8 kilograms of VOC per kilogram of solids as applied or 0.16 kilograms of VOC per kilogram of ink, coating or adhesive as applied.

6 NYCRR 234.5

This regulation requires that a person shall not sell, specify, or require the application of a coating, ink or adhesive on a substrate if such activity is prohibited by any of the provisions of Part 234.

6 NYCRR 234.6

This regulation specifies the following:

An owner or operator of a facility subject to Part 234 shall not:

(a) Use open containers to store or dispose of cloth or paper impregnated with VOC or solvents that are used for surface preparation, cleanup or the removal of ink, coating or adhesive;

(b) Use open containers to store or dispose of spent or fresh VOC or solvents used for surface preparation, cleanup or the removal of ink, coating or adhesive;

(c) Use open containers to store, dispose or dispense ink, coating or adhesive unless production, sampling, maintenance or inspection procedures require operational access. This provision does not apply to the actual device or equipment designed for the purposes of applying an ink, coating or adhesive to a substrate.

6 NYCRR 234.7



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This regulation sets forth the record keeping requirements for facilities subject of the reuquirements of Part 234.

6 NYCRR 234.8

This regulation requires that emissions from a unit subject to Part 234 shall not have an opacity greater than 10%.

6 NYCRR Part 212

This regulations applies to process (versus combustion) sources.

6 NYCRR Part 249

This regulation restricts the emissions of visibility-impairing pollutants (NOx, SO2 and PM-10) by requiring the installation of Best Available Retrofit Technology (BART) on BART-eligible stationary sources to reduce regional haze and restore natural visibility conditions to Federal Class I areas. The facility has accepted emission limits (caps) in the permit on its BART-eligible stationary sources in order to otherwise avoid the requirements of this regulation.

6 NYCRR Subpart 201-7

This regulation sets forth emission caps that cannot be exceeded by the facility. In particular, the facility has capped from the requirements of 40 CFR 52.21, 6 NYCRR Subparts 231-2 and 231-6, and 6 NYCRR Part 249 (see separate discussions).

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
FACILITY	40 CFR 60.680	Wool fiberglass insulation manufacturing plants

Reason: Currently, both the DM-1 and DM-2 manufacturing lines are not subject to 40 CFR 60, Subpart PPP (40 CFR 60.680 or NSPS PPP) - Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants. The binder change project to a starch-based binder did not trigger the applicability of NSPS PPP for either the DM-1 or DM-2 manufacturing lines. Applicability of NSPS PPP is for rotary spin wool fiberglass insulation manufacturing lines that commence construction, modification or reconstruction after February 7, 1984. 40 CFR 60.14 defines modification as any physical change or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies, where the emission rate is required to be expressed as kg/hour. In other words,



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the NSPS modification provisions apply an hourly emissions rate test to determine whether an emissions increase results from a physical or operational change. Pursuant to longstanding USEPA interpretations, the emission rate before and after a physical or operational change is evaluated at each unit by comparing the hourly potential emissions under current maximum capacity to hourly emissions at maximum capacity after the change.

The binder change project did not increase the hourly bare glass production rate or emission rate of any pollutant from either of the affected manufacturing lines. Therefore, the non-applicability determination of NSPS PPP for both the DM-1 and DM-2 manufacturing lines remains in effect.

FACILITY	40 CFR 63.820	Printing and Publishing NESHAP-applicability
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Reason: This standard covers wide web flexographic printing. Although the facility does use flexographic printing in emission unit U-00005, process FG1 and emission unit U-00015, process FG2, it does not qualify as wide web. In all cases, the printing face is less than 18 inches wide.

FACILITY	40 CFR Part 63, Subpart NNN	Wool Fiberglass Manufacturing NESHAP
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Reason: As part of its application submitted to the Department on December 7, 2009 for a permit modification to allow conversion from a binder system based on a phenol-formaldehyde resin to a binder system formulated around a starch-based resin at the Feura Bush facility, Owens Corning Insulating Systems, LLC (OCIS) presented supporting information (dated November 20, 2009 and March 9, 2010) requesting a determination regarding the applicability of the NESHAP for Wool Fiberglass Manufacturing (Subpart NNN) to operations at this facility following the binder conversion. The Department forwarded this request onto the United States Environmental Protection Agency (USEPA), which oversees the federal NESHAP program. In response, USEPA informed the Department on June 15, 2010 of its determination that, upon completion of the conversion to the starch-based binder system, the OCIS Feura Bush facility would no longer meet the definition of an affected facility in 40 CFR 63.1380 and, therefore, would no longer be subject to Subpart NNN. The conversion to the starch-based binder system at the facility was completed in February 2011 for the DM-1 production line and in September 2011 for the DM-2 production line. Therefore, because the facility no longer uses phenol-formaldehyde binders, it is no longer subject to the Subpart NNN requirements.

The NESHAP for Wool Fiberglass Manufacturing lists three affected sources subject to the standards of Subpart NNN: glass-melting furnaces located at a wool fiberglass manufacturing facility; rotary spin wool fiberglass manufacturing lines producing a bonded wool fiberglass



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building insulation product; and flame attenuation wool fiberglass manufacturing lines producing a bonded heavy density product. Prior to the switch to a starch-based binder, the facility operated two glass-melting furnaces located at a wool fiberglass manufacturing facility and two rotary spin wool fiberglass manufacturing lines producing a bonded wool fiberglass building insulation product that were subject to Subpart NNN requirements. There is no flame attenuation wool fiberglass manufacturing line at the facility.

Consistent with other Subpart NNN determinations by USEPA for similar wool fiberglass manufacturing facilities elsewhere, the following is the rationale that was used for the Subpart NNN non-applicability determination relating to the starch-based binder conversion. With the switch to a starch-based binder system from a phenol-formaldehyde binder, the facility no longer produces a bonded product and, therefore, does not produce building insulation as defined per Subpart NNN. Because the facility no longer produces building insulation per Subpart NNN, it does not meet the definition of a rotary spin manufacturing line. If there is no rotary spin manufacturing line or flame attenuation manufacturing line located at the facility, then the facility does not meet the definition of a wool fiberglass manufacturing facility in Subpart NNN. Additionally, since the facility is no longer defined as a wool fiberglass manufacturing facility, as a result of the switch to a starch-based binder (i.e., non-phenol, non-formaldehyde), then the glass-melting furnaces located at the facility are no longer subject to Subpart NNN because these furnaces are no longer located at a wool fiberglass manufacturing facility.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

**Compliance Certification
Summary of monitoring activities at OWENS-CORNING INSULATING SYSTEMS- FEURA BUSH:**

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

U-00001	54	record keeping/maintenance procedures
U-00009	84	record keeping/maintenance procedures
U-00010	85	record keeping/maintenance procedures



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U-00011	86	record keeping/maintenance procedures
U-00017	94	record keeping/maintenance procedures
FACILITY	43	record keeping/maintenance procedures
FACILITY	44	work practice involving specific operations
FACILITY	45	record keeping/maintenance procedures
FACILITY	46	record keeping/maintenance procedures
U-00002	58	monitoring of process or control device parameters as surrogate
U-00002	59	monitoring of process or control device parameters as surrogate
U-00003	61	monitoring of process or control device parameters as surrogate
U-00003	62	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ1SS	63	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ1SS	64	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ2SS	65	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ2SS	66	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ5SS	67	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ5SS	68	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ6SS	69	monitoring of process or control device parameters as surrogate
U-00003/-/FZ1/FZ6SS	70	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZ3SS	71	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZ3SS	72	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZ4SS	73	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZ4SS	74	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZEP1	75	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZEP1	76	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZEP2	77	monitoring of process or control device parameters as surrogate
U-00003/-/FZ2/FZEP2	78	monitoring of process or control device parameters as surrogate
U-00012	90	monitoring of process or control device parameters as surrogate
U-00012	91	monitoring of process or control device parameters as surrogate
U-00013/00017/FC2/DM2DB	93	monitoring of process or control device parameters as surrogate
FACILITY	47	record keeping/maintenance procedures
FACILITY	48	record keeping/maintenance procedures
FACILITY	49	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	24	record keeping/maintenance procedures
FACILITY	25	monitoring of process or control device parameters as surrogate
FACILITY	26	work practice involving specific operations
FACILITY	27	work practice involving specific operations
FACILITY	28	work practice involving specific operations
U-00002	55	work practice involving specific operations
U-00002	56	work practice involving specific operations



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U-00002	57	intermittent emission testing
U-00003	60	intermittent emission testing
U-00008	82	intermittent emission testing
U-00012	87	work practice involving specific operations
U-00012	88	intermittent emission testing
U-00012	89	work practice involving specific operations
FACILITY	7	record keeping/maintenance procedures
U-00005/-/AA1	108	monitoring of process or control device parameters as surrogate
U-00010	109	record keeping/maintenance procedures
U-00015/-/AA2	111	monitoring of process or control device parameters as surrogate
FACILITY	32	record keeping/maintenance procedures
FACILITY	33	record keeping/maintenance procedures
U-00013/00017	92	intermittent emission testing
FACILITY	34	record keeping/maintenance procedures
U-00002/-/OX1	107	work practice involving specific operations
U-00012/-/OX2	110	work practice involving specific operations
FACILITY	98	record keeping/maintenance procedures
FACILITY	99	record keeping/maintenance procedures
FACILITY	100	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
U-00005/00013/AA1/DM1AA	79	record keeping/maintenance procedures
FACILITY	36	record keeping/maintenance procedures
FACILITY	37	work practice involving specific operations
U-00008	83	record keeping/maintenance procedures
FACILITY	38	work practice involving specific operations
FACILITY	39	record keeping/maintenance procedures
FACILITY	40	record keeping/maintenance procedures
FACILITY	41	record keeping/maintenance procedures
FACILITY	42	monitoring of process or control device parameters as surrogate
FACILITY	104	record keeping/maintenance procedures
FACILITY	105	record keeping/maintenance procedures
FACILITY	106	record keeping/maintenance procedures

Basis for Monitoring

Special provisions – Section 201-6.5

The facility is required to conduct stack testing to determine VOC emission factors that are used elsewhere in the permit to cap the binder change modification out of applicability of Part 231.

Capping conditions – Subpart 201-7

The permit includes conditions to cap the facility out of applicability of BART and PSD/NNSR. The PSD/NNSR capping conditions are the result of two separate facility modifications, the first modification changed the furnace operation from electrode heating to oxygen-fuel firing and places caps on the amount of glass pulled through each of the furnace lines and PM-10 emissions from various emission units. The second modification reformulated the binder used to make the fiberglass and caps VOC emissions from the project.

Visible Emissions – Section 211.2

The visible emissions from the asphalt applicator bath increase with increasing temperature. The temperature is monitored on both baths to demonstrate compliance with opacity requirements. To limit dust



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due to the spillage of cullet the facility monitors and limits the fugitive dust according to a fugitive dust control plan.

Process Operations – Part 212

The facility is a process source required to monitor and limit particulate emissions from each of the furnaces. The facility is subject to more stringent hourly particulate emission limits resulting from capping a prior modification out of PSD and compliance with those limits demonstrates compliance with the Part 212 hourly particulate emission limits.

Glass Plant NOx RACT – Subpart 220-2

The facility is a major source of NOx and is required to comply with the provisions of NOx RACT. These include installing CEMs for NOx and calculating an appropriate NOx pound per hour emission limit based on the CEM data. Since the installation of the CEMs, the facility has analyzed the data and established NOx RACT emission limits specific to each glass melting furnace.

Combustion Installation NOx RACT – Subpart 227-2

The facility is a major source of NOx and is required to comply with the provisions of NOx RACT. In addition to the process sources at the facility there are also small combustion sources which the facility must monitor in accordance with Subpart 227-2.

Surface Coating VOC RACT – Subpart 228-1

The facility uses asphalt to adhere paper backing to some of the insulation produced. In order to comply with surface coating regulations the amount of asphalt used must be monitored.

New Source Review – Part 231

As part of a prior modification the facility triggered the reasonable possibility requirements for Part 231. The facility is required to maintain certain information to ensure that the modification did not exceed any of the significant project thresholds in Part 231.

Graphic Arts – Part 234

The facility uses flexographic printing presses to print information for paper backed insulation. VOC content of inks used and the opacity from the presses are monitored to demonstrate compliance with the graphics arts requirements.

Best Available Retrofit Technology – Part 249

The facility is required to perform stack tests for SO₂, PM-10, and NOx in order to develop emission factors that the facility will monitor to maintain compliance with the conditions capping the facility from the applicability of BART regulation.

Prevention of Significant Deterioration – 40 CFR 52 Subpart A

These conditions include emission factors for PM-10 from a previous modification at the facility to limit the emissions below the major modification threshold. Since there is no possible way to test for the emissions included in these conditions the requirements have been moved from 201-7.



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Storage Vessel New Source Performance Standard – 40 CFR 60 Subpart K

The facility has three storage tanks below 20,000 gallons

Paper and Other Web Coating NESHAP – 40 CFR 63 Subpart JJJJ

The facility was a major source of HAP and subject to the web coating requirements of NESHAP 40 CFR 63 Subpart JJJJ before switching binder formulation from a phenol formaldehyde base to a starch base. Even though the facility is no longer major for HAP the requirements of Subpart JJJJ are still applicable to the web coating processes at the facility according to EPA's Once In Always In policy.

Compliance Assurance Monitoring – 40 CFR 64

To demonstrate the electrostatic precipitators are functioning properly the facility monitors various parameters. These include the 3rd field secondary amperage and voltage for each electrostatic precipitator and the solids content of the plate wash water for the wet electrostatic precipitators. In addition to this the facility also monitors the water flowrate and pressure drop of the six scrubbers in the forming zone for DM-1 and the water flowrate of the drop-out box for DM-2. These parametric ranges were developed from past stack testing and were correlated with emissions limitations in the associated capping monitoring conditions on both furnaces and the DM-1 mixing chamber. Therefore, monitoring the parameters of amperage, voltage, and plate wash water at the precipitators and water flowrate and pressure drop at the scrubbers provides assurance that such control equipment is function properly and that emissions are in compliance with stated limits. Each of the monitors must be calibrated quarterly and corrective action must be taken in accordance with operations, maintenance, and monitoring plan for excursions of parameters based on a three hour block average.

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Facility DEC ID: 9146400030



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: SUMITOMO RUBBER USA, LLC
PO BOX 1109
BUFFALO, NY 14240-1109

Facility: SUMITOMO RUBBER USA LLC
10 Sheridan Dr
Tonawanda, NY 14150

Authorized Activity By Standard Industrial Classification Code:
3011 - TIRES AND INNER TUBES

Permit Effective Date: 01/23/2018

Permit Expiration Date: 01/22/2023



PAGE LOCATION OF CONDITIONS

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FEDERALLY ENFORCEABLE CONDITIONS

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- 8 2 6 NYCRR 201-6.4 (a) (7): Fees
- 8 3 6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
- 9 4 6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
- 9 5 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
- 11 6 6 NYCRR 201-6.4 (e): Compliance Certification
- 13 7 6 NYCRR 202-2.1: Compliance Certification
- 13 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 14 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 15 10 6 NYCRR 200.7: Maintenance of Equipment
- 15 11 6 NYCRR 201-1.7: Recycling and Salvage
- 15 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 15 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 16 14 6 NYCRR 201-3.2 (a): Compliance Certification
- 16 15 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 16 16 6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
- 17 17 6 NYCRR 201-6.4 (a) (8): Right to Inspect
- 17 18 6 NYCRR 201-6.4 (f) (6): Off Permit Changes
- 18 19 6 NYCRR 202-1.1: Required Emissions Tests
- 18 20 40 CFR Part 68: Accidental release provisions.
- 18 21 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 19 22 6 NYCRR 200.3: False statement
- 19 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 23 24 6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
- 23 25 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- 24 *26 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 25 *27 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 28 *28 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 30 *29 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 31 *30 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 34 31 6 NYCRR 211.1: Air pollution prohibited
- 34 32 6 NYCRR 212-3.1 (f): Compliance Certification
- 35 33 6 NYCRR 225-1.2 (e): Compliance Certification
- 36 34 6 NYCRR 231-2.6 (a): Compliance Certification
- 38 35 6 NYCRR 231-6.4: Compliance Certification
- 39 36 6 NYCRR 231-6.4: Compliance Certification
- 40 37 6 NYCRR 231-11.1: Compliance Certification
- 40 38 6 NYCRR 231-11.2 (b): Compliance Certification
- 41 39 40CFR 60, NSPS Subpart JJJJ: Compliance and Enforcement
- 41 40 40CFR 63, Subpart JJJJJ: Compliance and Enforcement
- 42 41 40CFR 63, Subpart ZZZZ: Compliance and Enforcement
- 42 42 40 CFR 64.8: Elements of a Quality Improvement Plan

Emission Unit Level

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43 43 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
48 44 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=0-0EU01

58 45 6 NYCRR 227-1.3: Compliance Certification
60 46 40CFR 63, Subpart ZZZZ: Compliance Certification

EU=0-0EU01,Proc=002

61 47 40CFR 63.11194(a), Subpart JJJJJ: Compliance Certification

EU=0-0EU01,EP=00006

62 48 40CFR 60.4243(b)(1), NSPS Subpart JJJJ: Compliance by purchasing
a certified engine
62 49 40CFR 60.4243(d), NSPS Subpart JJJJ: Compliance Certification

EU=0-0EU02

64 50 6 NYCRR 212-1.6 (a): Compliance Certification
65 51 40 CFR Part 64: Compliance Certification

EU=0-0EU02,EP=00160,Proc=003,ES=RTO01

68 52 6 NYCRR 212-3.1 (a): Compliance Certification
69 53 6 NYCRR 212-3.1 (a): Compliance Certification
70 54 6 NYCRR 231-6.5: Compliance Certification
71 55 6 NYCRR 231-6.5: Compliance Certification
72 56 6 NYCRR 231-6.5: Compliance Certification
73 57 6 NYCRR 231-6.5: Compliance Certification

EU=0-0EU03

74 58 6 NYCRR 212-1.6 (a): Compliance Certification

EU=0-0EU03,Proc=004,ES=0ES17

75 59 40CFR 60.542(a)(3), NSPS Subpart BBB: Compliance Certification

EU=0-0EU04

77 60 6 NYCRR 212-1.6 (a): Compliance Certification

EU=0-0EU05

78 61 6 NYCRR 212-1.6 (a): Compliance Certification
79 62 6 NYCRR 231-6.5: Compliance Certification
79 63 40CFR 60.542(a)(5)(i), NSPS Subpart BBB: Compliance Certification
81 64 40CFR 60.542(a)(5)(ii), NSPS Subpart BBB: Compliance Certification

EU=0-0EU06

82 65 6 NYCRR 212-1.6 (a): Compliance Certification
83 66 6 NYCRR 212-2.4 (b): Compliance Certification

EU=0-0EU07

84 67 6 NYCRR 212-1.6 (a): Compliance Certification

EU=0-0EU08

85 68 6 NYCRR 212-1.6 (a): Compliance Certification



STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

88 69 ECL 19-0301: Contaminant List

89 70 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities

Emission Unit Level

EU=0-0EU01,Proc=002

90 71 6 NYCRR 227-1.2 (a) (2): Compliance Demonstration

91 72 6 NYCRR 227-1.2 (a) (2): Compliance Demonstration

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 01/23/2018 and 01/22/2023

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: Fees**
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 01/23/2018 and 01/22/2023**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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Regional Air Pollution Control Engineer
NYSDEC Region 9 Headquarters
270 Michigan Avenue
Buffalo, NY 14203-2915

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2019.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.



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(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.



**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be

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required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 14.1:

The Compliance Certification activity will be performed for the Facility.

Item 14.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The emergency engines are exempt from air permitting provided each engine operates less than 500 hours per year, on a 12-month rolling total basis, per 6NYCRR 201-3.2(c)(6). Records will be kept on site of operating hours and will be made available upon request.

Parameter Monitored: HOURS OF OPERATION

Upper Permit Limit: 500 hours per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 15: Trivial Sources - Proof of Eligibility
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 15.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 16: Requirement to Provide Information
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 16.1:

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The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 17: Right to Inspect
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 17.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 18: Off Permit Changes
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 18.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description



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of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 19.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 20: Accidental release provisions.
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40 CFR Part 68

Item 20.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 21: Recycling and Emissions Reduction
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 82, Subpart F

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Item 21.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 22: False statement
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 200.3

Item 22.1:

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

Condition 23: Emission Unit Definition
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 23.1:

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

Emission Unit: 0-0EU01

Emission Unit Description:

Steam is produced by a combination of five (5) boilers that are fired by either natural gas (process P001) or #6 fuel oil (process P002). Boilers number one (1) and two (2) exhaust through emission point 00001. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 59.00 MMBtu/hr each. Boilers number five (5) and six (6) exhaust through emission point 00003. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 60.00 MMBtu/hr each. Boiler number seven (7) exhausts through emission point 00004. This package boiler, manufactured by Cleaver Brooks, is rated at 29.30 MMBtu/hr and operates on natural gas only. Boilers (1), (2), (5) and (6) have the ability to exhaust to a heat recovery unit prior to release through emission point 00005.

This emission unit also includes three emergency engines, which are exempt from air permitting provided each engine operates less than 500 hours per year. The engines are included in this permit to document their presence and because they are subject to federal regulations for engines.

- Diesel fire pump engine (0ES61) with associated emission point 00007,

- Natural gas information system backup generator (ISGEN) with associated emission point 00006, and

- Natural gas backup lighting generator (0ES62) with associated emission point 00008.

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Building(s): #1 Substa
22
Fire Pump

Item 23.2:

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

Emission Unit: 0-0EU02

Emission Unit Description:

Raw materials handling and mixing. Rubber is mixed in either base or final (also known as productive or non-productive) Banbury mixers. Base mixers take natural and synthetic rubber and combine them with carbon black, pigments and oils to produce a rubber stock that is further processed in the finish mixers. A fan is used to pull dust and fumes (VOC's) off of each mixer and through a dust collector. Once the rubber stock is mixed it is rolled into a continuous sheet which is sent to a soap/water dip tank. This soap solution coats the rubber sheet so that it does not stick to itself. A hood over the dip tank for each mixer exhausts through an uncontrolled emission point. From the soap tank the rubber stock is sent to a conveyor where ambient room air is blown across the sheet to dry the water and soap solution off of the rubber stock before it is stacked onto a pallet. Final mixers take rubber stock that has already passed through the base mixers and add various additives such as accelerators, zinc oxides, retarders, antioxidants and softeners to produce specific types of rubber used for tire components. Organo-silane coupling agents are added to some tread compounds mixed in the Banbury mixers. The purpose of the organo-silane coupling agent is to bond the rubbers, silicas, and carbon black and assist in cross-linking for vulcanization of the tire. Ethanol is evolved during the reaction of silica, rubber and other compounds in the rubber mixture. The rate of ethanol evolution is dependent on several factors, including the concentrations of silica and organo-silane in the mixture and the mixing temperature.

The facility is undertaking a two phase project to increase production:

PHASE 1

A regenerative thermal oxidizer (Emission Control RTO01) will be constructed and used to control VOC emissions from existing Banbury Mixers 8 and 9 (existing Emission Sources 0ES08 and 0ES09). The RTO will be located downstream of the dust collectors that control PM emissions from Mixers 8 and 9 (existing Emission Controls EC08A and EC09A). Emission point 00160 will be constructed to vent emissions from the RTO to the atmosphere. Existing Emission Points 00138 (Mixer 8) and 00151 (Mixer 9) will be re-purposed as alternate/RTO bypass emission points for use when: the rubber mixed doesn't include organo-silane couplers; to protect the RTO from upset conditions; to vent the mixer exhaust fans during startup or shutdown of the RTO; and at times the mixers are not operating.

PHASE 2

A planned future Banbury mixer, Mixer 10, will be constructed in Phase 2 of this project. The Banbury Mixer is identified as Emission Source

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0ES0A, which generates the majority of VOC emissions and all of the PM emissions. Emission Source ES0AB refers to the roller die take away conveyor and dip tank for the rubber from Mixer 10 which generate a small amount of VOC emissions. Emission Point 00161 will be constructed to vent emissions from the take-away conveyor and dip tank. A dust collector/baghouse (Emission Control EC0AA) will be constructed and used to control PM emissions from the planned future Mixer 10. When rubber with organo-silane coupling agent is mixed, the emissions from the dust collector/baghouse will be directed to the RTO to control VOC emissions from Mixer 10, and then out Emission Point 00160. When rubber is mixed without organo-silane coupling agent, the mixer exhaust will go to the PM dust collector and then will be directed to Emission Point 00162 instead of the RTO.

Building(s): 01

Item 23.3:

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

Emission Unit: 0-0EU03

Emission Unit Description:

Tread extrusion is performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature.

Building(s): 02
04
08
10

Item 23.4:

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

Emission Unit: 0-0EU04

Emission Unit Description:

The calendering process is used to bond a continuous textile or numerous steel wires to one (1) or two (2) layers of rubber for use in the tire building process. The continuous textile product, or the numerous steel wires, pass through a series of rollers which one (1) or two (2) rubber strips also pass through. Under pressure and elevated temperatures induced by the rollers, the rubber is bonded to the textile product or steel wires. The nip of the rollers can be adjusted to vary the thickness of the calendered product. The rubberized fabric/steel wires are then cooled and cut to the proper dimension.

Building(s): 02
04

Item 23.5:

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

Emission Unit: 0-0EU05

Emission Unit Description:

The various components of a tire (bead, sidewall and tread) are manually assembled. The green tire is then sprayed with a release agent to aide in the molding/curing process. The green tire is loaded into an isostatic press that forms and vulcanizes the green tire. The tire is pressed and vulcanized by the same operation.

Building(s): 10
11
14

Item 23.6:

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

Emission Unit: 0-0EU06

Emission Unit Description:

Tires are tested for uniformity prior to shipment. During this process, excess rubber is sometimes mechanically ground off the tire to bring it into permissible specifications.

Building(s): 08
10
12
13
14A

Item 23.7:

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

Emission Unit: 0-0EU07

Emission Unit Description:

Tires are tested for QA/QC purposes. This involves cutting up samples of tires for analytical testing and inspection.

Building(s): 06
10

Item 23.8:

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

Emission Unit: 0-0EU08

Emission Unit Description:

Rubber ply (synthetic fabric i.e. nylon, polyester, etc. covered on both sides with rubber stock) is directed through a field of high energy radiation which pre-cures the rubber. This electron processing system (known as EBR unit) is similar to a microwave in that the high energy is produced by high voltage DC, accelerated and directed at the rubber ply. This high voltage electric energy produces ozone which will be exhausted by a powered fan without any control equipment. Past experience and manufacture's data indicate that up to 0.5 pounds of ozone can be generated per hour of operation.

Building(s): 04

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Condition 24: Progress Reports Due Semiannually
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

Item 24.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 25: Facility Permissible Emissions
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 25.1:

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: 000064-17-5 Name: ETHYL ALCOHOL (ETHANOL)	PTE: 78,000 pounds per year
CAS No: 000075-09-2 Name: DICHLOROMETHANE	PTE: 20,000 pounds per year
CAS No: 000091-20-3 Name: NAPHTHALENE	PTE: 20,000 pounds per year
CAS No: 000108-10-1 Name: 2-PENTANONE, 4-METHYL	PTE: 20,000 pounds per year
CAS No: 000108-88-3 Name: TOLUENE	PTE: 20,000 pounds per year
CAS No: 000110-54-3 Name: HEXANE	PTE: 20,000 pounds per year
CAS No: 001330-20-7 Name: XYLENE, M, O & P MIXT.	PTE: 20,000 pounds per year
CAS No: 0NY100-00-0 Name: TOTAL HAP	PTE: 50,000 pounds per year



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CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

PTE: 200,000 pounds per year

CAS No: 0NY998-00-0
Name: VOC

PTE: 403,000 pounds per year

Condition 26: Capping Monitoring Condition
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 26.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-6

Item 26.2:

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

Item 26.3:

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 26.4:

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 26.5:

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 26.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000064-17-5 ETHYL ALCOHOL (ETHANOL)

Item 26.7:

Compliance Certification shall include the following monitoring:

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Capping: Yes

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

Monitoring Description:

39 ton Ethanol Cap

- 1.) Ethanol emissions are capped at 39 tons per year until the regenerative thermal oxidizer, RTO #1 (emission source RTO01) is operating. Once the RTO is operating this cap is no longer in effect and then the plant must meet the lowest achievable emission rate (LAER) and facility wide VOC cap permit conditions.
- 2.) The facility will track and calculate monthly ethanol emissions from emission units 0EU02, raw materials handling and mixing, and 0EU05, tire building and curing. The monthly emissions will be used to calculate a rolling 12-month emission total.
- 3.) Records of the monthly and 12-month rolling total calculations shall be kept on site.
- 4.) Report the monthly and 12-month rolling totals semiannually.

Parameter Monitored: ETHYL ALCOHOL (ETHANOL)

Upper Permit Limit: 39 tons

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 27: Capping Monitoring Condition
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 27.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-2

Item 27.2:

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

Item 27.3:

The owner or operator of the permitted facility must maintain all required records on-site for a

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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 27.4:

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 27.5:

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 27.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 27.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Non-stack Fugitive VOC Emissions from Solvent Usage

Fugitive emission reduction credits are documented in the Malcolm Pirnie September 1995 report from sources such as label cementing, cold feed extruder, tire building and intermediate losses from storage, transfer and miscellaneous minor uses. The reductions are due to process and environmental changes. The facility performed a detailed evaluation of emissions in 1993 and used 1993 tire production records as a base year. It is assumed that the amount of solvent used per year is directly proportional to the amount of tires produced, an index to 1993 is used to establish emissions for years other than 1993. This is summarized in Table 3-3 of the report. The main reasons for the substantial decrease in fugitive solvent emissions from 1991 to the present are:

- 1.) The installation of air conditioning in the tire building area provides the proper temperature and humidity conditions needed to keep the rubber surfaces naturally tacky and virtually eliminated the use of manually applied solvent during tire production.



2.) Discontinuing the production of bias passenger and truck tires in September 1992. This primarily affected solvent use in the truck tire building area, since bias truck tires required more solvent than the radial tires that replaced them. This was due to the lack of advanced technology now used in the production of radial truck tires which substantially increased the inherent tackiness of the tire compounds used and has drastically reduced the use of manually applied solvent to aid in the tire building process.

3.) Changing solvents from rubber solvent to the less volatile heptane reduced remaining solvent usage.

- Baseline Fugitive emissions average = 194.2 tpy for 1989 and 1990
- Fugitive VOC emission limit = 142.5 tpy
- Total Fugitive ERC credits = 51.7 tpy say 52 tpy

In order to maintain these emission reduction credits the Permittee accepts a facility permit condition which will require continuous verification of plant solvent usage.

Fugitive VOC Facility Permit Conditions

1.) The Permittee is limited to 142.5 tpy of fugitive VOC emissions from solvent usage and will track the fugitive emissions to demonstrate compliance.

a.) The Permittee must compute annual fugitive VOC emissions using a rolling 12-month period.

b.) The Permittee will submit semiannual reports which contain the 12-month rolling totals for each month in the reporting period.

c.) The following records shall be kept on site and made available upon request: facility wide solvent usage and VOC content of solvents. The consumption records shall be based on verifiable data such as storage/transfer volume records to different stations in the plant. The Permittee shall maintain such data to confirm the general accuracy of the records. These records shall be kept on site for a minimum of 5 years. This information shall be made available to the Department upon request.

2. Any noncompliance with the 142.5 tpy limit for fugitive VOC emissions from solvents shall be reported to the department within 30 days of occurrence. Noncompliance constitutes a violation and is grounds for enforcement action; for ERC certification termination; or for denial of facility permit renewal applications.

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3. All submittals to the department shall be certified as to the truth, completeness, and accuracy of all information recorded and reported.

4. The above permit conditions do not preclude the Permittee from complying with all other applicable state and federal regulations.

Parameter Monitored: VOC's

Upper Permit Limit: 142.5 tons

Reference Test Method: EPA Methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 28: Capping Monitoring Condition
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 28.1:

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 otherwise be subject to:

6 NYCRR Subpart 201-6

Item 28.2:

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

Item 28.3:

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 28.4:

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 28.5:

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

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the Act.

Item 28.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000075-09-2	DICHLOROMETHANE
CAS No: 000108-10-1	2-PENTANONE, 4-METHYL
CAS No: 000108-88-3	TOLUENE
CAS No: 000110-54-3	HEXANE
CAS No: 001330-20-7	XYLENE, M, O & P MIXT.
CAS No: 000091-20-3	NAPHTHALENE

Item 28.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1.) The facility will limit the annual actual emissions of each single Hazardous Air Pollutant (HAP) to less than 10 tons per year. The individual HAP's are identified above.
- 2.) Maintain records at the facility on a monthly basis that verify the facility's annual actual HAP emissions. Emissions are calculated from these records:
 - the chemical content and usage of tread end cement, marking ink, miscellaneous paint, and solvents;
 - rubber production and AP-42 emission factors; and
 - fuel combustion and ap-42 emission factors.
- 3.) These records will be kept in a 12-month rolling total format.
- 4.) Report to the Department any exceedance of the annual actual emissions within 30 days after the exceedance.
- 5.) Report the actual 12-month rolling individual HAP emissions to the Department semiannually.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RAW MATERIAL

Parameter Monitored: NAPHTHALENE

Upper Permit Limit: 19,999 pounds

Reference Test Method: EPA Methods

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

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Condition 29: Capping Monitoring Condition
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 29.1:

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 otherwise be subject to:

6 NYCRR Subpart 201-6

Item 29.2:

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

Item 29.3:

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 29.4:

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 29.5:

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 29.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY100-00-0 TOTAL HAP

Item 29.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1.) The facility will limit the annual actual emissions of total Hazardous Air Pollutants (HAPs) to less than 25 tons per year.

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- 2.) Maintain records at the facility on a monthly basis that verify the facility's annual actual HAP emissions. Emissions are calculated from these records:
 - chemical content and usage of tread end cement, marking ink, miscellaneous paint, and solvents;
 - rubber production and AP-42 emission factors; and
 - fuel combustion and ap-42 emission factors.
- 3.) These records will be kept in a 12-month rolling total format.
- 4.) Report to the Department any exceedance of the annual actual emissions within 30 days after the exceedance.
- 5.) Report the actual 12-month rolling HAP emissions to the Department semiannually.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RAW MATERIAL

Parameter Monitored: TOTAL HAP

Upper Permit Limit: 49,999 pounds

Reference Test Method: EPA Methods

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 30: Capping Monitoring Condition
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 30.1:

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 otherwise be subject to:

6 NYCRR 227-2.3

Item 30.2:

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

Item 30.3:

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.



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Item 30.4:

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 30.5:

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 30.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 30.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

100 tpy NOx Cap

The facility operates 5 existing combustion installations (dual fuel boilers) that can fire natural gas and # 6 fuel oil, as well as a few insignificant sources. The facility potential to emit exceeds 100 tons per year of Nitrogen Oxide (NOx) emissions. New York State Code of Rules and Regulations Part 227-2 requires that facilities with the potential to emit exceeding 100 tons per year (tpy) of NOx emissions meet Reasonable Available Control Technology (RACT) emission limits, or limit emissions below the applicability threshold.

The facility will manage fuel usage and perform fuel switching to limit emissions of NOx from the facility to less than 100 tpy. This will be accomplished by monitoring fuel usage and calculating NOx emissions using emission factors to determine a rolling twelve month total. State and Federally enforceable permit conditions for the operation of the following boilers are detailed in a permit letter dated November 29, 1995; as follows:

Emission

Point	Unit	Manufacturer	Heat Input - million Btu/hr
00001	A	Babcock & Wilcox	59.0 start-up date 8/59
00001	B	Babcock & Wilcox	59.0 start-up date 8/59
00003	A	Babcock & Wilcox	60.0 start-up date 8/57
00003	B	Babcock & Wilcox	60.0 start-up date 8/57

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00004 Cleaver Brooks 29.3 start-up date 12/84

Operating Permit Conditions:

1. Facility wide emissions of NO_x shall not exceed 100 tpy as determined by summing the individual monthly emissions from the combustion of natural gas and #6 fuel oil during any consecutive 12 month period.
2. Track actual fuel usage on a monthly basis, by metering natural gas and #6 fuel oil used by the boilers and all other fuel burning equipment at the facility.
3. Obtain monthly statements from the fuel oil supplier as to the percent sulfur and nitrogen in the oil delivered. The nitrogen in oil test will be based on one of the following methods: ASTM D-3228-96, D4629-96, D5291-96 including current versions of these methods.

4. Calculate NO_x emissions based on the following EPA AP-42 methods:

FUEL OIL

NO_x = 55 lbs of NO_x/1000 gallons of oil burned

Source: EPA's AP-42, Section 1.3, table 1.3-1, #6 oil < 100 million Btu/hr

NATURAL GAS

NO_x = 140 lbs NO_x/million cu.ft.

Source: EPA's AP-42, Section 1.4, table 1.4-1, < 100 million Btu/hr

(To be consistent with previous emissions calculation methods, they will continue to use this 140 lb/MMBtu emission factor.)

5. The facility must maintain monthly NO_x emission records. Semiannual reports must be submitted to the department in accordance with the time frames stated below.
6. All fuel use records and corresponding emission calculations shall be kept on site for a minimum of five years. This information shall be made available to the department upon request.
7. Any noncompliance with this NO_x emission limit shall be reported to the department within 30 days of occurrence. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.



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8. Report the actual 12-month rolling NOx emissions to the Department semiannually.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NATURAL GAS

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 199,999 pounds

Reference Test Method: EPA Methods

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 31: Air pollution prohibited
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 211.1

Item 31.1:

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 32: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 212-3.1 (f)

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

VOC RACT ANALYSIS

1.) The facility is a major source of Volatile Organic Compounds (VOCs). A VOC Reasonably Available Control Technology (VOC RACT) Analysis was submitted with the Title V Air Permit renewal

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application, dated February 9, 2015. Portions of the RACT Analysis were revised and submitted on October 12, 2016. A revised RACT analysis was submitted on June 27, 2017.

2. The Analysis concluded that only Banbury Mixers 8 and 9 along with their discharge conveyors in EU 0-0EU02 exceed the VOC RACT thresholds in 6NYCRR Part 212-3 of 15 pounds per day and 3 pounds per hour from each emission point. Mixers 8 & 9 are part of the increased production project and are required to install the Lowest Achievable Emission Rate (LAER). LAER was accepted to be the use of a Regenerative Thermal Oxidizer (RTO). This meets and exceeds the RACT requirement of 81% control. A technical and economic feasibility was conducted for the two conveyors. It identified three feasible control technologies. It concluded that none were economically feasible. Therefore, no emission controls are required for the mixer 8 & 9 conveyors.

3.) The VOC emission rate potentials from other emission points built after August 15, 1994 are less than 3.0 pounds per hour and actual emissions are less than 15.0 pounds per day, so they did not require a RACT Analysis [6NYCRR 212-3.1(f)]. The VOC emission rate potential from emission points built before this date do not exceed the 3.0 pound per day applicability threshold [6 NYCRR Part 212-3.1(a)(c)].

4.) Any facility that is subject to 6NYCRR Part 212-3, Reasonably Available Control Technology for Major Facilities, after May 31, 1995 will remain subject to the RACT provisions even if the annual potential to emit NOx or VOCs later fall below the applicability threshold. [6NYCRR 212-3.1(e)]

5.) A RACT demonstration for VOC emissions must be submitted with each application for a permit to operate, including permit modifications and renewals. RACT must be implemented on these emission points when operation commences. A RACT analysis is not required for new emission points that do not meet the RACT applicability thresholds in 6NYCRR 212-3.

6.) The VOC RACT Analysis must be kept for at least 5 years. This condition contains no monitoring requirements.

7.) Semiannually report the compliance status, as required by 6NYCRR Part 201-6.4.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 33: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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Applicable Federal Requirement:6 NYCRR 225-1.2 (e)

Item 33.1:

The Compliance Certification activity will be performed for the Facility.

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the purchase of residual oil with a sulfur content of 0.50% sulfur on or after July 1, 2014 and to the firing of residual oil with a sulfur content of 0.50% on or after July 1, 2016.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period.

All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.50 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 34: Compliance Certification

Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-2.6 (a)

Item 34.1:

The Compliance Certification activity will be performed for the Facility.

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This permit condition creates 105 tons per year of Volatile Organic Compound emission reduction credits.

An Emission Reduction Credits Application dated 9/12/95 documents Volatile Organic Compound reductions from the shutdown of several previously permitted sources and from reductions in fugitive



emissions. The Malcolm Pirnie 9/95 report contains the appropriate emission reduction quantification forms, summary of emissions for a 5-year evaluation period for each shut down emission point and an evaluation of fugitive emission reductions. Fugitive Emission reductions are certified under a 231-2.13 special condition.

Stack Emissions

1. 01K04 - tread end cement for bias truck and passenger tires, removed from service 9/92.
2. 02B05-02- undertread cement for bias truck and passenger tires, removed from service 9/92
3. 02B05-03- undertread cement for bias truck tires, removed from service 1/92
4. 02-03- undertread cement for Radial Light Truck Tires removed from service 4/91
5. 12-05- bead dipping, removed from service 2/93

The total emission reduction credit for the above removed sources is 105 tpy. Table 2-6 in the report summarizes the baseline year, total solvent usage and average baseline year emissions for each source. Permitting of these sources for future use will be subject to the current regulations at the time of start-up.

The technology changes that allowed for the VOC reductions are:

1. Use of an extruded thin tacky rubber liner that is placed on the under side of the tread in lieu of solvent based cement. This allowed for the elimination of VOC's associated with sources 02B05-02, 02B05-03 and 02- 03.
2. A similar technology advancement replaced the solvent in bead dipping. A thin tacky rubber liner is wrapped around the beads instead of dipping in solvent, source 12-05.
3. Bias tire production was discontinued in September of 1992. Bias tire treads were extruded with side walls as one piece. The ends of these treads were cemented at emission point 01K04. Radial tires are not extruded with side walls and therefore a smaller area of tread end is cemented.
4. The new tread end cementing line (Emission Unit EU03, Process 004) meet the New Source Performance Standard, Subpart BBB limit of 10 grams VOC per tire cemented each month.

These technology changes are proven advancements, verifiable and permanent.

Semiannually confirm that the technology changes described above are in use as originally described.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

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Condition 35: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 6 NYCRR 231-6.4

Item 35.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Use of Emission Reduction Credits

- 1.) This condition documents the applicant's use of emission reduction credits to offset increased volatile organic compound (VOC) emissions associated with a two phase project. Phase 1 is scheduled to commence in 2018 when the use of coupling agents in the rubber mix will increase, primarily from Banbary mixers 8 and 9. Regenerative thermal oxidizer (RTO) #1 will be installed to control VOC's, primarily ethanol, from mixers 8 & 9. Phase 2 is scheduled to commence in late 2018 when a new rubber mixer, Mixer 10, is installed. RTO #1 will also be used to control the VOC emissions from Mixer 10. Phase 2 will de-bottleneck facility operations.
- 2.) The Project Emission Potential (PEP) for Phase 1 is 62.10 tpy of VOCs, for Phase 2 is 57.84 tpy of VOCs, and for the whole project is 119.94 tpy of VOCs. The increase in VOC's must be offset using a 1.15 offset ratio ($119.94 \times 1.15 = 137.93$ tons).
- 3.) The facility will use 137.93 tons of VOC Emission Reduction Credits (ERC's) that the facility created previously when they 1.) reduced use of solvents throughout the facility, 2.) stopped producing bias passenger and light truck tires, and 3.) shut down some emission points.
- 4.) A separate condition that limits VOC emissions 201.5 tons a year (12-month rolling total basis) will be used to demonstrate compliance with the project emission potentials.
- 5.) The condition does not include monitoring or reporting requirements.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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Condition 36: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 6 NYCRR 231-6.4

Item 36.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 36.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

FACILITY VOC LIMIT

- 1.) Facility wide VOC's are limited to 201.5 tons per year on a 12-month rolling total basis. This limit, along with the use of emission reduction credits and Lowest Achievable Emission Rates (LAER) were initiated to comply with the New Source Review requirements in 6NYCRR Part 231-6, Modifications to Existing Major Facilities in Nonattainment Areas and Attainment Areas of the State within the Ozone Transport Region.
- 2.) Calculate the monthly VOC emissions at the facility using fuel consumption, type of rubber mixed, the amount of rubber mixed per month, the coupler percentage in each batch, the coupler type, the ethanol emissions released per pound of coupling agent, rubber processing information along with emission factors from EPA's AP-42 document and the Rubber Manufacturing Association, or department approved emission factors. (Use same emission calculation methods as in the November 22, 2016 permit modification application.)
- 3.) Records supporting the above calculations must be kept for at least five years.
- 4.) Submit semiannually the 12-month rolling total VOC emissions for each month of the reporting period. Supporting information shall be submitted upon request.

Parameter Monitored: VOC
Upper Permit Limit: 201.5 tons
Monitoring Frequency: MONTHLY
Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 calendar month(s).

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Condition 37: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-11.1

Item 37.1:

The Compliance Certification activity will be performed for the Facility.

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any new major facility, NSR major modification or facility netting out of applicability subject to this Part must comply with the requirements of 6 NYCRR Part 201-6.5(a) of this Title and the following:

(1) Within 30 days of commencement of construction, the applicant must notify the department in writing that construction has begun.

(2) The filing of a request by the permittee for a permit modification or renewal, or of a notification by the permittee of planned changes or anticipated noncompliance does not authorize the permittee to undertake any action without department approval. The permittee shall not begin actual construction or operate a new or modified facility without department approval in accordance with this Chapter. Operation in a manner other than authorized by a permit shall be grounds for enforcement.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 38: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-11.2 (b)

Item 38.1:

The Compliance Certification activity will be performed for the Facility.

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For a modification with a project emission potential that does not utilize the emissions exclusion allowed under section 231-4.1(b)(41)(i)(c) of this Part and which is less than 50 percent of the applicable significant project threshold in Table 3, Table 4 or Table 6 of Subpart 231-13 of this Part, or for a modification with a

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project emission potential which when added to emissions excluded in accordance with clause 231-4.1(b)(41)(i)(c) of this Part is less than 50 percent of the applicable significant project threshold in Table 3, Table 4 or Table 6 of Subpart 231-13 of this Part, the facility owner or operator, in addition to complying with any requirements under Part 201 of this Title, must maintain the following information for a minimum of five years:

- (1) A description of the modification.
- (2) An identification of each new or modified emission source(s) including the associated processes and emission unit.
- (3) The calculation of the project emission potential for each modified emission source(s) including supporting documentation.
- (4) The date the modification commenced operation.

These recordkeeping requirements apply to exempt and trivial activities but do not affect their exempt or trivial permitting status under Subpart 201-3 of this Title. The facility must submit these records to the Department, upon the Department's request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 39: Compliance and Enforcement
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 60, NSPS Subpart JJJJ

Item 39.1:

The Department has not accepted delegation of 40 CFR Part 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engine. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 60 Subpart JJJJ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

Condition 40: Compliance and Enforcement
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 63, Subpart JJJJJJ

Item 40.1:

The Department has not accepted delegation of 40 CFR Part 63 Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional

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Boilers Area Sources. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart JJJJJ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

Condition 41: Compliance and Enforcement
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 41.1:

The Department has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart ZZZZ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

Condition 42: Elements of a Quality Improvement Plan
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40 CFR 64.8

Item 42.1:

A) Elements of a Quality Improvement Plan (QIP) [40 CFR 64.8(b)]:

- (1) The owner or operator shall maintain a written QIP, if required, and have it available for inspection.
- (2) The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
 - (i) Improved preventive maintenance practices.
 - (ii) Process operation changes.
 - (iii) Appropriate improvements to control methods.
 - (iv) Other steps appropriate to correct control performance.
 - (v) More frequent or improved monitoring (only in conjunction with one or more steps under paragraphs (i) through (iv) above).

B) If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing

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the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined [40 CFR 64.8(c)].

C) Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act [40 CFR 64.8(e)].

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

**Condition 43: Emission Point Definition By Emission Unit
Effective between the dates of 01/23/2018 and 01/22/2023**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 43.1:

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

Emission Unit: 0-0EU01			
Emission Point: 00001			
Height (ft.): 31	Diameter (in.): 78		
NYTMN (km.): 4765.091	NYTME (km.): 180.635	Building: 22	
Emission Point: 00003			
Height (ft.): 31	Diameter (in.): 78		
NYTMN (km.): 4765.11	NYTME (km.): 180.613	Building: 22	
Emission Point: 00004			
Height (ft.): 103	Diameter (in.): 24		
NYTMN (km.): 4765.097	NYTME (km.): 180.625	Building: 22	
Emission Point: 00005			
Height (ft.): 31	Diameter (in.): 36		
NYTMN (km.): 4764.84	NYTME (km.): 180.207	Building: 22	
Emission Point: 00006			
Height (ft.): 24	Diameter (in.): 5		
NYTMN (km.): 4764.84	NYTME (km.): 180.207	Building: 50	
Emission Point: 00007			
Height (ft.): 24	Diameter (in.): 5		
NYTMN (km.): 4764.781	NYTME (km.): 180.247	Building: Fire Pump	
Emission Point: 00008			
Height (ft.): 24	Diameter (in.): 5		
NYTMN (km.): 4764.811	NYTME (km.): 180.281	Building: #1 Substa	

Item 43.2:

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

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Emission Unit: 0-0EU02

Emission Point: 00125
Height (ft.): 10 Diameter (in.): 13
NYTMN (km.): 4765.064 NYTME (km.): 180.162 Building: 01

Emission Point: 00126
Height (ft.): 59 Diameter (in.): 28
NYTMN (km.): 4765.137 NYTME (km.): 180.186 Building: 01

Emission Point: 00128
Height (ft.): 45 Diameter (in.): 42
NYTMN (km.): 4765.13 NYTME (km.): 180.192 Building: 01

Emission Point: 00129
Height (ft.): 47 Diameter (in.): 26
NYTMN (km.): 4765.091 NYTME (km.): 180.192 Building: 01

Emission Point: 00132
Height (ft.): 59 Diameter (in.): 28
NYTMN (km.): 4765.078 NYTME (km.): 180.103 Building: 01

Emission Point: 00134
Height (ft.): 48 Diameter (in.): 36
NYTMN (km.): 4765.071 NYTME (km.): 180.098 Building: 01

Emission Point: 00135
Height (ft.): 47 Diameter (in.): 26
NYTMN (km.): 4765.042 NYTME (km.): 180.14 Building: 01

Emission Point: 00138
Height (ft.): 59 Diameter (in.): 32
NYTMN (km.): 4765.116 NYTME (km.): 180.152 Building: 01

Emission Point: 00140
Height (ft.): 45 Diameter (in.): 36
NYTMN (km.): 4765.123 NYTME (km.): 180.147 Building: 01

Emission Point: 00144
Height (ft.): 59 Diameter (in.): 32
NYTMN (km.): 4765.124 NYTME (km.): 180.16 Building: 01

Emission Point: 00146
Height (ft.): 45 Diameter (in.): 42
NYTMN (km.): 4765.143 NYTME (km.): 180.171 Building: 01

Emission Point: 00147
Height (ft.): 47 Diameter (in.): 26
NYTMN (km.): 4765.075 NYTME (km.): 180.173 Building: 01

Emission Point: 00151



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Height (ft.): 59 Diameter (in.): 31
 NYTMN (km.): 4765.109 NYTME (km.): 180.133 Building: 01

Emission Point: 00152
 Height (ft.): 47 Diameter (in.): 36
 NYTMN (km.): 4765.114 NYTME (km.): 180.137 Building: 01

Emission Point: 00155
 Height (ft.): 47 Diameter (in.): 21
 NYTMN (km.): 4765.053 NYTME (km.): 180.153 Building: 01

Emission Point: 00160
 Height (ft.): 56 Diameter (in.): 64
 NYTMN (km.): 4764.84 NYTME (km.): 180.207 Building: 01

Emission Point: 00161
 Height (ft.): 56 Length (in.): Width (in.):
 NYTMN (km.): 4764.84 NYTME (km.): 180.207 Building: 01

Emission Point: 00162
 Height (ft.): Length (in.): Width (in.):
 NYTMN (km.): 4764.84 NYTME (km.): 180.207 Building: 01

Emission Point: 01F15
 Height (ft.): 60 Diameter (in.): 28
 NYTMN (km.): 4765.088 NYTME (km.): 180.113 Building: 01

Emission Point: 01H17
 Height (ft.): 45 Diameter (in.): 24
 NYTMN (km.): 4765.096 NYTME (km.): 180.122 Building: 01

Item 43.3:

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

Emission Unit: 0-0EU03

Emission Point: 00213
 Height (ft.): 38 Diameter (in.): 24
 NYTMN (km.): 4765.036 NYTME (km.): 180.17 Building: 02

Emission Point: 00214
 Height (ft.): 38 Diameter (in.): 24
 NYTMN (km.): 4765.026 NYTME (km.): 180.161 Building: 02

Emission Point: 00215
 Height (ft.): 38 Diameter (in.): 44
 NYTMN (km.): 4765.013 NYTME (km.): 180.14 Building: 02

Emission Point: 00217
 Height (ft.): 48 Diameter (in.): 32
 NYTMN (km.): 4765.07 NYTME (km.): 180.182 Building: 02

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Emission Point: 00218
Height (ft.): 48 Diameter (in.): 24
NYTMN (km.): 4765.086 NYTME (km.): 180.199 Building: 02

Emission Point: 00221
Height (ft.): 40 Diameter (in.): 15
NYTMN (km.): 4764.98 NYTME (km.): 180.144 Building: 02

Emission Point: 00406
Height (ft.): 35 Diameter (in.): 24
NYTMN (km.): 4764.991 NYTME (km.): 180.259 Building: 04

Emission Point: 00413
Height (ft.): 35 Diameter (in.): 44
NYTMN (km.): 4765.12 NYTME (km.): 180.429 Building: 04

Emission Point: 00808
Height (ft.): 40 Diameter (in.): 20
NYTMN (km.): 4765.196 NYTME (km.): 180.3 Building: 08

Emission Point: 00809
Height (ft.): 31 Diameter (in.): 18
NYTMN (km.): 4765.188 NYTME (km.): 180.293 Building: 08

Emission Point: 00810
Height (ft.): 40 Diameter (in.): 20
NYTMN (km.): 4765.161 NYTME (km.): 180.267 Building: 08

Emission Point: 01010
Height (ft.): 40 Diameter (in.): 20
NYTMN (km.): 4764.84 NYTME (km.): 180.207 Building: 10

Emission Point: 02-19
Height (ft.): 40 Diameter (in.): 15
NYTMN (km.): 4764.98 NYTME (km.): 180.144 Building: 02

Item 43.4:

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

Emission Unit: 0-0EU04

Emission Point: 00219
Height (ft.): 28 Diameter (in.): 22
NYTMN (km.): 4764.976 NYTME (km.): 180.201 Building: 02

Emission Point: 00220
Height (ft.): 22 Diameter (in.): 21
NYTMN (km.): 4764.961 NYTME (km.): 180.149 Building: 02

Emission Point: 00402
Height (ft.): 35 Diameter (in.): 28
NYTMN (km.): 4764.993 NYTME (km.): 180.288 Building: 04

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Emission Point: 00412
Height (ft.): 35 Diameter (in.): 18
NYTMN (km.): 4765.12 NYTME (km.): 180.429 Building: 04

Item 43.5:

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

Emission Unit: 0-0EU05

Emission Point: 01404
Height (ft.): 32 Diameter (in.): 24
NYTMN (km.): 4765.009 NYTME (km.): 180.515 Building: 14

Emission Point: 01405
Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4765.012 NYTME (km.): 180.497 Building: 14

Emission Point: 01409
Height (ft.): 8 Diameter (in.): 24
NYTMN (km.): 4764.84 NYTME (km.): 180.207 Building: 14

Emission Point: 01410
Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4764.994 NYTME (km.): 180.492 Building: 14

Item 43.6:

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

Emission Unit: 0-0EU06

Emission Point: 00812
Height (ft.): 14 Diameter (in.): 17
NYTMN (km.): 4765.255 NYTME (km.): 180.369 Building: 08

Emission Point: 01011
Height (ft.): 40 Diameter (in.): 24
NYTMN (km.): 4765.12 NYTME (km.): 180.429 Building: 10

Emission Point: 01312
Height (ft.): 40 Diameter (in.): 18
NYTMN (km.): 4764.99 NYTME (km.): 180.49

Emission Point: 01406
Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4765.092 NYTME (km.): 180.562 Building: 14A

Item 43.7:

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

Emission Unit: 0-0EU07



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Emission Point: 00614
Height (ft.): 30 Diameter (in.): 12
NYTMN (km.): 4764.886 NYTME (km.): 180.329 Building: 06

Emission Point: 00615
Height (ft.): 30 Diameter (in.): 12
NYTMN (km.): 4764.84 NYTME (km.): 180.207 Building: 06

Item 43.8:

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

Emission Unit: 0-0EU08

Emission Point: 00410
Height (ft.): 38 Diameter (in.): 24
NYTMN (km.): 4765.002 NYTME (km.): 180.338 Building: 04

**Condition 44: Process Definition By Emission Unit
Effective between the dates of 01/23/2018 and 01/22/2023**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 44.1:

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

Emission Unit: 0-0EU01
Process: 001 Source Classification Code: 1-02-006-02
Process Description:

NATURAL GAS COMBUSTION - Steam is produced by a combination of five (5) boilers that are fired by natural gas. Boilers number (1) and (2) exhaust through emission point 00001. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 59.00 MMBtu/hr each. Boilers number (5) and (6) exhaust through emission point 00003. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 60.00 MMBtu/hr each. Boiler number seven (7) exhausts through emission point 00004. This package boiler, manufactured by Cleaver Brooks, is rated at 29.30 MMBtu/hr. Boilers (1), (2), (5) and (6) have the ability to exhaust to a heat recovery unit prior to release through emission point 00005.

Emission Source/Control: 0ES01 - Combustion
Design Capacity: 59 million Btu per hour

Emission Source/Control: 0ES02 - Combustion
Design Capacity: 59 million Btu per hour

Emission Source/Control: 0ES03 - Combustion
Design Capacity: 60 million Btu per hour

Emission Source/Control: 0ES04 - Combustion
Design Capacity: 60 million Btu per hour

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Emission Source/Control: 0ES05 - Combustion
Design Capacity: 29.3 million Btu per hour

Item 44.2:

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

Emission Unit: 0-0EU01
Process: 002 Source Classification Code: 1-02-004-02
Process Description:
OIL COMBUSTION - Steam is produced by a combination of 4 boilers that are fired by #6 fuel oil. Boilers number (1) and (2) exhaust through emission point 00001. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 59 MMBtu/hr each. Boilers number (5) and (6) exhaust through emission point 3. These built-up boilers, manufactured by Babcock & Wilcox are rated at 60 MMBtu/hr each. Boilers (1), (2), (5) and (6) have the ability to exhaust to a heat recovery unit prior to release through emission point 00005.

Emission Source/Control: 0ES01 - Combustion
Design Capacity: 59 million Btu per hour

Emission Source/Control: 0ES02 - Combustion
Design Capacity: 59 million Btu per hour

Emission Source/Control: 0ES03 - Combustion
Design Capacity: 60 million Btu per hour

Emission Source/Control: 0ES04 - Combustion
Design Capacity: 60 million Btu per hour

Item 44.3:

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

Emission Unit: 0-0EU01
Process: 1ED Source Classification Code: 2-02-001-02
Process Description:
One emergency engine firing diesel fuel to power an emergency fire pump. Engine by Clarke Fire Pump Drivers, rated at 110 HP, installed 4/25/97.

Emission Source/Control: 0ES61 - Combustion
Design Capacity: 110 horsepower (mechanical)

Item 44.4:

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

Emission Unit: 0-0EU01
Process: 1EG Source Classification Code: 2-02-002-02
Process Description:
Two emergency engines fueled by natural gas that power electrical generators. The Information System (IS) generator is a Olympian Power Systems 268 horse power (200 kW) unit, installed on December 12, 2011.

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The Backup Lighting Generator uses a Waukesha engine rated at 360 horsepower and was installed in 1997.

Emission Source/Control: 0ES62 - Combustion
Design Capacity: 360 horsepower (mechanical)

Emission Source/Control: ISGEN - Combustion
Design Capacity: 268 horsepower (mechanical)

Item 44.5:

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

Emission Unit: 0-0EU02

Process: 003

Source Classification Code: 3-08-001-27

Process Description:

RUBBER MIXING DEPARTMENT 201. Natural rubber, synthetic rubber, carbon black, oils and pigments are mixed together in variable speed, shear type Banbury mixers. A fan is used to pull dust and fumes (VOC's) from each mixer and through a dust collector. After mixing, the rubber stock is coated with a water and soap solution and is dried via fans blowing ambient air across the rubber stock. The mixed rubber stock is further processed in the facility and provided as tire components.

The Mixing Department will be modified to include three new emission points (00160, 00161 and 00162), two new emission sources (0ES0A - planned future Mixer 10 and ESOAB - the associated roller die take-away conveyor/dip tank), and two emission controls (RTO01 – an regenerative thermal oxidizer (RTO) used to control VOC emissions from Banbury Mixers 8, 9 and 10 and EC0AA - a dust collector used to control PM from the planned future Banbury Mixer 10). Existing emission points for Mixers 8 and 9, EP 00138 and EP 00151, will be re-purposed as alternate/RTO bypass emission points for use when: the rubber mixed doesn't include organo-silane couplers; to protect the RTO from upset conditions; to vent the mixer exhaust fans during startup or shutdown of the RTO; and at times the mixers are not operating. When rubber with organo-silane coupling agent is mixed, the emissions downstream of Mixer 8, 9 and 10 dust collectors will be directed to the RTO to control VOC emissions and then out Emission Point 00160. When rubber is mixed without organo-silane coupling agent, the mixer's exhaust will continue to be directed to the dust collectors but emissions downstream of the dust collectors will be directed to Emission Point 00138 for Mixer 8, Emission Point 00140 for Mixer 9, and Emission Point 00162 for Mixer 10 instead of the RTO. A high efficiency cartridge filter will be installed between the primary mixer dust collectors and the RTO to minimize particulate matter that may enter the RTO. The pre-RTO filter system is a secondary level of control in addition to the primary particulate matter control dust collectors for Mixers 8, 9, and 10 (i.e., EC08A, EC09A, and EC0AA). Mixer 10 was referred to as Mixer A in most of the application submissions.

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Emission Source/Control: EC06A - Control
Control Type: FABRIC FILTER

Emission Source/Control: EC07A - Control
Control Type: FABRIC FILTER

Emission Source/Control: EC08A - Control
Control Type: FABRIC FILTER

Emission Source/Control: EC09A - Control
Control Type: FABRIC FILTER

Emission Source/Control: EC0AA - Control
Control Type: FABRIC FILTER

Emission Source/Control: EC11A - Control
Control Type: FABRIC FILTER

Emission Source/Control: EC12A - Control
Control Type: FABRIC FILTER

Emission Source/Control: RTO01 - Control
Control Type: THERMAL OXIDATION

Emission Source/Control: 0ES06 - Process

Emission Source/Control: 0ES07 - Process

Emission Source/Control: 0ES08 - Process

Emission Source/Control: 0ES09 - Process

Emission Source/Control: 0ES0A - Process

Emission Source/Control: 0ES11 - Process

Emission Source/Control: 0ES12 - Process

Emission Source/Control: 0ES14 - Process

Emission Source/Control: 0ES15 - Process

Emission Source/Control: ES06B - Process

Emission Source/Control: ES07B - Process

Emission Source/Control: ES08B - Process

Emission Source/Control: ES09B - Process

Emission Source/Control: ES0AB - Process

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Emission Source/Control: ES11B - Process

Emission Source/Control: ES12B - Process

Item 44.6:

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

Emission Unit: 0-0EU03

Process: 004

Source Classification Code: 3-08-001-13

Process Description:

TREAD EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperatures. In this process the tread portion of the different types of tires manufactured are extruded. The extruded rubber treads are marked with a letter/number identification code and striped with ink. Ink is transferred to the tread surface by an offset printer and/or an inkjet printer. Treads are cut to length and some of the ends are sprayed with a sticky cement solution to make them tacky for the building. These treads will be used later in the tire building area.

Emission Source/Control: FL224 - Control
Control Type: FABRIC FILTER

Emission Source/Control: FL227 - Control
Control Type: FABRIC FILTER

Emission Source/Control: FL228 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 0ES16 - Process

Emission Source/Control: 0ES17 - Process

Emission Source/Control: 0ES18 - Process

Emission Source/Control: CS227 - Process

Emission Source/Control: CS228 - Process

Emission Source/Control: TC227 - Process

Emission Source/Control: TC228 - Process

Emission Source/Control: TM227 - Process

Emission Source/Control: TM228 - Process

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Item 44.7:

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

Emission Unit: 0-0EU03

Process: 005

Source Classification Code: 3-08-001-14

Process Description:

SIDEWALL EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the lead of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature. In this process the sidewall portion of the different types of tires manufactured are extruded. These sidewalls will be used later in the tire building area.

Emission Source/Control: 0ES19 - Process

Emission Source/Control: 0ES20 - Process

Item 44.8:

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

Emission Unit: 0-0EU03

Process: 006

Source Classification Code: 3-08-001-14

Process Description:

PROFILE EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature. In this process the profile portion of the different types of tires manufactured are extruded. These profiles will be used later in the tire building area.

Emission Source/Control: 0ES20 - Process

Item 44.9:

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

Emission Unit: 0-0EU03

Process: 007

Source Classification Code: 3-08-010-02

Process Description:

INNER LINER EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature. In this process the inner liner portion of the different types of tires manufactured are extruded.

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These inner liners will be used later in the tire building area.

Emission Source/Control: 0ES21 - Process

Emission Source/Control: 0ES22 - Process

Item 44.10:

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

Emission Unit: 0-0EU03

Process: 07A

Source Classification Code: 3-08-001-30

Process Description:

STRIP EXTRUSION to combine several types of previously mixed rubber compounds. Extruder consists of a power driven screw with a stationary cylinder. A die is attached to the head of the screw to produce the desired shape of rubber. The extruder, located in Dept 238, is identified as ES21A and will have a warming mill, (ES22A) and vent out EP 00413. Ink is transferred to the tread surface by an offset printer and or inkjet using water based inks.

Emission Source/Control: ES21A - Process

Emission Source/Control: ES22A - Process

Item 44.11:

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

Emission Unit: 0-0EU03

Process: P09

Source Classification Code: 3-08-001-15

Process Description:

Calendering, extrusion of sticky, thin rubber underlayment aides in adhering tread to carcass of tire during construction.

Emission Source/Control: GC618 - Process

Item 44.12:

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

Emission Unit: 0-0EU04

Process: 009

Source Classification Code: 3-08-001-15

Process Description:

FABRIC CALENDERING DEPARTMENT 202. The fabric for making tire plies

coated with a thin film of rubber on both sides in the calender. The heat and vapor from this process are exhausted through hood exhausts.

Emission Source/Control: 0ES27 - Process

Emission Source/Control: ES26A - Process

Item 44.13:

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

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Emission Unit: 0-0EU04

Process: 010

Source Classification Code: 3-08-001-31

Process Description:

STEEL CALENDERING DEPARTMENT 602. Rubber stock is warmed up prior to

being fed to a steel cord calendering line. Fumes from the warming mill are captured and exhausted to the atmosphere via emission point 00219. After warming, the rubber stock is calendered (rolled between/around steel wire) to form a sheet of rubber with wire embedded within it. The fumes from the calendering process are captured and exhausted to the atmosphere via emission point 00220.

Emission Source/Control: 0ES28 - Process

Emission Source/Control: 0ES29 - Process

Item 44.14:

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

Emission Unit: 0-0EU05

Process: 011

Source Classification Code: 3-08-001-23

Process Description:

TIRE CURING DEPARTMENT 213. Green tires are loading into an isostatic press that forms and vulcanizes the tire. The tire is vulcanized and pressed by the same operation. Emissions from the tire presses are fugitive in nature as they exhaust through large ventilation fans located in the raised section of the roof above the tire presses. All of the tire presses are grouped into one emission source: 0ES53.

The green motorcycle tires (and associated molds and bladders) are sprayed with a water-based coating. The constituents of the coating are as follows: 50 to 60 percent water, 10 to 20 percent silicone, and 20 to 30 percent mica. Emissions of VOCs are fugitive. The coatings contain less than 1% VOCs.

Emission Source/Control: 0ES30 - Process

Emission Source/Control: 0ES53 - Process

Item 44.15:

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

Emission Unit: 0-0EU05

Process: 012

Source Classification Code: 3-08-001-06

Process Description:

TIRE CURING DEPARTMENT 214. Green tires are loading into an isostatic press that forms and vulcanizes the tire. The tire is vulcanized and pressed by the same operation. Emissions from the tire presses are fugitive in nature as they exhaust through large ventilation fans located in the raised section of the roof above the tire presses. All

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of the tire presses are grouped into one emission source:
0ES54.

The green motorcycle tires (and associated molds and bladders) are sprayed with a water-based coating. The constituents of the coating are as follows: 50 to 60 percent water, 10 to 20 percent silicone, and 20 to 30 percent mica. Emissions of VOC's are fugitive. The coatings contain less than 1% VOCs.

Emission Source/Control: 0ES31 - Process

Emission Source/Control: 0ES54 - Process

Item 44.16:

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

Emission Unit: 0-0EU05

Process: 013

Source Classification Code: 3-08-001-23

Process Description:

TIRE CURING DEPARTMENT 236 & TIRE BUILDING DEPARTMENT 233.

Green

tires are loading into an isostatic press that forms and vulcanizes the tire. The tire is vulcanized and pressed by the same operation. Emissions from the tire presses are fugitive in nature as they exhaust through large ventilation fans located in the raised section of the roof above the tire presses. All of the tire presses are grouped into one emission source: 0ES55.

The inside of green truck and passenger car tires are sprayed with a water-based coating at three spray booths (Emission Sources SBLTR, SBNOE, SBSOE). The process also includes a bladder assembly station (Emission Source BLSTA). The constituents of the coating are as follows: 50 to 60 percent water, 10 to 20 percent silicone, and 20 to 30 percent mica. An estimated 5 percent of the product will be emitted to the emission points due to overspray. The resulting emissions will be vented to the atmosphere via emission point 01404 for the light truck radial and passenger car tire spray booth. Emission points 01405 and 01408 are for the original equipment tires spray booths. Emission point 01409 is part of the bladder assembly station. The coatings contain less than 1% VOCs.

Emission Source/Control: 0ES55 - Process

Emission Source/Control: BLSTA - Process

Emission Source/Control: SBLTR - Process

Emission Source/Control: SBNOE - Process

Emission Source/Control: SBSOE - Process

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Item 44.17:

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

Emission Unit: 0-0EU05

Process: 13A

Source Classification Code: 3-08-001-06

Process Description:

TBR CURING DEPT. 614 - Green tires are loaded into an isostatic press that forms and vulcanizes the tire. The tire is vulcanized and pressed by the same operation. Emissions from the tire presses are fugitive in nature as they exhaust through large ventilation fans located in a raised section of the roof above the tire presses. All of the tire presses are grouped into one emission source, 0ES56.

Emission Source/Control: 0ES56 - Process

Item 44.18:

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

Emission Unit: 0-0EU06

Process: 014

Source Classification Code: 3-08-005-01

Process Description:

TBR FINISHING DEPT. 613. Cured tires are sent to finishing Dept. 613 (TBR finishing) where they are tested for uniformity. A small percentage (approx. 1%) are determined to be "out of specifications" and as such require grinding to remove rubber to bring them back into the range of acceptable tolerances for tire uniformity. Occupied in bldg 8 and 10.

Emission Source/Control: 0EC33 - Control

Control Type: SINGLE CYCLONE

Emission Source/Control: EC35B - Control

Control Type: WET ROTOCYCLONE

Emission Source/Control: 0ES34 - Process

Emission Source/Control: ES35A - Process

Item 44.19:

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

Emission Unit: 0-0EU06

Process: 015

Source Classification Code: 3-08-005-01

Process Description:

FINISHING, DEPT. 237. Cured tires are sent to finishing dept. 237 where they are tested for uniformity. A small percentage (approximately 1%) are determined to be "out of specifications" and as such require grinding to remove rubber to bring them back into the range of acceptable tolerances for the uniformity. Occupied in bldg 12,13 and 14.

Emission Source/Control: 0EC47 - Control



Item 45.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1.) The boilers shall not be operated in a manner which creates opacity greater than 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity.
- 2.) Daily observations of stack opacity will be performed on boilers in operation. If any visible emissions above normal are observed, the source owner or operator shall:
 - a.) Verify that the equipment and/or control device causing the visible emissions is operating according to manufacturer's specifications or other site-specific acceptable operating conditions. If the equipment or control device is not operating properly, corrective action shall be taken immediately to eliminate excess emissions.
 - b.) If the corrective action taken in item 2.a does not rectify the opacity problem within 24 hours, then conduct an opacity test using a certified opacity reader in accordance with EPA Method 9 (40 CFR 60, Appendix A). Conduct such a test at least once each daylight shift until corrective actions successfully rectifies the opacity problem. If the opacity continues, a Method 9 observation must be performed within 24 hours and results reported.
- 3.) Keep records of the above opacity monitoring, equipment and process inspections, and all corrective actions.
- 4.) Report the observance of visible emissions and the substance of any corrective action, in accordance with the deviation reporting requirements in this permit.

In addition, the boilers will be operated in manner consistent with good operating & maintenance practices, thus ensuring compliance with opacity limitations. The facility maintains standard operating procedures for boilers (ES01, ES02, ES03, ES04 and ES05) which contains procedures for maintenance and any necessary calibration annually or more frequently, if appropriate. In response to opacity concerns in 1996, the facility completed an action plan to diminish or eliminate smoke associated with the use of #6 oil in the boilers. Actions performed are as follows:

1. Installation of new electric motor driven jack shaft actuators on all four water tube boilers that control the air dampers. The actuators receive an electronic signal through a PCC-2000 computer system which advise when the boiler is calling for more fuel;
2. Installation of PCC-2000 computerized combustion control system to improve boiler efficiency and provide operators with real time boiler operating conditions;

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3. Tuning of boilers to slow down rate of response;
4. Installation of controls to reactivate the cross-over pressure reducing valve between 150 psi and 250 psi steam distribution lines to establish a loop steam system;
5. Replacement of fuel oil gun nozzles and screens;
6. Installation of closed circuit TV camera to allow boiler house supervisor and operator to monitor the stack's off gases from within the building; and
7. Preventative maintenance of boilers including burners and burner cones.

The operators of the boilers are licensed boiler engineers. The facility also employs the services of a boiler maintenance company that regularly performs tune-up procedures on industrial/commercial boilers. The service company maintains certifications from the boiler manufacturers as authorized service providers. In addition, the operation of the 5 boilers are reviewed by representatives of the facility's insurance provider to comply with insurance requirements. Records of all maintenance procedures will be maintained and provided to the department upon request.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 46: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU01

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

These requirements apply to the two existing emergency engines below, each rated at less than 500 HP and constructed prior to June 12, 2006:

- Firepump Engine firing Diesel Fuel, emission point 00007 and
- Backup Lighting Generator Engine firing Natural Gas, emission point 00008.

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- 1.) Operate and maintain each engine per manufacturer's instructions or owner developed maintenance plan [§63.6625(e)].
- 2.) Change oil and filter every 500 hours or annually, whichever comes first [§63.6603(a), table 2d]. May use oil analysis program specified in §63.6625(j) instead of prescribed oil change frequency.
- 3.) Inspect hoses and belts every 500 hours or annually, whichever comes first, and replace as necessary [§63.6603(a), table 2d].
- 4.) On the diesel engine, inspect air cleaner every 1000 hours or annually, whichever comes first, and replace as necessary [§63.6603(a), table 2d].
- 5.) On the natural gas engine, inspect the spark plugs every 1000 hours or annually, whichever comes first, and replace as necessary [§63.6603(a), table 2d].
- 6.) Install hour meter on each engine [§63.6625(e)] and record hours of operation [§63.6655(f)].
- 7.) Keep records of maintenance [§63.6655(e)].
- 8.) Notifications are not required [§63.6645(a)(5)].
- 9.) Unlimited use for emergencies (e.g., power outages, fire, flood). May operate for 100 hours per year for maintenance and readiness testing [§63.6640(f)].

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 47: Compliance Certification

Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 63.11194(a), Subpart JJJJJJ

Item 47.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU01

Process: 002

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Applicability of National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR 63 subpart JJJJJJ

The dual fuel boilers have fired only natural gas since March 21, 2014, the initial compliance date of this rule. Therefore, they meet the definition of 'gas-fired boiler' [§63.11237]. This rule does not

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apply to gas-fired boilers [§63.11195(e)]. However, if any boiler burns oil for more than 48 hours in a calendar year then it no longer meets the definition of 'gas-fired boiler' and becomes subject to this rule.

When a boiler becomes subject to this rule,

- Submit notification of such a change within 30 days of the change [§63.11225(g)].
- Demonstrate compliance with the rule within 180 days of the change [63.00210(h)].
- The compliance requirements of this rule are not included in this permit because the facility anticipates burning natural gas for the foreseeable future.

- 1.) If any boiler burns oil for more than 48 hours in a calendar year, it will become subject to 40 CFR 63 subpart JJJJJ.
- 2.) Monitor the hours each boiler burns fuel oil.
- 3.) Record the hours each boiler burns fuel oil.
- 4.) Semiannually report the hours each boiler burned fuel oil during the calendar year.

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 48: Compliance by purchasing a certified engine
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 60.4243(b)(1), NSPS Subpart JJJJ

Item 48.1:

This Condition applies to Emission Unit: 0-0EU01 Emission Point: 00006

Item 48.2:

The owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in 40 CFR 60.4233(d) or (e) demonstrates compliance by purchasing an engine certified according to procedures specified in subpart JJJJ, for the same model year and demonstrating compliance according to one of the methods specified in 40 CFR 63.4243(a).

Condition 49: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 60.4243(d), NSPS Subpart JJJJ

Item 49.1:

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The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU01

Emission Point: 00006

Item 49.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Emergency stationary ICE may be operated for up to 50 hours per calendar year in nonemergency situations. The 50 hours of operation in nonemergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in 40 CFR 60.4243(d)(2). Except as provided in paragraph (i), the 50 hours per year for nonemergency situations cannot be used for peak shaving or nonemergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. There is no time limit on the use of emergency stationary ICE in emergency situations.

As per (d)(3)(i), the 50 hours per year for nonemergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

Parameter Monitored: HOURS OF OPERATION

Upper Permit Limit: 100 hours per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL



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Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2019.
Subsequent reports are due every 12 calendar month(s).

Condition 50: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 50.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

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

Item 50.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water. This permit condition applies to the following emission points:

Emission Source	Emission Point
Banbury Mixer #6	00126
Banbury Mixer #7	00144
Banbury Mixer #8	00138
Banbury Mixer #9	00140
Banbury Mixer #10	00162
Banbury Mixer #11	01H17
Banbury Mixer #12	00132
Banbury Mixers #8, #9 & 10	00160 (RTO #1)

1.) Perform daily qualitative opacity assessments of the above emission points. The observer performing the qualitative opacity assessments will be familiar with US EPA Method 22 procedures.

2.) Conduct daily visual emissions inspections during daylight hours and only when the source is in operation. Visual inspections shall consist of a visual survey of each stack or process emissions point over a 2 minute period to identify if there are visible emissions. If any visible emissions are observed the owner or operator shall take the following corrective actions:

a.) Verify that the equipment and/or control device causing the

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visible emissions is operating according to manufacturer's specifications or other site-specific acceptable operating conditions. If the equipment or control device is not operating properly, the Permittee shall take corrective action immediately to eliminate excess emissions.

b.) If the corrective action(s) taken in item 'a' above do not rectify the opacity problem within 24 hours, then conduct a visible emission observation (opacity) test using a certified opacity reader, in accordance with EPA Method 9 (40 CFR 60, Appendix A). Conduct a Method 9 test at least once per day until corrective action successfully returns the emissions to normal.

3.) Record the results of the daily visual emissions inspection, operating status of the emission point, corrective actions, and Method 9 Visible Emission Test. Such information shall be kept for five years.

4) Report the observance of visible emissions and the substance of any corrective action, in accordance with the deviation reporting requirements in this permit.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: DAILY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 calendar month(s).

Condition 51: **Compliance Certification**
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40 CFR Part 64

Item 51.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

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

Item 51.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

CAM for BANBURY MIXER DUST COLLECTORS



The dust collectors associated with the seven Banbury mixers in emission unit 0EU02 are subject to Continuous Assurance Monitoring (CAM) because potential emissions of particulates, prior to control, exceed the 100 tpy applicability threshold in 40 CFR Part 64. Visible emission monitoring and differential pressure monitoring are used to provide a reasonable assurance of compliance with 6NYCRR Part 212-2.4(b), which states that 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. Particulates from the Banbury mixers are exhausted through eight cartridge filter dust collectors (D.C.) and out emission points.

Emission Source	D.C. ID	Emission Point
Banbury Mixer #6	EC06A	00126
Banbury Mixer #7	EC07A	00144
Banbury Mixer #8	EC08A	00138*
Banbury Mixer #9	EC09A	00140*
Rubber Mixer #10	EC0AA	00162*
Banbury Mixer #11	EC11A	01H17
Banbury Mixer #12	EC12A	00132

Banbury Mixer #8	EC08A	00160**
Banbury Mixer #9	EC09A	00160**
Rubber Mixer #10	EC0AA	00160**

where: D.C. = dust collector

* EP's 00138, 00140, and 00162 exhaust the dust collectors when they are not directed to the RTO.

** Dust collectors that are followed by a regenerative thermal oxidizer

CAM Program:

A.) PRIMARY INDICATOR – Visible emissions are the primary indicator. The facility shall make visible emission observations from the emission points as follows:

1.) Perform daily qualitative opacity assessments of the above emission points. The observer performing the qualitative opacity assessments will be familiar with US EPA Method 22 procedures.

2.) Conduct daily visual emissions inspections during daylight hours and only when the source is in operation. Visual inspections shall consist of a visual survey of each stack or process emissions point over a 2 minute period to identify if there are visible emissions. 0% opacity is normal for this equipment. If any visible emissions are observed it is considered an excursion, and owner or operator shall take the following corrective actions:

a.) Verify that the equipment and/or control device causing the



visible emissions is operating according to manufacturer's specifications or other site-specific acceptable operating conditions. If the equipment or control device is not operating properly, the Permittee shall take corrective action immediately to eliminate excess emissions.

b.) If the corrective action(s) taken in item 'a' above do not rectify the opacity problem within 24 hours, then conduct a visible emission observation (opacity) test using a certified opacity reader, in accordance with EPA Method 9 (40 CFR 60, Appendix A). Conduct a Method 9 test at least once per day until corrective action successfully returns the emissions to normal.

3.) Record the results of the daily visual emissions inspection, operating status of the emission point, corrective actions, and Method 9 Visible Emission Test. Such information shall be kept for five years.

4) Report the observance of visible emissions and the substance of any corrective action, in accordance with the deviation reporting requirements in this permit.

B. SECONDARY INDICATOR – The pressure differential across the filters is the secondary indicator for particulate emissions. The facility shall monitor the pressure differential across the dust collectors as follows:

1.) The facility will monitor and record pressure drop across the cartridge filters for the above emission sources on a weekly basis as an indicator that the emission control equipment is operating properly.

2.) If the pressure differential is outside the normal operating range of 0.5 to 7.0 inches of water it will be considered an excursion. An excursion will trigger immediate corrective actions, including (i) conducting visual inspection (as described under the primary indicator of this permit condition) and (ii) completing a maintenance inspection within 8 hours of the pressure differential reading.

3.) Maintenance of control equipment and calibration of differential pressure devices shall be performed per manufacturer's specifications.

4.) Records of pressure differential readings, operating status of the dust collector, calibrations, maintenance inspections, and corrective actions and shall be kept on site for five years.

C. EMISSION COMPLIANCE TESTING - If additional corrective actions do not eliminate the excursion, an emission compliance test may be required. Such testing shall be conducted within 60 days of

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notification. If a stack test is required, a compliance test protocol shall be submitted to the department for approval at least 30 days before the scheduled testing, and a stack test report shall be submitted to the department within 60 days of the testing, according to 6NYCRR Part 202-1.

D. MINIMUM DATA AVAILABILITY – The minimum data availability requirement for valid data collection from the pressure differential monitor for each dust collector is 90% of the dust collector operating time, each semiannual reporting period.

E. QUALITY IMPROVEMENT PLAN (QIP) – A QIP shall be developed and implemented when the total excursions are recorded for more than 5 percent of the operating time of each emission point or each dust collector during the semiannual reported period. An exceedance of this threshold shall be reported as a deviation in the semiannual and annual compliance reports. The elements of a QIP are included in a 40 CFR PART 64.8 permit condition.

F. REPORTING – In each semiannual compliance report required by 6NYCRR 201-6.4(c)(3), the following data shall be included, as required by 40CFR 64.9(a)(2):

- 1.) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
- 2.) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
- 3.) A description of the actions taken to implement a QIP during the reporting period as specified in §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: DAILY

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 52: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 6 NYCRR 212-3.1 (a)

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Item 52.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

Emission Point: 00160

Process: 003

Emission Source: RTO01

Regulated Contaminant(s):

CAS No: ONY998-00-0 VOC

Item 52.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

RTO #1 DESTRUCTION EFFICIENCY
INITIAL COMPLIANCE TEST

- 1.) The regenerative thermal oxidizer (RTO) #1 must operate with at least 98% destruction efficiency of VOC's or shall not exceed 20 parts per million (ppm). If the 98% destruction efficiency is not met, then emissions shall not exceed 20 ppm. The emission concentration requirement is a separate permit condition.
- 2.) Within 180 days of commencing operation of the RTO, an initial compliance test must be conducted to demonstrate compliance with destruction efficiency limit. During testing the temperature of the oxidizer shall be recorded.
- 3.) A testing protocol shall be submitted for approval at least 30 days before the scheduled test.
- 4.) A test report shall be submitted within 45-days of testing.

Parameter Monitored: DESTRUCTION EFFICIENCY

Lower Permit Limit: 98 percent

Reference Test Method: EPA Method 18/25A

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: Arithmetic average of stack test runs

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 53: Compliance Certification

Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 6 NYCRR 212-3.1 (a)

Item 53.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

Emission Point: 00160

Process: 003

Emission Source: RTO01

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Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 53.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

RTO #1 PPM INITIAL COMPLIANCE TEST

- 1.) The regenerative thermal oxidizer (RTO) #1 shall not emit more than 20 parts per million (ppm) VOC or must operate with at least 98% destruction efficiency of VOC's. If the 98% destruction efficiency is not met, then emissions shall not exceed 20 ppm. The destruction efficiency requirement is a separate permit condition.
- 2.) Within 180 days of commencing operation of the RTO, an initial compliance test must be conducted to demonstrate compliance with the above limit. The temperature of the oxidizer shall be recorded during testing.
- 3.) A testing protocol shall be submitted for approval at least 30 days before the scheduled test.
- 4.) A test report shall be submitted within 45-days of testing.

Parameter Monitored: VOC

Upper Permit Limit: 20 parts per million by volume (dry)

Reference Test Method: EPA Method 18/25A

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: Arithmetic average of stack test runs

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 54: Compliance Certification

Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-6.5

Item 54.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

Emission Point: 00160

Process: 003

Emission Source: RTO01

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 54.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

LAER for RTO #1 - ONGOING MONITORING
OPERATING PLAN

- 1.) When rubber with organo-saline coupling agent is mixed in Mixers 8 or 9 or 10, the mixer must exhaust to the RTO to control VOC emissions.
- 2.) Submit an operating and recordkeeping plan, for department approval, that explains how compliance with the above requirement will be demonstrated. The plan must be submitted at least 30 days before the RTO commences operation.

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 55: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-6.5

Item 55.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02 Emission Point: 00160
Process: 003 Emission Source: RTO01

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 55.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

LAER for RTO #1 - PHASE 1
INITIAL COMPLIANCE TEST

- 1.) The Lowest Achievable Emission Rate (LAER) for Regenerative Thermal Oxidizer (RTO) #1 is 3.4 lb VOC/hr when Mixers 8 and 9 are both mixing rubber with organo-saline coupling agent. Phase 1 of the facility expansion project commences when RTO #1 commences operation or when ethanol emissions exceed 39 tons per year, which ever occurs first.
- 2.) Within 180 days of Mixers 8 and 9 exhausting to the RTO, an



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emission compliance test must be conducted to demonstrate compliance with the LAER limit above. During testing the temperature of the oxidizer shall be recorded.

3.) A testing protocol shall be submitted for approval at least 30 days before the scheduled test.

4.) A test report shall be submitted within 45-days of testing.

Parameter Monitored: VOC

Upper Permit Limit: 3.4 pounds per hour

Reference Test Method: EPA Method 18/25A

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 56: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-6.5

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

Emission Point: 00160

Process: 003

Emission Source: RTO01

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 56.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

LAER for RTO #1 - ONGOING MONITORING
TEMPERATURE

1.) The thermal oxidizer shall operate at or above 1500 F, or the temperature recorded during compliance testing, whichever is less (1500 F was guaranteed by the manufacturer).

2.) The temperature will be recorded no less than once per hour when the mixer(s) are exhausting to the RTO.

3.) The temperature, mixing and RTO use records shall be kept for at least 5 years.



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- 4.) Semiannually, report when the temperature did not meet the requirement in item 1, and the corrective actions taken.

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1500 degrees Fahrenheit

Monitoring Frequency: Hourly when in use

Averaging Method: MINIMUM-NOT TO FALL BELOW EXCEPT DURING
STARTUP/SHUTDOWN

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 57: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-6.5

Item 57.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU02

Emission Point: 00160

Process: 003

Emission Source: RTO01

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 57.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

LAER for RTO #1 - PHASE 2
INITIAL COMPLIANCE TEST

- 1.) The Lowest Achievable Emission Rate (LAER) for Regenerative Thermal Oxidizer (RTO) #1 is 5.1 lb VOC/hr when Mixers 8, 9 and 10 are all mixing rubber with organo-saline coupling agent. Phase 2 of the facility expansion project commences when mixer 10 starts operating.
- 2.) Within 180 days of Mixers 8, 9 and 10 all exhausting to the RTO, an emission compliance test must be conducted to demonstrate compliance with the LAER limit above. During testing the temperature of the oxidizer shall be recorded.
- 3.) A testing protocol shall be submitted for approval at least 30 days before the scheduled test.
- 4.) A test report shall be submitted within 45-days of testing.



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Parameter Monitored: VOC

Upper Permit Limit: 5.1 pounds per hour

Reference Test Method: EPA Method 18/25A

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 58: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 58.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU03

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 58.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Opacity Limit for Extruding Process

1.) No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

2.) All emission sources in emission unit 0EU03 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. Proper operation and maintenance will ensure opacity compliance. The following Emission Unit 0EU03 sources do have particulate controls:

- An end cement sprayer in Dept. 224 (0ES17) exhausts through a panel filter to EP 00810,
- An end cement sprayer in Dept. 227 (0ES54) exhausts through a panel filter to EP 01010, and
- An end cement sprayer in Dept. 228 (0ES57) exhausts through a panel filter to EP 00218.

The following emission unit 0ES03 sources do not have particulate controls:

- Tread marker in Dept. 224 (0ES16) exhausts to EP 00809,
- Tread Extruder take-away conveyor in Dept. 224 (0ES18) exhausts to EP 00808,



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- Tread marker (0ES56) and tread extruder take-away conveyor (0ES58) in Dept. 228 exhaust to EP 00217,
- Sidewall extruder take-away conveyor (0ES19) exhausts to EP 00406,
- Profile extruder take-away conveyor (0ES20) exhausts to EP 00213,
- Stock strip extrusion lines (ES21A) and mills (ES22A) exhaust to EP 00413,
- Inner liner extruder take-away conveyor (0Es21) exhausts to EP 00214,
- Inner liner warming mills (0ES22) exhausts to EP 00215, and
- Gum line mill (0ES26) exhausts to EP 02-19.

3.) An EPA Method 9 compliance test may be requested by the Department.

4.) Semiannually, report the compliance status of this condition according to 6NYCRR Part 201-6.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 59: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 60.542(a)(3), NSPS Subpart

BBB

Item 59.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU03

Process: 004

Emission Source: 0ES17

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 59.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

VOC limit for cementing tread ends together

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- 1.) For each tread end cementing operation, discharge into the atmosphere no more than 10 grams of VOC per tire cemented for each month. [40CFR 60.542(a)(3)]
- 2.) Monitoring shall be conducted as required in 60.543(d):
 - a.) Determine the density and weight fraction VOC as specified in 60.543(c)(1).
 - b.) Calculate the total mass of VOC used at the affected facility for the month (Mo) as specified in 60.543(c)(2).
 - c.) Determine the total number of tires cemented or sprayed at the affected facility for the month (To) by the following procedure:
 - a.) For a tread end cementing operation, 'To' equals the number of tread or combined tread/sidewall components that receive an application of tread end cement for the month.
 - b.) For a green tire spraying operation that uses water-based inside green tire sprays, 'To' equals the number of green tires that receive an application of water-based inside green tire spray for the month.
 - c.) For a green tire spraying operation that uses water-based outside green tire sprays, 'To' equals the number of green tires that receive an application of water-based outside green tire spray for the month.
 - d.) Calculate the mass of VOC used per tire cemented or sprayed at the affected facility for the month.
 - e.) Calculate the mass of VOC emitted per tire cemented or sprayed at the affected facility for the month.
- 3.) Each owner or operator of an undertread cementing operation, sidewall cementing operation, green tires spraying operation where organic solvent-based sprays are used, who seeks to comply with a specified VOC monthly usage limit shall maintain records of monthly VOC use and the number of days in each compliance period. [60.545(d)]
- 4.) Semiannually report each monthly average VOC emission rate that exceeds the VOC emission limit per tire or per bead. [60.546(f)(1)]. Report the actual monthly average VOC emission rate per tire or per bead.
- 5.) Exceedances are to be corrected immediately or within two days of calculating the monthly average. Exceedances are to be included in applicable reports in this permit.

Parameter Monitored: VOC's

Upper Permit Limit: 10 grams

Monitoring Frequency: MONTHLY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

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Condition 60: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 60.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU04

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 60.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Opacity Limit for Calendering Process

- 1.) No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.
- 2.) All emission sources in emission unit 0EU04 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. Emission Unit 0EU04 is comprised of a calendering machine (0ES27) exhausting to EP 00402, let-off splicer (ES26A) exhausting to EP 00412, a warming mill / feed mill (0ES28) exhausting to EP 00219, and a calender machine (0ES29) exhausting to 00220. There are no particulate controls on this equipment. Proper operation and maintenance will ensure opacity compliance.
- 3.) An EPA Method 9 compliance test may be requested by the Department.
- 4.) Semiannually, report the compliance status of this condition according to 6NYCRR Part 201-6.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

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Condition 61: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 61.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU05

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 61.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Opacity Limit for Tire Building and Curing

- 1.) No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.
- 2.) All emission sources in emission unit 0EU05 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. Proper operation and maintenance will ensure opacity compliance. Emission Unit 0EU05 is comprised of:
 - three green tire spray booths and one tire bladder assembly station (OES32) that exhaust out EP's 01404, 01405, 01408 and 01409. Each booth and the bladder station have dedicated emission points.
- 3.) An EPA Method 9 compliance test may be requested by the Department.
- 4.) Semiannually, report the compliance status of this condition according to 6NYCRR Part 201-6.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

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Condition 62: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:6 NYCRR 231-6.5

Item 62.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU05

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 62.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

VOC LAER for Tire Curing Presses

- 1.) The lowest achievable emission rate (LAER) for rubber tire curing, is 0.0029 lb VOC per pound of rubber tire cured that contains organo-silane coupler. Rubber with organo-silane couplers generate emissions of ethanol.
- 2.) The facility will track coupler usage and overall rubber tire production. The facility will calculate the average VOC per pound of rubber tire cured that contains organo-silane coupler using this data in a spreadsheet.
- 3.) The VOC per pound of rubber tire cured will be calculated monthly and used to calculate a 12-month rolling average.
- 4.) The monthly and rolling 12-month rolling averages will be submitted annually.

Parameter Monitored: VOC

Upper Permit Limit: 0.0029 pounds

Monitoring Frequency: MONTHLY

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 63: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement:40CFR 60.542(a)(5)(i), NSPS Subpart

BBB

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Item 63.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU05

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 63.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Inside Green Tire Spray VOC Limit

- 1.) For each inside green tire spraying operation where only water-based sprays are used, discharge into the atmosphere no more than 1.2 grams (0.0026 lb) of VOC per tire sprayed with an inside green tire spray for each month, [60.542(a)(5)(i)]. Where a 'water-based green tire spray' contains 12 percent or less, by weight, of VOC as sprayed; as defined in 60.541(a).
- 2.) The facility complies with the above limit by applying only water based sprays containing less than 1.0 percent, by weight, of VOC, to the inside of green tires. [60.543(b)(4)]
- 3.) Obtain formulation data or the results of Method 24 analysis annually to verify the VOC content of each green tire spray material, provided the spraying formulation has not changed during the previous 12 months. If the spray material formulation changes, formulation data or Method 24 analysis of the new spray shall be conducted to determine the VOC content of the spray. [60.543(b)(4)]
- 4.) Maintain records of formulation data or the results of Method 24 analysis conducted to verify the VOC content of the spray. [60.545(f)]
- 5.) Submit annually the green tire spray formulation data or Method 24 results to verify the VOC content of the water-based sprays in use. If the spray formulation changes before the end of the 12-month period, formulation data or Method 24 results to verify the VOC content of the spray shall be reported within 30 days of the change. [60.546(j)]

Parameter Monitored: VOC's

Upper Permit Limit: 1.2 grams

Reference Test Method: EPA Method 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

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Reports due 30 days after the reporting period.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 calendar month(s).

Condition 64: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable Federal Requirement: 40CFR 60.542(a)(5)(ii), NSPS Subpart
BBB

Item 64.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU05

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 64.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Outside Green Tire Spray VOC Limit

- 1.) For each outside green tire spraying operation where only water-based sprays are used, discharge into the atmosphere no more than 9.3 grams (0.021 lb) of VOC per tire sprayed with an outside green tire spray for each month, [60.542(a)(5)(i)]. Where a 'water-based green tire spray' contains 12 percent or less, by weight, of VOC as sprayed; as defined in 60.541(a).
- 2.) The facility complies with the above limit by applying only water based sprays containing less than 1.0 percent, by weight, of VOC, to the outside of green tires. [60.543(b)(4)]
- 3.) Obtain formulation data or the results of Method 24 analysis annually to verify the VOC content of each green tire spray material, provided the spraying formulation has not changed during the previous 12 months. If the spray material formulation changes, formulation data or Method 24 analysis of the new spray shall be conducted to determine the VOC content of the spray. [60.543(b)(4)]
- 4.) Maintain records of formulation data or the results of Method 24 analysis conducted to verify the VOC content of the spray. [60.545(f)]
- 5.) Submit annually the green tire spray formulation data or Method 24 results to verify the VOC content of the water-based sprays in use. If the spray formulation changes before the end of the 12-month period,

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formulation data or Method 24 results to verify the VOC content of the spray shall be reported within 30 days of the change. [60.546(j)]

Parameter Monitored: VOC's

Upper Permit Limit: 9.3 grams

Reference Test Method: EPA Method 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 65: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 65.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU06

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 65.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Opacity Limit for Tire Finishing and Buffing Operations

1.) No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

2.) All emission sources in emission unit 0EU06 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. Emission Unit 0EU06 is comprised of:

- a pedestal grinder (0ES34) exhausting through a cyclone to EP 00812,
- MTR uniformity tire grinder (0ES35A) exhausting through a wet rotoclone (EC35B) to EP 01011,
- Six tire buffing machines (0ES37, 0ES38, ES41 and 0ES46) exhaust through a wet rotoclone (0EC59) to EP 01312, and
- 4 O/E ASM machines (0ES47) exhaust through 4 Torit dust collectors (0EC47), which all exhaust out EP 01406 (4 control devices into 1

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EP).

Proper operation will ensure opacity compliance.

3.) An EPA Method 9 compliance test may be requested by the Department.

4.) Semiannually, report the compliance status of this condition according to 6NYCRR Part 201-6.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 66: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 66.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU06

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 66.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate Limit for Tire Finishing and Buffing Operations

1.) 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.

2.) All emission sources in emission unit 0EU06 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with above particulate limit.

3.) The facility will monitor the four Torit dust collectors (0EC47) that exhaust 4 O/E ASM machines (0ES47) by routinely performing visual inspections of the body of the dust collectors during maintenance activities. The dust collection devices are emptied weekly. By design,

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the filters must be seated properly to close the filter casing on the dust collectors. This ensures that there are no leaks around the filters. The maintenance department performs preventative maintenance procedures at least semiannually. Records of maintenance are kept on file and available for review. Proper maintenance will ensure compliance.

4.) The following design, maintenance and inspection activities will ensure the rotoclones are operating properly to minimizing particulate emissions. The MTR uniformity tire grinder (0ES35A) exhausts through a wet rotoclone (EC35B) to EP 01011. Six tire buffing machines (0ES37, 0ES38, ES41 and 0ES46) exhaust through a wet rotoclone (0EC59) to EP 01312.

a.) The rotoclones have a low water cut-off switches, so they can't operate if the water level is not sufficient for proper operation.

b.) During maintenance activities the rotoclones will be visually inspected.

c.) The wet rotoclone solids are continuously emptied by use of a drag out chain.

d.) Semiannually the maintenance staff performs preventative maintenance.

e.) Repairs and corrective actions are made promptly.

5.) The department may request emission compliance testing using EPA Method 5.

6.) Semiannually report the compliance status of this condition according to 6NYCRR Part 201-6. The results of any emission compliance test shall be submitted within 60 days of testing.

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 67: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 67.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU07

Regulated Contaminant(s):

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CAS No: 0NY075-00-0 PARTICULATES

Item 67.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Opacity Limit for Tire Section Grinders and Band Saw

- 1.) No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.
- 2.) All emission sources in emission unit 0EU07 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. Emission Unit 0EU07 is comprised of the following emission sources, emission control devices and emission points as follows: one band saw (0ES49) and two tire section grinders (0ES063) exhaust particulates through a cyclone (0EC60) to EP 00614. A hood surrounding the band saw vents fumes to EP 00615. Proper operation will ensure opacity compliance, this includes performing a visual inspection of the cyclone body and equipment during maintenance activities.
- 3.) An EPA Method 9 opacity compliance test may be requested by the Department.
- 4.) Semiannually, report the compliance status of this condition according to 6NYCRR Part 201-6.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

Condition 68: Compliance Certification
Effective between the dates of 01/23/2018 and 01/22/2023

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

Item 68.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-0EU08

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

Item 68.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Opacity Limit for ERB (electron processing system)

- 1.) No facility owner or operator shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.
- 2.) All emission sources in emission unit 0EU08 shall be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. Emission Unit 0EU08 is comprised of the following emission sources, emission control devices and emission points as follows: one ERB system (OES50) which exhausts through EP 00410. There are no emission controls. The only activity necessary to ensure opacity compliance is proper operation. The magnitude of emissions are minimal and opacity has essentially been a non-issue for a similar source operated at another facility.
- 3.) An EPA Method 9 compliance test may be requested by the Department.
- 4.) Semiannually, report the compliance status of this condition according to 6NYCRR Part 201-6.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: WHEN THE SOURCE IS OPERATING
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 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: 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.

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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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 69: Contaminant List
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable State Requirement:ECL 19-0301

Item 69.1:

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

CAS No: 000064-17-5
Name: ETHYL ALCOHOL (ETHANOL)

CAS No: 000075-09-2
Name: DICHLOROMETHANE

CAS No: 000091-20-3
Name: NAPHTHALENE

CAS No: 000108-10-1
Name: 2-PENTANONE, 4-METHYL

CAS No: 000108-88-3
Name: TOLUENE

CAS No: 000110-54-3
Name: HEXANE

CAS No: 001330-20-7
Name: XYLENE, M, O & P MIXT.

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

CAS No: 0NY100-00-0
Name: TOTAL HAP

CAS No: 0NY210-00-0

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Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

Name: VOC

Condition 70: Malfunctions and start-up/shutdown activities
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable State Requirement:6 NYCRR 201-1.4

Item 70.1:

(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.

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



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Condition 71: Compliance Demonstration
Effective between the dates of 01/23/2018 and 01/22/2023

Applicable State Requirement: 6 NYCRR 227-1.2 (a) (2)

Item 71.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0EU01

Process: 002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 71.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate Limit for Boilers While Burning Oil

- 1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of 0.20 pound per million Btu heat input using oil. This limit applies to the boilers firing #6 (residual) fuel oil. Compliance testing shall be conducted once a permit term.
- 2.) Submit to the Department an acceptable protocol for the testing of particulate emissions at least 30 days in advance of the proposed test date and the Department given an opportunity to witness the test.
- 3.) Perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition.
- 4.) Submit an acceptable stack test report within 45 days after the stack test.
- 5.) All records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.20 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 72: Compliance Demonstration

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Effective between the dates of 01/23/2018 and 01/22/2023

Applicable State Requirement: 6 NYCRR 227-1.2 (a) (2)

Item 72.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0EU01

Process: 002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 72.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of 0.20 pound per million Btu heat input using oil. This applies to emission points 00001, 00003 and 00005 which exhaust the boilers.

2.) The facility has demonstrated compliance with the above limit by utilizing a published particulate emission factor from EPA AP-42 for no. 6 fuel oil, together with heating value and sulfur content of the fuel oil for boilers 1, 2, 5 and 6. This is intended to be a worst case calculation. Note that a particulate limitation does not apply when combusting natural gas, which is also utilized as a primary fuel.

3.) Compliance Demonstration

Particulate emission factor from AP-42, Section 1.3-2, table 1.3-1:

PM pounds per 1000 gallon = $9.19(S) + 3.22$

Where S = % sulfur content, if sulfur content is 1% then S = 1

6NYCRR Part 225-1.2(e) limits the sulfur content to 0.50 % by weight, so S = 0.50

PM = $9.19(0.50) + 3.22 = 7.815$ lbs/1000 gallons = 0.0078

lbs/gallon

Where one gallon of no. 6 fuel oil contains 138,000 Btu.

Calculate the pounds of particulate/MMBtu:

PM = 0.0078 lbs/gallon x 1 gal/138,000 Btu x 1,000,000 Btu/ MMBtu

PM = 0.0566 pounds particulate/MMBtu

This demonstrates compliance with the 0.20 lb particulate/MMBtu limit in 227-1.2(a)(2).

4.) This requirement is associated with emission unit EU01. Contained within EU01 are emission sources ES01, ES02, ES03, ES04. ES01 and ES02

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exhaust to emission point 00001, ES03 and ES04 exhaust to 00003, and ES01, ES02, ES03, ES04 can all exhaust to emission point 00005. This limit not applicable to ES05, boiler no. 7, because it does not burn oil.

5.) A stack test may be required to demonstrate compliance if opacity exceedances occur.

6.) Sulfur in fuel oil records must be kept on site. Documentation will be submitted to the department upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 6 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.50 percent by weight

Reference Test Method: ASTM Methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).





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Facility Identification Data

Name: SUMITOMO RUBBER USA LLC

Address: 10 Sheridan Dr

Tonawanda, NY 14150

Owner/Firm

Name: SUMITOMO RUBBER USA, LLC

Address: PO BOX 1109

BUFFALO, NY 14240-1109, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: LISA M CZECHOWICZ

Address: NYSDEC - REGION 9

270 MICHIGAN AVE

BUFFALO, NY 14203-2915

Phone:7168512165

Division of Air Resources:

Name: MICHAEL EMERY

Address: NYSDEC - REGION 9

270 MICHIGAN AVE

BUFFALO, NY 14203-2915

Phone:7168517130

Air Permitting Contact:

Name: MARK R CRAFT

Address: SUMITOMO RUBBER USA, LLC

PO BOX 1109

BUFFALO, NY 14240-1109

Phone:7168798497

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This permitting action will renew the Title V Air Permit and permit a multi-year project to increase production. The project is a major modification that will expand operations by increasing the utilization of



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the six current Banbury rubber mixers and installing a new Banbury rubber mixer. Production of passenger/light truck tires increased from approximately 5,000 tires per day to 10,000 tires per day along with maintaining current production of 5,000 motorcycle tires per day and 2,000 medium truck/bus tires per day for a facility wide rubber production capacity of 250 million pounds of rubber tire components per year. Since this project removed a bottleneck in prior facility operations, facility wide emissions were evaluated to determine New Source Review (NSR) applicability. The facility is an existing major source for both nonattainment NSR and Prevention of Significant Deterioration. The only pollutant to have a Project Emission Potential greater than its Significant Project Threshold are volatile organic compounds (VOC's). The facility does not have any contemporaneous decreases in VOC emissions so the project is subject to control requirements that meet the definition of Lowest Achievable Emission Rate (LAER) for VOC and to use Emission Reduction Credits (ERCs) to offset the increase in VOC emissions. For the existing Banbury mixers, the bulk of the VOC emissions are in the form of ethanol which is formed as a result of using organo-silane coupling agents. Of the six current Banbury mixers, only mixers 8 and 9 (emission sources 0ES08 and 0ES09) are equipped with the appropriate raw material feed systems to accommodate the use of large quantities of the coupling agent. As part of this modification, Phase 1, the exhaust from these two mixers will be routed to a new regenerative thermal oxidizer (RTO #1, emission source RTO01) to comply with the LAER requirements of NSR. LAER for Phase 1 is 3.4 lb pounds of VOCs per hour. Phase 2 is the installation of a new Banbury mixer, Mixer 10, (emission source 0ES0A) which can incorporate large quantities of the coupling agents. Its exhaust will be routed to the same RTO (RTO #1) to meet the LAER requirement. LAER for Phase 2 of the project is 5.1 pounds of VOCs per hour. The facility will be using 137.93 tons of VOC ERCs, they created from reductions in 1993, to offset the increase in VOC emissions. They are also accepting a facility wide VOC cap of 201.5 tons/year on a rolling 12-month total basis. In the application the new Banbury mixer is identified as Mixer A, however when it is installed it will be identified as Mixer 10. The permit refers to it as Mixer 10.

The facility requested to change the way they proposed operating the RTO in the modification application, from using it for all rubber mixes to only using it for mixes that include the organo-silane coupling agent. This request was approved. The organo-silane coupling agent is used in approximately 34% of the rubber mixed. The facility calculated a 5,197 pound per year increase in VOC emissions if non-coupling agent rubber mixing exhaust was not controlled by the RTO. At the same time, NO_x would decrease 1,647 pounds per year if the RTO did not operate for the non-organo-silane coupling agent rubber mixes. An air dispersion impact analysis showed that the ambient VOC concentrations would meet the Short-term Guidance Concentration and Annual Guidance Concentrations in DAR-1. A RACT analysis was conducted on the VOC emission increase, and concluded that the extra electricity and natural gas needed to operate the RTO would exceed the VOC RACT economic feasibility threshold of \$5000 per ton VOC reduced.

The facility previously had an emission cap that limited ethanol emissions to 39 tons per year to avoid applicability of NSR. As part of the modification, these operations were expanded and ethanol emissions have a potential of greater than 39 tons. This cap stays in effect until the RTO is operating, then the facility must meet the LAER and facility VOC cap permit conditions.

A prior permit modification which was incorporated with the Ren 2 Mod 0 Title V permit allowed for the usage of resorcinol as a raw material. Emissions of resorcinol from that project were considered VOC's. The projected increase was less than 20 tons of VOC. As a result, that modification was subject to the reasonable possibility provisions under 6 NYCRR Part 231-11.2(b) with recordkeeping requirements for a period of five years. The five year period has come to a close with annual VOC emissions from the usage of resorcinol below 20 tons in accordance with Part 231-11.2(b). Since there is no longer a reasonable



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possibility that the modification to add resorcinol as a raw material triggered the Significant Project Threshold of 40 tons VOC, the condition limiting its usage has been removed from the Ren 3 Mod 0 Title V permit. New resorcinol information was presented in a May 24, 2017 letter from GHD, Sumitomo's consultant. It demonstrated that resorcinol emissions would act like a particulate, not a VOC, due to the temperature of the exhaust and resorcinol's physical properties.

For pollutants other than VOC, the emissions increases from the project were less than the applicability thresholds for a major modification under Part 231. However, since the emissions from the existing sources were based on projected facility output, the facility is required to comply with the reasonable possibility provisions of Part 231. For a period of at least five years after the issuance of the Ren 3 Mod 0 the facility will maintain a description of the modification including the sources associated with the project and their project emission potential.

The following minor permit modifications have occurred since the last Title V permit was issued and have been added to this permit:

- A heat recovery unit that boilers 1, 2, 5 and 6 can exhaust through, emission point 00005, was added to the boiler house in late 2010. This increased the energy efficiency of the boiler house. This did not result any new emissions.
- A natural gas emergency generator was installed in May 2011 to provide electric backup to the facilities information system. The 268 hp engine is subject to the New Source Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60 subpart JJJJ. Subpart JJJJ conditions have been added to the permit.
- A new rotoclone hydrostatic precipitator was added to the MTR Finishing Department in March 2012. This included emission point 10011 and is subject to the same particulate and visible emission requirements as the existing rotoclone.
- Banbury rubber mixer #11's two-wing rotor was replaced with a six-wing rotor in early 2013. This increased the number of batches of rubber produced hourly which increased the potential VOC emissions less than 3 tons a year from emission points 01H17 and 01F15. The increase was below New Source Review and Prevention of Significant Deterioration programs. The VOC emissions are below 3 pounds and hour so a VOC RACT review was not required.

This permit renewal included an updated Volatile Organic Compound Reasonably Available Control Technology (VOC RACT) Analysis for the whole facility. The case-by-case RACT Analysis demonstrated that only the Banbury rubber mixers and their take-away conveyors triggered the RACT applicability thresholds in 6NYCRR Part 212-3. The analysis concluded that it was not technically or economically feasible to install emission controls on the mixers or their take-away conveyor. An updated RACT Analysis will be due with the next permit renewal application. The Analysis was initiated before the facility decided to install regenerative thermal oxidizers (RTO's) to control VOC's from Banbury mixers #8 and #9 for LAER and NSR.

Permit conditions were revised to use updated information, permit conditions were added for revised regulations and for new regulations that now apply to the facility and permit conditions were removed that no longer apply. The following changes were made to the permit: changed all references to 'Dunlop', 'Goodyear Dunlop Tires North America', 'GDTNA' or similar where changed to 'this facility' or similar; updated the NOx emission cap emission factors to the current emission factors in EPA's AP-42 document; updated the boiler particulate compliance demonstration permit condition with the current sulfur in fuel limit in 6 NYCRR Part 225-1 which continues to demonstrate compliance; added a condition for the new



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sulfur in fuel requirements in 6 NYCRR Part 225-1; added a condition for the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR 63 subpart JJJJJ which requires fuel oil monitoring to evaluate applicability; consolidated the Continuous Assurance Monitoring (CAM, 40 CFR Part 64) permit conditions into one; added permit conditions for 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines that apply to the fire pump emergency engine and lighting emergency generator; added permit conditions for 40 CFR 63 Subpart JJJJ, New Source Standards of Performance for Stationary Spark Ignition Internal Combustion Engines that applies to the information system emergency generator; corrected errors with emission source and emission point identifications; and corrected typos.

Annual emission limits (caps) from previous permits were carried into this permit. The caps include:

- Capping fugitive volatile organic compounds (VOC) to less than 142.5 ton per year (tpy) to create 52 tpy of VOC Emission Reduction Credits (ERC's). These ERC's were created when VOC emissions decreased due to process changes, adding air condition to the facility and reducing solvent usage in the 1991-1993 time period.
- Capping individual Hazardous Air Pollutants (HAPs) emissions to less than 10 tpy to stay below the major source applicability limit of 10 tpy.
- Capping total HAP emissions to less than 25 tpy to stay below the major source applicability limit of 25 tpy.
- Capping Oxides of Nitrogen (NOx) to less than 100 tpy to stay below the major source applicability criteria of 100 tpy. This cap keeps the facility below the 100 tpy applicability criteria for NOx RACT also.

Attainment Status

SUMITOMO RUBBER USA LLC is located in the town of TONAWANDA in the county of ERIE. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.
** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:



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Sumitomo Rubber USA, LLC acquired the facility in April 2016. It was formerly known as Goodyear Dunlop Tires North America LTD (GDTNA). The Buffalo New York facility, is located at 10 Sheridan Dr. in the Town of Tonawanda, Erie County. The facility has approximately 1.9 million square feet of manufacturing and warehousing on 130+ acres of land. The facility produces truck, motorcycle and automobile tires.

The facility consists of eight emission units, where emission unit (EU) 0-0EU01 includes all 5 boilers, a boiler house heat exchanger and the three emergency engines to provide process and heating steam; EU 0-0EU02 includes raw material handling and rubber mixing to make rubber compounds; EU 0-0EU03 includes tread extrusion processes using temperature controlled dies; EU 0-0EU04 includes calendaring, where a continuous textile or steel wires are bonded to one or two layers of rubber; EU 0-0EU05 includes assembling tires from multiple pieces of rubber which are loaded into isostatic presses that vulcanize (cure) the tire; EU 0-0EU06 includes testing the tires for uniformity and shaping to meet specifications; EU 0-0EU07 includes Quality Assurance and Quality Control destructive testing; and EU 0-0EU08 includes the electron processing system (EBR) which pre-cures rubber. Finished tires are stored on site in a warehouse.

Permit Structure and Description of Operations

The Title V permit for SUMITOMO RUBBER USA LLC

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

SUMITOMO RUBBER USA LLC is defined by the following emission unit(s):

Emission unit 00EU01 - Steam is produced by a combination of five (5) boilers that are fired by either natural gas (P001) or #6 fuel oil (P002). Boilers number one (1) and two (2) exhaust through emission point 00001. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 59.00 MMBtu/hr each. Boilers number five (5) and six (6) exhaust through emission point 00003. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 60.00 MMBtu/hr each. Boiler number seven (7) exhausts through emission point 00004. This package boiler, manufactured by Cleaver Brooks, is rated at 29.30 MMBtu/hr and operates on natural gas only. Boilers (1), (2), (5) and (6) have the ability to exhaust to a heat recovery unit prior to release through emission point 00005.

This emission unit also includes three emergency engines, which are exempt from air permitting provided each engine operates less than 500 hours per year. The engines are included in this permit to document



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their presence and because they are subject to federal regulations for engines.

- Diesel fire pump engine (OES61) with associated emission point 00007,
- Natural gas information system backup generator (OES52) with associated emission point 00006, and
- Natural gas backup lighting generator (OES62) with associated emission point 00008.

Emission unit 00EU01 is associated with the following emission points (EP):
00001, 00003, 00004, 00005, 00006, 00007, 00008

Process: 001 is located at 01, Building 22 - NATURAL GAS COMBUSTION - Steam is produced by a combination of five (5) boilers that are fired by natural gas. Boilers number (1) and (2) exhaust through emission point 00001. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 59.00 MMBtu/hr each. Boilers number (5) and (6) exhaust through emission point 00003. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 60.00 MMBtu/hr each. Boiler number seven (7) exhausts through emission point 00004. This package boiler, manufactured by Cleaver Brooks, is rated at 29.30 MMBtu/hr. Boilers (1), (2), (5) and (6) have the ability to exhaust to a heat recovery unit prior to release through emission point 00005. Both the emergency information system generator and the emergency lighting generator are also fueled by natural gas.

Process: 002 is located at 01, Building 22 - OIL COMBUSTION - Steam is produced by a combination of 4 boilers that are fired by #6 fuel oil. Boilers number (1) and (2) exhaust through emission point 00001. These built-up boilers, manufactured by Babcock & Wilcox, are rated at 59 MMBtu/hr each. Boilers number (5) and (6) exhaust through emission point 3. These built-up boilers, manufactured by Babcock & Wilcox are rated at 60 MMBtu/hr each. Boilers (1), (2), (5) and (6) have the ability to exhaust to a heat recovery unit prior to release through emission point 00005. This process also includes the emergency diesel fire pump engine.

Process: 1ED One emergency engine firing diesel fuel to power an emergency fire pump. Engine by Clarke Fire Pump Drivers, rated at 110 HP, installed 4/25/97.

Process: 1EG Two emergency engines fueled by natural gas that power electrical generators. The Information System (IS) generator is a Olympian Power Systems 268 horse power (200 kW) unit, installed on December 12, 2011. The Backup Lighting Generator uses a Waukesha engine rated at 360 horsepower and was installed in 1997.

Emission unit 00EU02 - Raw materials handling and mixing. Rubber is mixed in either base or final (also known as productive or non-productive) Banbury mixers. Base mixers take natural and synthetic rubber and combine them with carbon black, pigments and oils to produce a rubber stock that is further processed in the finish mixers. A fan is used to pull dust and fumes (VOC's) off of each mixer and through a dust collector. Once the rubber stock is mixed it is rolled into a continuous sheet which is sent to a soap/water dip tank. This soap solution coats the rubber sheet so that it does not stick to itself. A hood over the dip tank for each mixer exhausts through an uncontrolled emission point. From the soap tank the rubber stock is sent to a conveyor where ambient room air is blown across the sheet to dry the water and soap solution off of the rubber stock before it is stacked onto a pallet. Final mixers take rubber stock that has already passed through the base mixers and add various additives such as accelerators, zinc oxides, retarders, antioxidants and softeners to produce specific types of rubber used for tire components. Organo-silane coupling agents are added to some tread compounds mixed in the Banbury mixers. The purpose of the organo-silane coupling agent is to bond the rubbers, silicas, and carbon black and assist in cross-linking for vulcanization of the tire. Ethanol is evolved during the reaction of silica, rubber and other compounds in



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the rubber mixture. The rate of ethanol evolution is dependent on several factors, including the concentrations of silica and organo-silane in the mixture and the mixing temperature.

The facility is undertaking a two phase project to increase production:

PHASE 1

A regenerative thermal oxidizer (Emission Control RTO01) will be constructed and used to control VOC emissions from existing Banbury Mixers 8 and 9 (existing Emission Sources 0ES08 and 0ES09). The RTO will be located downstream of the dust collectors that control PM emissions from Mixers 8 and 9 (existing Emission Controls EC08A and EC09A). Emission point 00160 will be constructed to vent emissions from the RTO to the atmosphere. Existing Emission Points 00138 (Mixer 8) and 00151 (Mixer 9) will be re-purposed as alternate/RTO bypass emission points for use when: the rubber mixed doesn't include organo-silane couplers; to protect the RTO from upset conditions; to vent the mixer exhaust fans during startup or shutdown of the RTO; and at times the mixers are not operating.

PHASE 2

A planned future Banbury mixer, Mixer 10, will be constructed in Phase 2 of this project. The Banbury Mixer is identified as Emission Source 0ES0A, which generates the majority of VOC emissions and all of the PM emissions. Emission Source ES0AB refers to the roller die take away conveyor and dip tank for the rubber from Mixer 10 which generate a small amount of VOC emissions. Emission Point 00161 will be constructed to vent emissions from the take-away conveyor and dip tank. A dust collector/baghouse (Emission Control EC0AA) will be constructed and used to control PM emissions from the planned future Mixer 10. When rubber with organo-silane coupling agent is mixed, the emissions from the dust collector/baghouse will be directed to the RTO to control VOC emissions from Mixer 10, and then out Emission Point 00160. When rubber is mixed without organo-silane coupling agent, the mixer exhaust will go to the PM dust collector and then will be directed to Emission Point 00162 instead of the RTO.

Emission unit 00EU02 is associated with the following emission points (EP):

00125, 00126, 00128, 00129, 00132, 00134, 00135, 00138, 00140, 00144, 00146, 00147, 00151, 00152, 00155, 00160, 00161, 00162, 01F15, 01H17

Process: 003 is located at MEZZANINE, Building 01 - RUBBER MIXING DEPARTMENT 201. Natural rubber, synthetic rubber, carbon black, oils and pigments are mixed together in variable speed, shear type Banbury mixers. A fan is used to pull dust and fumes (VOC's) from each mixer and through a dust collector. After mixing, the rubber stock is coated with a water and soap solution and is dried via fans blowing ambient air across the rubber stock. The mixed rubber stock is further processed in the facility and provided as tire components.

The Mixing Department will be modified to include three new emission points (00160, 00161 and 00162), two new emission sources (0ES0A - planned future Mixer 10 and ES0AB - the associated roller die take-away conveyor/dip tank), and two emission controls (RTO01 - an regenerative thermal oxidizer (RTO) used to control VOC emissions from Banbury Mixers 8, 9 and 10 and EC0AA - a dust collector used to control PM from the planned future Banbury Mixer 10). Existing emission points for Mixers 8 and 9, EP 00138 and EP 00151, will be re-purposed as alternate/RTO bypass emission points for use when: the rubber mixed doesn't include organo-silane couplers; to protect the RTO from upset conditions; to vent the mixer exhaust fans during startup or shutdown of the RTO; and at times the mixers are not operating. When rubber with organo-silane coupling agent is mixed, the emissions downstream of Mixer 8, 9 and 10 dust collectors will be directed to the RTO to control VOC emissions and then out Emission Point 00160. When rubber is mixed without organo-silane coupling agent, the mixer's exhaust will continue to be directed to the dust collectors but emissions downstream of the dust collectors will be directed to Emission Point 00138 for Mixer 8, Emission Point 00140 for Mixer 9, and Emission Point 00162 for Mixer 10 instead of the RTO. A high efficiency cartridge filter will be installed between the primary mixer dust



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collectors and the RTO to minimize particulate matter that may enter the RTO. The pre-RTO filter system is a secondary level of control in addition to the primary particulate matter control dust collectors for Mixers 8, 9, and 10 (i.e., EC08A, EC09A, and EC0AA). Mixer 10 was referred to as Mixer A in most of the application submissions.

Emission unit 00EU03 - Tread extrusion is performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature.

Emission unit 00EU03 is associated with the following emission points (EP):
00213, 00214, 00215, 00217, 00218, 00221, 00406, 00413, 00808, 00809, 00810, 01010, 02-19
Process: 004 is located at 01, Building 02 - TREAD EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperatures. In this process the tread portion of the different types of tires manufactured are extruded. The extruded rubber treads are marked with a letter/number identification code and striped with ink. Ink is transferred to the tread surface by an offset printer and/or an inkjet printer. Treads are cut to length and some of the ends are sprayed with a sticky cement solution to make them tacky for the building. These treads will be used later in the tire building area.

Process: 005 is located at 01, Building 04 - SIDEWALL EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the lead of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature. In this process the sidewall portion of the different types of tires manufactured are extruded. These sidewalls will be used later in the tire building area.

Process: 006 is located at 01, Building 02 - PROFILE EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature. In this process the profile portion of the different types of tires manufactured are extruded. These profiles will be used later in the tire building area.

Process: 007 is located at 01, Building 02 - INNER LINER EXTRUDING - Extrusion is often performed to combine several types of previously mixed rubber compounds. The extruder consists of a power driven screw within a stationary cylinder. A die is attached to the head of the screw to produce the desired shape or cross section of the extruded rubber. Extrusion can be performed with both warm or cold rubber feed. The extruder is jacketed to maintain the desired operating temperature. In this process the inner liner portion of the different types of tires manufactured are extruded. These inner liners will be used later in the tire building area.

Process: 07A is located at Dept 238, Building 04 - STRIP EXTRUSION to combine several types of



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previously mixed rubber compounds. Extruder consists of a power driven screw with a stationary cylinder. A die is attached to the head of the screw to produce the desired shape of rubber. The extruder, located in Dept 238, is identified as ES21A and will have a warming mill, (ES22A) and vent out EP 00413. Ink is transferred to the tread surface by an offset printer and or inkjet using water based inks.

Process: P09 is located at 1, Building 02 - Calendering, extrusion of sticky, thin rubber underlayment aides in adhering tread to carcass of tire during construction.

Emission unit 00EU04 - The calendering process is used to bond a continuous textile or numerous steel wires to one (1) or two (2) layers of rubber for use in the tire building process. The continuous textile product, or the numerous steel wires, pass through a series of rollers which one (1) or two (2) rubber strips also pass through. Under pressure and elevated temperatures induced by the rollers, the rubber is bonded to the textile product or steel wires. The nip of the rollers can be adjusted to vary the thickness of the calendered product. The rubberized fabric/steel wires are then cooled and cut to the proper dimension.

Emission unit 00EU04 is associated with the following emission points (EP):
00219, 00220, 00402, 00412

Process: 009 is located at 01, Building 04 - FABRIC CALENDERING DEPARTMENT 202. As tire plies are being wound up in a fabric liner, the liner is being sucked clean of lint and dust particles. The fabric for making tire plies is then coated with a thin film of rubber on both sides in the calender. The heat and vapor from this process are exhausted through a hood exhaust.

Process: 010 is located at 01, Building 02 - STEEL CALENDERING DEPARTMENT 602. Rubber stock is warmed up prior to being fed to a steel cord calendering line. Fumes from the warming mill are captured and exhausted to the atmosphere via emission point 00219. After warming, the rubber stock is calendered (rolled between/around steel wire) to form a sheet of rubber with wire embedded within it. The fumes from the calendering process are captured and exhausted to the atmosphere via emission point 00220.

Emission unit 00EU05 - The various components of a tire (bead, sidewall and tread) are manually assembled. The green tire is then sprayed with a release agent to aide in the molding/curing process. The green tire is loaded into an isostatic press that forms and vulcanizes the green tire. The tire is pressed and vulcanized by the same operation.

Emission unit 00EU05 is associated with the following emission points (EP):
01404, 01405, 01409, 01410

Process: 011 is located at 01, Building 11 - DEPARTMENT 209. The inside green truck tires and motorcycle tires are sprayed with a water-based coating. The constituents of the coating are as follows: 50 to 60 percent water, 10 to 20 percent silicone, and 20 to 30 percent mica. An estimated 5 percent of the product will be emitted to the emission points due to overspray. Emissions of VOCs are fugitive.

Process: 012 is located at 01, Building 10 - TIRE BUILDING DEPARTMENT 214. The inside of green motorcycle tires are sprayed with a water-based coating. The constituents of the coating are as follows: 50 to 60 percent water, 10 to 20 percent silicone, and 20 to 30 percent mica. An estimated 5 percent of the product will be emitted to the emission point due to overspray. Emissions of VOC's are fugitive.

Process: 013 is located at 01, Building 14 - TIRE BUILDING DEPARTMENT 236. The inside of green truck and passenger car tires are sprayed with a water-based coating at 4 spray booths. All four spray



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booths and the bladder assembly station, together, are identified as emission source 0ES32. The constituents of the coating are as follows: 50 to 60 percent water, 10 to 20 percent silicone, and 20 to 30 percent mica. An estimated 5 percent of the product will be emitted to the emission points due to overspray. The resulting emissions will be vented to the atmosphere via emission point 01404 for the light truck radial and passenger car tire spray booth. Emission points 01405 and 01408 are for the original equipment tires spray booths. Emission point 01409 is part of the bladder assembly station.

Process: 13A is located at 01, Building 14 - GREEN TIRE INSERT DEPT. 614 - Green tires are loaded into an isostatic press that forms and vulcanizes the tire. The tire is vulcanized and pressed by the same operation. Emissions from the tire presses are fugitive in nature as they exhaust through large ventilation fans located in a raised section of the roof above the tire presses. All of the tire presses are grouped into one emission source, 0ES56.

Emission unit 00EU06 - Tires are tested for uniformity prior to shipment. During this process, excess rubber is sometimes mechanically ground off the tire to bring it into permissible specifications.

Emission unit 00EU06 is associated with the following emission points (EP):
00812, 01011, 01312, 01406

Process: 014 is located at 01, Building 08 - MTR FINISHING DEPT. 613. Cured tires are sent to finishing dept. 614 (MTR finishing) where they are tested for uniformity. A small percentage (approx. 1%) are determined to be "out of specifications" and as such require grinding to remove rubber to bring them back into the range of acceptable tolerances for tire uniformity. Occupied in bldg 8 and 10.

Process: 015 is located at 01, Building 12 - FINISHING, DEPT. 237. Cured tires are sent to finishing dept. 237 where they are tested for uniformity. A small percentage (approximately 1%) are determined to be "out of specifications" and as such require grinding to remove rubber to bring them back into the range of acceptable tolerances for the uniformity. Occupied in bldg 12,13 and 14.

Emission unit 00EU07 - Tires are tested for QA/QC purposes. This involves cutting up samples of tires for analytical testing and inspection.

Emission unit 00EU07 is associated with the following emission points (EP):
00614, 00615

Process: P07 is located at Building 06 - Cutting and buffing of tires to perform QA/QC.

Emission unit 00EU08 - Rubber ply (synthetic fabric i.e. nylon, polyester, etc. covered on both sides with rubber stock) is directed through a field of high energy radiation which pre-cures the rubber. This electron processing system (known as EBR unit) is similar to a microwave in that the high energy is produced by high voltage DC, accelerated and directed at the rubber ply. This high voltage electric energy produces ozone which will be exhausted by a powered fan without any control equipment. Past experience and manufactures data indicate that up to 0.5 pounds of ozone can be generated per hour of operation.

Emission unit 00EU08 is associated with the following emission points (EP):
00410



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Process: P08 is located at 1, Building 04 - Electron processing system (ERB)- rubber ply is directed through a high voltage field which partly cures the rubber. Ozone is given off the high voltage equipment which is collected and exhausted through a fan and out a stack. No control equipment.

SUMITOMO RUBBER USA LLC is subject to Title V requirements. This determination is based on the following information:

The facility is a major source of volatile organic compound (VOC) emissions, which are capped at 201.5 tons per year, on a 12-month rolling total basis. It is major for sulfur dioxide (SO₂), the PTE is 545 tons per year. The emissions of individual Hazardous Air Pollutants (HAPs), total HAP's, and Oxides of Nitrogen (NO_x) are capped below the major source thresholds. Potential emissions of lead and carbon monoxide are below major source thresholds.

Program Applicability

The following chart summarizes the applicability of SUMITOMO RUBBER USA LLC with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	YES
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).



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MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

3011

TIRES AND INNER TUBES

SCC Codes



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SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
1-02-004-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - RESIDUAL OIL 10-100MMBTU/HR **
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
2-02-001-02	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL(DIESEL) Reciprocating
2-02-002-02	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL GAS Reciprocating
3-08-001-06	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE Green Tire Spraying
3-08-001-13	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE TREAD EXTRUDER
3-08-001-14	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE SIDEWALL EXTRUDER
3-08-001-15	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE CALENDERING
3-08-001-23	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE Green Tire Spraying
3-08-001-26	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE TIRE CURING
3-08-001-27	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE COMPOUNDING
3-08-001-30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE SIDEWALL EXTRUDER
3-08-001-31	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE CALENDERING
3-08-001-33	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - TIRE MANUFACTURE FINISHING
3-08-005-01	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS -

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3-08-010-02

TIRE RETREADING
 Tire Buffing Machines
 RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS
 RUBBER AND MISC PLASTIC PRODUCTS - PLASTIC
 PRODUCTS MANUFACTURING
 PLASTIC PRODUCTS MFG: EXTRUDER

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000092-52-4	1, 1 BIPHENYL	18			
000079-34-5	1,1,2,2-TETRACHLOROETHANE	4.6			
000084-74-2	1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER	113			
000107-06-2	1,2-DICHLOROETHANE	3.1			
000108-46-3	1,3-BENZENEDIOL	11250			
000106-99-0	1,3-BUTADIENE	60			
000123-31-9	1,4-BENZENEDIOL	486			
000098-86-2	1-PHENYLETHANE	377			
000078-59-1	2-CYCLOHEXEN-1-ONE,3,5,5-TRIMETHYL	300			
000095-48-7	2-METHYL-PHENOL	4.2			
000108-10-1	2-PENTANONE, 4-METHYL	20000			
000092-93-3	4-NITROBIPHENYL	0.045			
000075-07-0	ACETALDEHYDE	19			
000108-05-4	ACETIC ACID	40			



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	ETHENYL ESTER	
000075-05-8	ACETONITRILE	22
000107-02-8	ACROLEIN	43
000532-27-4	ALPHA- CHLOROACETOP HENONE	0.49
000062-53-3	ANILINE	990
007440-36-0	ANTIMONY	20
007440-38-2	ARSENIC	6
007440-39-3	BARIUM	10
000095-53-4	BENZENAMINE, 2-METHYL	53
000121-69-7	BENZENAMINE, N, N-DIMETHYL	0.2
000071-43-2	BENZENE	116
000098-82-8	BENZENE, (1- METHYLETHYL)	94
000095-63-6	BENZENE, 1,2,4- TRIMETHYL-	30
000108-67-8	BENZENE, 1,3,5- TRIMETHYL-	5
000106-46-7	BENZENE, 1,4- DICHLORO-	18
000100-44-7	BENZYL CHLORIDE	0.98
007440-41-7	BERYLLIUM	0.1
000117-81-7	BIS(2- ETHYLHEXYL) PHTHALATE	136
000075-25-2	BROMOFORM	8.1
007440-43-9	CADMIUM	1.6
000075-15-0	CARBON DISULFIDE	1941
000630-08-0	CARBON MONOXIDE	118800
000056-23-5	CARBON TETRACHLORIDE	4.8
000463-58-1	CARBONYL SULFIDE	241
000067-66-3	CHLOROFORM	1.4
007440-47-3	CHROMIUM	14
007440-48-4	COBALT	1.6
000132-64-9	DIBENZOFURAN	1
000075-09-2	DICHLOROMETH ANE	20000
000131-11-3	DIMETHYL PHTHALATE	11
000071-55-6	ETHANE, 1,1,1- TRICHLORO	70
000075-34-3	ETHANE, 1,1- DICHLORO-	5.4
000075-35-4	ETHENE, 1,1- DICHLORO	1
000064-17-5	ETHYL ALCOHOL (ETHANOL)	78000
000100-41-4	ETHYLBENZENE	1837
000050-00-0	FORMALDEHYDE	126
000087-68-3	HEXACHLOROB UTADIENE	1
000077-47-4	HEXACHLOROC YCLOPENTADIE NE	1
000110-54-3	HEXANE	20000



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007439-92-1	LEAD	0.002
007439-96-5	MANGANESE	12
007439-97-6	MERCURY	0.4
000067-56-1	METHYL ALCOHOL	700
000074-83-9	METHYL BROMIDE	4.1
000074-87-3	METHYL CHLORIDE	62
001634-04-4	METHYL TERTBUTYL ETHER	45
000091-20-3	NAPHTHALENE	20000
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS	17
001313-99-1	NICKEL OXIDE	1
0NY210-00-0	OXIDES OF NITROGEN	200000
0NY075-00-0	PARTICULATES	76677
000540-84-1	PENTANE, 2,2,4- TRIMETHYL-	96
000127-18-4	PERCHLOROETH YLENE	159
000108-95-2	PHENOL	130
0NY075-02-5	PM 2.5	66005
0NY075-00-5	PM-10	72298
0NY505-00-0	POLYCYCLIC ORGANIC MATTER (POM)	4
000096-12-8	PROPANE, 1,2- DIBROMO-3- CHLORO	9.1
000075-56-9	PROPANE, 1,2- EPOXY-	136
000107-13-1	PROPENITRIL E	2.8
007782-49-2	SELENIUM	2
000100-42-5	STYRENE	763
007446-09-5	SULFUR DIOXIDE	299729
000108-88-3	TOLUENE	20000
0NY100-00-0	TOTAL HAP	50000
000079-01-6	TRICHLOROETH YLENE	1
0NY998-00-0	VOC	403000
001330-20-7	XYLENE, M, O & P MIXT.	20000

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.



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Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V 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.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified



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are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item K: Permit Exclusion - ECL 19-0305



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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)

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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.



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(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item_02

**Item B: 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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
-- FACILITY	ECL 19-0301	69	Powers and Duties of the Department with respect to air pollution control
0-0EU03/-/004/0ES17	40CFR 60- BBB.542(a)(3)	59	Standards of performance for the rubber tire manufacturing industry - standards for VOC: Tread end cementing
0-0EU05	40CFR 60- BBB.542(a)(5)(63	Standards of performance for the rubber tire manufacturing industry - standards for VOC
0-0EU05	40CFR 60- BBB.542(a)(5)(64	Standards of performance for the rubber tire manufacturing industry - standards for VOC
FACILITY	40CFR 60-JJJJ	39	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
0-0EU01/00006	40CFR 60- JJJJ.4243(b)(1	48	Compliance by purchasing a certified engine
0-0EU01/00006	40CFR 60-JJJJ.4243(d)	49	Stationary Spark Ignition IC Engines -



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FACILITY	40CFR 63-JJJJJJ	40	Emergency Engine Operation
0-0EU01/-/002	40CFR 63-JJJJJJ.11194(a)	47	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
FACILITY	40CFR 63-ZZZZ	41	ICI Boiler Area Source NESHAP - Affected Source
0-0EU01	40CFR 63-ZZZZ	46	Reciprocating Internal Combustion Engine (RICE) NESHAP
0-0EU02	40CFR 64	51	Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 64.8	42	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	20	CAM - Quality improvement plan (QIP) requirements
FACILITY	40CFR 82-F	21	Chemical accident prevention provisions
FACILITY	6NYCRR 200.3	22	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	False Statement.
FACILITY	6NYCRR 200.7	10	Acceptable ambient air quality.
FACILITY	6NYCRR 201-1.4	70	Maintenance of equipment.
FACILITY	6NYCRR 201-1.7	11	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.8	12	Recycling and Salvage
FACILITY	6NYCRR 201-3.2(a)	13, 14	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.3(a)	15	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-6	23, 43, 44	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6.4(a)(4)	16	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(8)	17	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(c)	3	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)(2)	4	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-	5	Records of Monitoring, Sampling and Measurement Reporting



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	6.4(c)(3)(ii)			Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	24		Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6		Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	18		Off Permit Changes
FACILITY	6NYCRR 201-7	25		Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	19		Required emissions tests.
FACILITY	6NYCRR 202-2.1	7		Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8		Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	31		General Prohibitions - air pollution prohibited
0-0EU02	6NYCRR 212-1.6(a)	50		Limiting of Opacity
0-0EU03	6NYCRR 212-1.6(a)	58		Limiting of Opacity
0-0EU04	6NYCRR 212-1.6(a)	60		Limiting of Opacity
0-0EU05	6NYCRR 212-1.6(a)	61		Limiting of Opacity
0-0EU06	6NYCRR 212-1.6(a)	65		Limiting of Opacity
0-0EU07	6NYCRR 212-1.6(a)	67		Limiting of Opacity
0-0EU08	6NYCRR 212-1.6(a)	68		Limiting of Opacity
0-0EU06	6NYCRR 212-2.4(b)	66		Control of Particulate from New and Modified Process Emission Sources
0- 0EU02/00160/003/RTO01	6NYCRR 212-3.1(a)	52, 53		Reasonably Available Control Technology for Major Facilities Owners or operators of applicable emission points commences construction after August 15, 1994
FACILITY	6NYCRR 212-3.1(f)	32		Open Fires - Prohibitions
FACILITY	6NYCRR 215.2	9		Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2(e)	33		Particulate Emissions Firing Liquid Fuels Excluding Distillate Oil. (see narrative)
0-0EU01/-/002	6NYCRR 227-1.2(a)(2)	71, 72		Smoke Emission Limitations.
0-0EU01	6NYCRR 227-1.3	45		Permit requirements for new major facilities, NSR major mods, and netting
FACILITY	6NYCRR 231-11.1	37		Reasonable Possibility requirements for insignificant mods - less than 50% with excluded emissions
FACILITY	6NYCRR 231-11.2(b)	38		Certification of emission reductions
FACILITY	6NYCRR 231-2.6(a)	34		Permit content and terms of issuance
FACILITY	6NYCRR 231-6.4	35, 36		Lowest achievable
0-	6NYCRR 231-6.5	54, 55, 56, 57		



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0EU02/00160/003/RT001

emission rate, LAER

0-0EU05

6NYCRR 231-6.5

62

Lowest achievable
emission rate, LAER

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes



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the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)



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Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calENDar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

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.

40 CFR Part 68

This Part lists the regulated substances and there applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, SUMITOMO RUBBER USA LLC has been determined to be subject to the following regulations:

40 CFR 60.4243 (b) (1)

This condition states how to demonstrate compliance with 40 CFR 60 Subpart JJJJ, New Source Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, by purchasing an EPA certified engine. The information system emergency engine generator is an EPA certified engine.



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40 CFR 60.4243 (d)

These conditions state the hour limits in 40 CFR 60 Subpart JJJJ, New Source Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, for emergency engines operating in nonemergency engine situations. If the engine runs more than allowed by regulation then it may not qualify as an emergency engine.

40 CFR 60.542 (a) (3)

The New Source Standards of Performance for the Rubber Tire Manufacturing Industry, 40 CFR 60 Subpart BBB, limits the grams of VOC emitted per tire cemented. This limit applies to the tread end cementing operations.

40 CFR 60.542 (a) (5) (i)

The New Source Standards of Performance for the Rubber Tire Manufacturing Industry, 40 CFR 60 Subpart BBB, limits the grams of VOC emitted per tire sprayed with an inside green tire spray for each month. The green tire spray acts as a mold release. As allowed by this regulation, the facility only applies 'water-based sprays' which may have up to 12% by weight of VOC's.

40 CFR 60.542 (a) (5) (ii)

The New Source Standards of Performance for the Rubber Tire Manufacturing Industry, 40 CFR 60 Subpart BBB, limits the grams of VOC emitted per tire sprayed with an outside green tire spray for each month. The green tire spray acts as a mold release. As allowed by this regulation, the facility only applies 'water-based sprays' which may have up to 12% by weight of VOC's.

40 CFR 63.11194 (a)

This condition states what constitutes the affected source for the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR 63 subpart JJJJJ. Since this rule became effective the facility has only burned natural gas and is not subject to the rule. Each boiler that burns oil for more than 48 hours a year will need to comply with the rule. This conditions requires the facility to track the number of hours each boiler burns fuel oil to determine applicability.

40 CFR 64.8

This section lists the elements of a Quality Improvement Plan (QIP). A QIP may be required if a permittee has a number of exceedances or excursions of its Compliance Assurance Monitoring (CAM) program during during a reporting period.

40 CFR Part 60, Subpart JJJJ

The permit condition states that the New York State Department of Environmental Conservation hasnot accepted delegation of 40 CFR 60 Subpart JJJJ, New Source Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and directs any questions concerning compliance and/or enforcement to EPA Region 2. This applies to the natural gas engine of the information system emergency generator.



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40 CFR Part 63, Subpart JJJJJ

The permit condition states that the New York State Department of Environmental Conservation has not accepted delegation of 40 CFR Part 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources and directs any questions concerning compliance and/or enforcement to EPA Region 2. This applies to the four boilers that can burn oil if they burn oil for more than 48 hours in a calendar year.

40 CFR Part 63, Subpart ZZZZ

The permit condition states that the New York State Department of Environmental Conservation has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and directs any questions concerning compliance and/or enforcement to EPA Region 2. This applies to the natural gas engine of the lighting system emergency generator and the diesel engine associated with the emergency fire pump.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

CAM applies to the dust collectors associated with the raw material/rubber Banbury mixers in emission unit 0-0EU01.

6 NYCRR 200.3

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 212-1.6 (a)

This provision requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water. The permit conditions address emission monitoring to evaluate compliance. The emission sources and controls subject to this citation are operated following good operating practices, and by doing so will demonstrate compliance with the opacity standard. An EPA Method 9 test may be performed upon request.



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6 NYCRR 212-2.4 (b)

Particulate emissions from any process emission source, which received a B or C Environmental Rating, and for which an application was received by the department after July 1, 1973 are restricted to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. The permit conditions address compliance monitoring to evaluate compliance.

6 NYCRR 212-3.1 (a)

This provision states that owners and/or operators of facilities which emit volatile organic compounds or nitrogen oxides in amounts greater than the applicability emission rates found in 212-3(a)(1) and (2) must submit a plan to reduce those emissions and be in compliance by a specific date.

6 NYCRR 212-3.1 (f)

This provision states that owners and/or operators of emission points located at applicable facilities and commence construction after August 15, 1994 must submit a Reasonably Available Control Technology (RACT) demonstration for nitrogen oxides and volatile organic compound (VOC) emissions with each application for a permit to operate. RACT must be implemented on these emission points when operation commences. A RACT analysis is not required for new emission points with NO_x and VOC emission rate potentials less than 3.0 pounds per hour and actual emissions in the absence of control equipment less than 15.0 pounds per day at facilities located outside of the Lower Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury and New York City metropolitan area.

An updated VOC RACT Analysis was submitted with the Renewal 3 Title V application dated February 9, 2015. Portions were revised and submitted October 12, 2016 and June 27, 2017. The evaluation concluded that VOC RACT was not economically feasible, thus no controls are required. Only emissions points in the mixing emission unit, 0EU02, fit the criteria for a RACT Analysis.

However, regenerative thermal oxidizers (RTO) will be installed on the exhaust of Banbury mixers 8 and 9, before the facility exceeds the current 39 ton per year ethanol (VOC) cap that kept facility below the 40 tpy applicability threshold for New Source Review. Rubber production will increase above the 39 tpy cap. The RTO will be installed to meet the Lowest Achievable Emission Rate (LEAR) requirements in 6 NYCRR Part 231-6.5. The use of organo-silane coupling agents releases ethanol during rubber production and tire curing. When Mixer 10 is installed (2018) it will exhaust to RTO #1 too.

6 NYCRR 225-1.2 (e)

Owners and/or operators of any stationary combustion installation in Erie or Niagara County that fires residual oil are limited to the purchase of residual oil with a sulfur content of 0.50 percent sulfur by weight on or after July 1, 2014, and are limited to the firing of residual oil with the same sulfur content on or after July 1, 2016.

6 NYCRR 227-1.2 (a) (2)

This rule limits particulate emissions to 0.20 pound per million Btu heat input from any stationary combustion installation with a maximum heat input capacity exceeding 50 million Btu per hour but no greater than 250 million Btu per hour using oil (other than distillate oil), coal tar, or any liquid fuel derived from coal. This limit applies to the boilers when they fire residual oil.



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6 NYCRR 227-1.3

This regulation requires a limitation and compliance monitoring for opacity from a stationary combustion installation. This applies to the boilers in emission unit 0-0EU01.

6 NYCRR 231-11.1

This section contains the permit requirements for new major facilities, NSR major modifications, and netting for this Part.

6 NYCRR 231-11.2 (b)

This subdivision is referred to as the "Reasonable Possibility" provisions. This citation lists the record keeping requirements for insignificant modifications that are less than 50% of the applicable significant project threshold including excluded emissions as defined in Part 231-4.1(b)(40)(i)(c). The resorcinol (1,3-benzenediol) emissions, a volatile organic compound (VOC), were limited to 11,250 pounds per year when resorcinol became an ingredient in a modified rubber recipe. This is a 5.625 tons per year limit, which is less than 50% of the 40 ton per year applicability threshold for New Source Review and Prevention of Significant Deterioration in 6NYCRR Part 231. NYCRR 231-11.2 (b) is the citation being capped out of in the resorcinol capping condition.

6 NYCRR 231-2.6 (a)

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

The requirements and criteria for creating and certifying emission reduction credits (ERCs) are set forth in section 231-2.6. Emission reduction credits must be created and certified on an emission unit basis.

The facility has created VOC ERC's twice, once by shutting down a number processes and emission points to create 105 tpy VOC ERC, and a second time by reducing the usage of solvents and shutting down a few processes and emission points to create 52 tpy VOC ERC. They currently have 157 tpy of VOC ERC's.

6 NYCRR 231-6.4

This section states that the permit will establish emission limits, as appropriate for each applicable nonattainment contaminant for a proposed NSR major modification (VOC's), Lowest Achievable Emission Rates (LAER) for NSR, public noticing, and documentation of Emission Reduction Credits (ERC's) used. The above may be listed under different regulatory citations.

6 NYCRR 231-6.5

This section outlines what the Lowest Achievable Emission Rate (LAER) is and how it is determined for New Source Review (NSR). LAER was determined to be the use of a regenerative thermal oxidizer



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(RTO) on the exhaust of Banbury mixers 8, 9 and A. The RTO will be installed after the dust collectors of each mixer. A RTO will be installed to meet the Lowest Achievable Emission Rate (LAER) requirements in 6NYCRR Part 231-6.5. The use of organo-silane coupling agents releases ethanol during rubber production and tire curing.

6 NYCRR Subpart 201-7

This regulation sets forth emission caps that cannot be exceeded by the facility. The caps limit actual emissions to stay below the applicability of the regulations identified. In this permit that caps are:

- Capping individual Hazardous Air Pollutants (HAPs) emissions to 9.9 tpy to stay below the major source applicability limit of 10 tpy.
- Capping total HAP emissions to 24.9 tpy to stay below the major source applicability limit of 25 tpy.
- Capping ethanol emissions to 39 tpy to stay below the New Source Review and Prevention of Significant Deterioration applicability criteria of 40 tpy for volatile organic compounds (VOC). The emission rate potential from each emission point under this cap is less than 3.0 pounds per hour, which is the applicability criteria for conducting a VOC Reasonably Available Control Technology (RACT) analysis in 6NYCRR Part 212-3.1(f).
- Capping Oxides of Nitrogen (NOx) at 99 tpy to stay below the major source applicability criteria of 100 tpy. This cap keeps the facility below the 100 tpy applicability criteria for NOx RACT also.

Compliance Certification

Summary of monitoring activities at SUMITOMO RUBBER USA LLC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
0-0EU03/-/004/0ES17	59	monitoring of process or control device parameters as surrogate
0-0EU05	63	monitoring of process or control device parameters as surrogate
0-0EU05	64	monitoring of process or control device parameters as surrogate
0-0EU01/00006	49	monitoring of process or control device parameters as surrogate
0-0EU01/-/002	47	record keeping/maintenance procedures
0-0EU01	46	record keeping/maintenance procedures
0-0EU02	51	monitoring of process or control device parameters as surrogate
FACILITY	14	monitoring of process or control device parameters as surrogate
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	work practice involving specific operations



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FACILITY	29	work practice involving specific operations
FACILITY	30	work practice involving specific operations
FACILITY	7	record keeping/maintenance procedures
0-0EU02	50	monitoring of process or control device parameters as surrogate
0-0EU03	58	monitoring of process or control device parameters as surrogate
0-0EU04	60	monitoring of process or control device parameters as surrogate
0-0EU05	61	monitoring of process or control device parameters as surrogate
0-0EU06	65	monitoring of process or control device parameters as surrogate
0-0EU07	67	monitoring of process or control device parameters as surrogate
0-0EU08	68	monitoring of process or control device parameters as surrogate
0-0EU06	66	intermittent emission testing
0-0EU02/00160/003/RT001	52	intermittent emission testing
0-0EU02/00160/003/RT001	53	intermittent emission testing
FACILITY	32	record keeping/maintenance procedures
FACILITY	33	work practice involving specific operations
0-0EU01/-/002	71	intermittent emission testing
0-0EU01/-/002	72	monitoring of process or control device parameters as surrogate
0-0EU01	45	monitoring of process or control device parameters as surrogate
FACILITY	37	record keeping/maintenance procedures
FACILITY	38	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
FACILITY	36	monitoring of process or control device parameters as surrogate
0-0EU02/00160/003/RT001	54	record keeping/maintenance procedures
0-0EU02/00160/003/RT001	55	intermittent emission testing
0-0EU02/00160/003/RT001	56	monitoring of process or control device parameters as surrogate
0-0EU02/00160/003/RT001	57	intermittent emission testing
0-0EU05	62	monitoring of process or control device parameters as surrogate

Basis for Monitoring

Condition 14 is for 6 NYCRR Part 201-3.2(a) and limits each emergency engine to less than 500 hours per year of operation, on a 12-month rolling total basis. Unresettable hour meters on each engine track run time. The 12-month rolling total is calculated each month to evaluate compliance with the 500-hour limit. If the engines stay below 500 hours of emergency run time they are exempt from air permitting. The engines are included in this permit because they are subject to federal regulations. The three emergency engines include the diesel fire pump engine, the natural gas engine generator for lighting, and the information system natural gas engine generator.

Condition 26, 6 NYCRR Subpart 201-7, limits ethanol emissions to no more than 39 tons per year until the regenerative thermal oxidizer is operating. Title V permit, Renewal 2 Modification 0, contained a 39 tpy ethanol limit to keep emissions below the applicability thresholds of NSR and VOC RACT. The project to expand production and increase use of organo-saline coupling agents will increase ethanol emissions beyond the 39 tpy cap. This triggers applicability of Nonattainment New Source Review (NNSR) for



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VOC's, 6 NYCRR Part 231-6.5, which requires the modified source, the rubber mixers, to meet the lowest achievable emission rate (LAER) they can. It was determined that use of a regenerative thermal oxidizer (RTO) will have the lowest achievable emission rate. Therefore, the RTO must be operating before the 12-month rolling total ethanol emissions exceed 39 tons. The RTO must also be operating within 18 months of this permit being issued as required in 6 NYCRR Part 231-3.8.

Condition 27, 6 NYCRR Subpart 201-7, limits actual non-stack fugitive emissions of volatile organic compounds (VOC's) to less than 142.5 tons per year to create 52 tons of VOC emission reduction credits (ERC's). In the early 1990's process modifications including a reduction in solvent use when air conditioning was installed, the discontinuation of bias passenger and light truck tire production and using less volatile solvents reduced VOC emissions. ERC's were created for the reduction in VOC emissions. Consumption records are used to determine actual VOC emissions, which are reported semiannually.

Condition 28, 6 NYCRR Subpart 201-7, limits actual emissions of each individual hazardous air pollutant (HAP) to less than 10 tons per year. This keeps the individual HAPs below the major source threshold of 10 tons per year. Chemical usage, rubber production and fuel combustion, along with emission factors are used to calculate the emissions, which are reported semiannually.

Condition 29, 6 NYCRR Subpart 201-7, limits actual emissions of total hazardous air pollutants (HAP's) to less than 25 tons per year. This keeps the total HAP emissions below the major source threshold of 25 tons per year. Chemical usage, rubber production and fuel combustion, along with emission factors are used to calculate the emissions, which are reported semiannually.

Condition 30, 6 NYCRR Subpart 201-7, limits actual emissions of oxides of nitrogen (NOx) to less than 100 tons per year. This keeps the NOx emissions below the major source threshold of 100 tons per year. It also keeps the NOx emissions below the applicability threshold of 100 tons per year in the Oxides of Nitrogen, Reasonably Available Control Technology (NOx RACT) regulation, 6 NYCRR Part 227-2. NOx emissions are calculated from fuel usage in the boilers using NOx emission factors from EPA's AP 42 document, Compilation of Air Pollutant Emission Factors. The actual emissions are calculated monthly and reported semiannually. The current AP-42 emission factor for natural gas boilers is 100 lbs per million cubic feet of gas, but the facility will continue to use the emission factor of 140 lbs per million cubic feet, to be consistent with past emission calculations.

Condition 32, 6 NYCRR 212-3.1(f), documents that a volatile organic compound (VOC) Reasonably Available Control Technology (RACT) Analysis was conducted. It concluded that only Banbury Mixers 8 and 9 along with their take-away conveyors exceed the VOC RACT applicability thresholds in 6 NYCRR Part 212-3 of 15 pounds per day and 3 pounds per hour from each emission point. Mixers 8 and 9 are part of the increased production project and are required to install the Lowest Achievable Emission Rate (LAER) by 6 NYCRR Part 231-6, Non-Attainment New Source Review. LAER was accepted to be the use of a Regenerative Thermal Oxidizer (RTO) with a minimum of 98% destruction efficiency. The RTO meets and exceeds the RACT requirement of 81% control. A technical and economic feasibility was conducted for the two take-away conveyors. It identified three feasible control technologies. It concluded that none were economically feasible. Therefore, no emission controls are required for the take-away conveyors of mixers 8 and 9. The RACT analysis must be updated with the next permit renewal in 5 years.

Condition 33, 6 NYCRR 225-1.2(e), limits the sulfur content of the residual oil (#6 oil) burned in the boilers to 0.50% by weight sulfur. Sulfur content will be provided at each oil delivery by the oil provider.



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These records will be used to demonstrate compliance. Records will be kept for five years. This is lower than the sulfur in fuel limit in the previous permit because this regulation was updated since the previous permit was issued.

Condition 34, 6 NYCRR 231-2.6(a), documents the creation of 105 tons of volatile organic compound (VOC) emission reduction credits (ERC's) from process changes, that include emission point shutdowns and reductions in fugitive emissions during the 1995 time frame.

Condition 35, 6 NYCRR 231-6.4, documents the use of 137.93 tons of volatile organic compound (VOC) emission reduction credits (ERCs) for a project that increase production. The facility is scheduled to modify operations in two phases. First, the facility will increase utilization of existing equipment and install a regenerative thermal oxidizer (RTO), RTO #1. This phase of the project will increase emissions by 62.10 tons and will require the use of 71.42 tons of ERCs. The second phase of the project will involve the installation of a new Banbury mixer that will use RTO #1 too. The emission increase from the second phase is 57.84 tons and requires the use 66.52 tons of ERCs. A total of 137.93 tons of ERC's will be used ($62.10 + 57.84 = 119.94$, $119.94 \times 1.15 = 137.93$ tons, where the offset ratio is 1.15:1). The number of ERCs required for each phase of the project are document so that the ERCs can be returned to the ERC registry if one of the phases is not implemented.

Condition 36, 6 NYCRR 231-6.4, established a 201.5 ton per year on a 12-month rolling total basis facility-wide volatile organic compound (VOC) netting limit for the facility's expansion. The modification project emission potential of VOC's exceeded the significant project threshold which requires the facility go through a netting exercise. Part of the netting exercise requires the establishment of a ton per year limit equal to project actual emissions or potential to emit of the modification, whichever is used by the applicant.

Condition 37, 6 NYCRR Part 231-11.1, requires the permittee to notify the department within 30 days of commencing construction of the expansion project phases.

Condition 38, 6 NYCRR Part 231-11.2(b), requires the permittee to keep records of the emission calculations for each modified emission source for at least five years, and to document when the modified emission sources commence operation.

Condition 39, 40 CFR 60, subpart JJJJ, explains that the New York State Department of Environmental Conservation has not accepted delegation of 40 CFR Part 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engine. The permit contains a few requirements from this regulation, however, any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA. This regulation applies to the information system natural gas engine emergency generator.

Condition 40, 40 CFR 63, subpart JJJJJ, explains that the New York State Department of Environmental Conservation has not accepted delegation of 40 CFR Part 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA. The boilers will need to comply with the requirements of this regulation if they burn fuel oil for more than 48 hours a year.



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Condition 41, 40 CFR 63, subpart ZZZZ, explains that the New York State Department of Environmental Conservation has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The permit contains a few requirements from this regulation, however, any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA. This regulation applies to the lighting natural gas engine emergency generator and the diesel engine emergency fire pump.

Condition 45, 6 NYCRR 227-1.3, limits the opacity from the boilers at 20 percent (six-minute average), except for one six-minute period per hour of not more than 27 percent opacity. Visible emission observations are made and recorded daily. If opacity is excessive the facility must identify the problem and correct it. An EPA Method 9 visible emission compliance test must be conducted if corrective actions don't resolve the excessive opacity within 24 hours. In addition, the boilers will be operated in manner consistent with good operating and maintenance practices, thus ensuring compliance with opacity limitations.

Condition 46, 40 CFR 63 subpart ZZZZ, requires the emergency diesel fire pump engine and the natural gas emergency backup lighting generator engine to meet the operating requirements in the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. This includes: following the manufactures instructions, changing the oil and oil filter, inspecting belts, hoses and the air filter, tracking hours of usage, and recording maintenances activities.

Condition 47, 40 CFR 63.11194(a), subpart JJJJJ, requires the tracking and recording of the hours each boiler fires oil. If a boiler burns oil for more than 48 hours in a calendar year then that boiler will be subject to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR 63 subpart JJJJJ. Currently the boilers are considered 'gas fired' and not subject to subpart JJJJJ because they have not burned oil since the March 21, 2014 compliance date of the rule. If a boiler burns oil for more than 48 hours in a calendar year, then it will be considered an 'oil fired boiler' and must make notification of the change and comply with the rule requirements within 180 days. The facility anticipates firing only natural gas for the foreseeable future so subpart JJJJJ requirements are not in the permit.

Condition 49, 40 CFR 63.4243(d), subpart JJJJJ, limits the number of hours each emergency engine can operate to less than 50 hours per calendar year for nonemergency situations. This is part of the 100 hours a year each emergency engine can operate for maintenance and testing and emergency response as provide in 40 CFR 60.4243(d)(2). The engines at this facility are not part of an emergency response program. If an engine operates for more that the above hours, it may no longer be considered an emergency engine and would need to comply with additional requirements.

Condition 50, 6 NYCRR 212-1.6(a), limits the opacity from the Banbury Mixers to no more than 20 percent (six-minute average). Visible emission observations are made and recorded daily. If opacity is excessive the facility must identify the problem and correct it. An EPA Method 9 visible emission compliance test must be conducted if corrective actions don't resolve the excessive opacity within 24 hours.

Condition 51, 40 CFR Part 64, provides a reasonable assurance of compliance with the particulate emission limit of 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis, in 6 NYCRR Part 212-2.4(b). The visible emissions and the differential pressure across mixer dust collectors are monitored to ensure the dust collectors are operating properly and emissions comply with the 0.050



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grains per cubic foot of exhaust gas limit. This is a Compliance Assurance Monitoring (CAM) condition. Normal operations have no visible emissions. If visible emissions are observed during a daily inspection the facility must take corrective actions to return the emissions to normal. The pressure differential across the dust collectors is monitored weekly. If the pressure differential is outside of the normal operating range it is considered an excursion and corrective actions will be taken. If excursions occur for more than 5% of the operating time a Quality Improvement Plan (QIP) will be developed and implemented to improve the operation of the process or dust control equipment to reduce excursions. A summary of excursions is reported quarterly. Compliance with the particulate limit can ultimately be determined by emission testing.

Condition 52, 6 NYCRR Part 212-3.1(a), requires that the regenerative thermal oxidizer (RTO #1) operate with at least a 98% destruction efficiency, as guaranteed by the manufacturer and used in the Lowest Achievable Emission Rate (LAER) determination. If the 98% destruction efficiency is not met, then emissions shall not exceed 20 ppm as required in condition 53. If VOC loading to the RTO is low then it may not have a 98% destruction efficiency and that is when the alternative 20 ppm emission limit applies. The RTO will be installed to meet the LAER requirement in 6 NYCRR Part 231-6. The RTO offers better VOC control than the 81% required by the VOC Reasonably Available Control Technology (RACT) in 6 NYCRR Part 212-3. Initial emission testing will determine if the RTO is operating as designed.

Condition 53, 6 NYCRR Part 212-3.1(a), requires that the regenerative thermal oxidizer (RTO #1) not emit more than 20 parts per million (ppm) VOC, as guaranteed by the manufacturer. If the 98% destruction efficiency is not met, then emissions shall not exceed 20 ppm as required. If the loading to the RTO is low, then the RTO may not be able to meet the destruction efficiency requirement. The ppm limit is an alternative method to show that the RTO is operating properly. The RTO will be installed to meet the LAER requirement in 6 NYCRR Part 231-6. Initial emission testing will determine if the RTO is operating as designed.

Condition 54, 6 NYCRR Part 231-6.5, Condition 54, 6 NYCRR Part 231-6.5, requires mixers 8 or 9 or 10 to exhaust to the RTO to control the VOC's when mixing rubber with organo-silane coupling agent. The coupling agent emits a significant quantity of ethanol, a VOC. When this coupling agent is not in the rubber mix, then the mixers are not required to use the RTO. The facility is required to submit an operating and recordkeeping plan for department approval that explains how they will demonstrate compliance with this requirement.

The facility requested to change the way they originally proposed operating the RTO, from using it for all rubber mixes to only mixes that include the organo-silane coupling agent. This request was approved after reviewing the change in emissions. The organo-silane coupling agent is used in approximately 34% of the rubber mixed. The facility calculated a 5,197 pound per year increase in VOC emissions if non-coupling agent rubber mixing exhaust was not controlled by the RTO. At the same time, NO_x would decrease 1,647 pounds per year if the RTO did not operate for the non-organo-silane coupling agent rubber mixes. An air dispersion impact analysis showed that the ambient VOC concentrations would meet the Short-term Guidance Concentration and Annual Guidance Concentrations in DAR-1. A RACT analysis was conducted on the VOC emission increase, and concluded that the extra electricity and natural gas needed to operate the RTO would exceed the VOC RACT economic feasibility threshold of \$5000 per ton VOC reduced.

Condition 55, 6 NYCRR Part 231-6.5, requires emission compliance testing of the regenerative thermal oxidizer (RTO #1) to evaluate compliance with the Lowest Achievable Emission Rate (LAER) of 3.4 pounds of VOCs per hour for Phase 1 of the project. Phase 1 is the increased use of organo-silane coupler



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in existing mixers 8 and 9. The test will be conducted at the exhaust of the RTO, when it is controlling emissions from Banbury Mixers 8 and 9. Every source included in a NSR major modification must comply with the LAER requirements in Part 231-6.5. A RTO will provide the greatest reduction in VOC emissions from mixers 8 and 9, so it was used to determine LAER.

Condition 56, 6 NYCRR Part 231-6.5, requires that the regenerative thermal oxidizer (RTO #1) to operate at no less than 1500 F as designed by the manufacturer. The temperature will be monitored hourly to ensure the RTO is operating properly to meet the Lowest Achievable Emission Rate (LAER).

Condition 57, 6 NYCRR Part 231-6.5, requires emission compliance testing of the regenerative thermal oxidizer (RTO #1) to evaluate compliance with the Lowest Achievable Emission Rate (LAER) of 5.1 pounds of VOCs per hour for Phase 2 of the project. Phase 2 is the installation of a new rubber Mixer 10 and ducting the exhaust to RTO #1. The test will be conducted at the exhaust of the RTO, when it is controlling emissions from Banbury Mixers 8, 9 and 10. Every source included in an NSR major modification must comply with the LAER requirements in Part 231-6.5. A RTO will provide the greatest reduction in VOC emissions from mixers 8, 9 and 10, so it was used to determine LAER.

Condition 58, 6 NYCRR 212-1.6(a), limits emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water from emission unit 0EU03. Emission unit 0EU03 is for the extruding operations, where rubber is forced through a die to create a specific shape. All emission sources will be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. An EPA Method 9 compliance test will be used to evaluate compliance if requested by the department.

Condition 59, 40CFR 60.542(a)(3), NSPS Subpart BBB, limits the volatile organic compound (VOC) emissions from tread end cementing to no more than 10 grams of VOC per tire cemented for each month. Subpart BBB is the New Source Standards of Performance for the Rubber Tire Manufacturing Industry. A tire is assembled from pieces of rubber, and a cement or adhesive is applied to keep the ends of the tread connected until the tire is cured. Cement use and tire production are tracked to calculate compliance as required by this subpart. The grams of VOC per tread per month are reported semiannually.

Condition 60, 6 NYCRR 212-1.6(a), limits emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water from emission unit 0EU04. Emission unit 0EU04 is for the calendaring operations, where a fabric or steam mesh is sandwiched between two thin pieces of rubber. The pieces are combined into one piece when they go through the roller presses. All emission sources will be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. An EPA Method 9 compliance test will be used to evaluate compliance if requested by the department.

Condition 61, 6 NYCRR 212-1.6(a), limits emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water from emission unit 0EU05. Emission unit 0EU05 is for the tire building and curing operations, where rubber pieces are assembled to build a tire which is then placed in an isostatic press that forms and vulcanizes the tire. All emission sources will be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. An EPA Method 9 compliance test will be used to evaluate compliance if requested by the department.



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Condition 62, 6 NYCRR Part 231-6.5, sets the Lowest Achievable Emission Rate (LAER) for tire curing at 0.0029 lb of VOC per pound of rubber cured that contains organo-silane coupler. LAER is required because the annual tire curing emissions increase with the production increase project. Emissions will be calculated monthly and used to calculate the 12-month rolling average to demonstrate compliance.

Condition 63, 40CFR 60.542(a)(5)(i), NSPS Subpart BBB, limits the discharge into the atmosphere of no more than 1.2 grams (0.0026 lb) of VOC per tire sprayed with an inside green tire spray for each month. Where the definition of 'water-based sprays' is one that contains 12 percent or less, by weight, of VOC as spray. Subpart BBB sets the New Source Standards of Performance for the Rubber Tire Manufacturing Industry. Since the facility complies with the above limit by applying only water based sprays containing less than 1.0 percent, by weight, of VOC, this subpart requires that the VOC content of the sprays be verified and submitted annually.

Condition 64, 6 NYCRR 212-1.6(a), limits emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water from emission unit 0EU06. Emission unit 0EU06 is for the tire finishing and buffing operations, where cured tires are physically finished and buffed. All the emission sources exhaust through particulate control devices. All emission sources and control devices will be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. An EPA Method 9 compliance test will be used to evaluate compliance if requested by the department.

Condition 65, 6 NYCRR 212-2.4(b), limits emissions of particulate to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis from emission unit 0EU06. Emission unit 0EU06 is for the tire finishing and buffing operations, where cured tires are physically finished and buffed. All the emission sources exhaust through particulate control devices. All emission sources and control devices will be operated in a manner consistent with good operating practices, thus ensuring compliance with particulate limit. An EPA Method 5 emission test will be used to evaluate compliance if requested by the department.

Condition 66, 6 NYCRR 212-1.6(a), limits emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water from emission unit 0EU07. Emission unit 0EU07 is for the tire section band saw and tire grinder, which are small intermittent operations. The band saw cutting operations and both grinders exhaust through particulate control devices. All emission sources and control devices will be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. An EPA Method 9 compliance test will be used to evaluate compliance if requested by the department.

Condition 67, 6 NYCRR 212-1.6(a), limits emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water from emission unit 0EU08. Emission unit 0EU08 is for the ERB (electron processing system) where rubber is pre-cured. This emission source will be operated in a manner consistent with good operating practices, thus ensuring compliance with 20% opacity limit. An EPA Method 9 compliance test will be used to evaluate compliance if requested by the department.

Condition 70, 6 NYCRR 227-1.2(a)(2), limits particulate emissions from the boilers, when they burn oil, to no more than 0.20 pounds per million Btu heat input. A compliance emission test is required once every permit term. The permit is issued for a five-year term. The boilers don't need to burn oil just for emission testing purposes.



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Condition 71, 6 NYCRR 227-1.2(a)(2), limits particulate emissions from the boilers, when they burn oil, to no more than 0.20 pounds per million Btu heat input. The facility used emission factors from EPA's AP-42 document, Compilation of Air Pollutant Emission Factors, and the sulfur content of the fuel oil to demonstrate compliance with the particulate limit. This condition was updated with the revised sulfur in fuel requirement of 0.50% S by weight for residual oil (#6 oil). The calculated emission rate of 0.0566 pounds of particulate/million Btu continues to demonstrate compliance.

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Facility DEC ID: 2610500301



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To:KINGS PLAZA ENERGY LLC
C/O THE MACERICH COMPANY
401 WILSHIRE BLVD, SUITE 700
SANTA MONICA, CA 90401-1452

Facility: KINGS PLAZA ENERGY LLC
5100 KINGS PLZ
BROOKLYN, NY 11234

Authorized Activity By Standard Industrial Classification Code:
4931 - ELEC & OTHER SERVICES COMBINED

Permit Effective Date: 09/15/2015

Permit Expiration Date: 09/14/2020



PAGE LOCATION OF CONDITIONS

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FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

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7	2	6 NYCRR 201-6.4 (a) (7): Fees
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8	4	6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
8	5	6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
10	6	6 NYCRR 201-6.4 (e): Compliance Certification
12	7	6 NYCRR 202-2.1: Compliance Certification
12	8	6 NYCRR 202-2.5: Recordkeeping requirements
13	9	6 NYCRR 215.2: Open Fires - Prohibitions
14	10	6 NYCRR 200.7: Maintenance of Equipment
14	11	6 NYCRR 201-1.7: Recycling and Salvage
14	12	6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
14	13	6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
15	14	6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
15	15	6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
15	16	6 NYCRR 201-6.4 (a) (8): Right to Inspect
16	17	6 NYCRR 201-6.4 (f) (6): Off Permit Changes
16	18	6 NYCRR 202-1.1: Required Emissions Tests
16	19	40 CFR Part 68: Accidental release provisions.
17	20	40CFR 82, Subpart F: Recycling and Emissions Reduction
17	21	6 NYCRR 201-3.2 (c): Compliance Certification
18	22	6 NYCRR Subpart 201-6: Emission Unit Definition
19	23	6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
19	24	6 NYCRR 202-1.2: Notification
19	25	6 NYCRR 202-1.3: Acceptable procedures - Stack test report submittal
19	26	6 NYCRR 211.1: Air pollution prohibited
20	27	6 NYCRR 225-1.2 (f): Compliance Certification
20	28	6 NYCRR 225-1.2 (h): Compliance Certification
21	29	6 NYCRR 225-1.6 (f): Compliance Certification
22	30	40CFR 63, Subpart JJJJJ: Compliance and Enforcement
22	31	40CFR 63, Subpart ZZZZ: Compliance and Enforcement
		Emission Unit Level
22	32	6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
23	33	6 NYCRR Subpart 201-6: Process Definition By Emission Unit
24	34	6 NYCRR Subpart 201-7: Emission Unit Permissible Emissions
25	35	6 NYCRR 227.2 (b) (1): Compliance Certification

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26	36	40CFR 63, Subpart JJJJJ: Compliance Certification
27	37	6 NYCRR 227-2.4 (d): Compliance Certification
28	38	6 NYCRR 227-1.3 (a): Compliance Certification

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- 30 39 6 NYCRR 201-6.4 (b) (3): Compliance Certification
- 30 *40 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 32 *41 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 34 *42 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 36 43 40CFR 63, Subpart ZZZZ: Compliance Certification
- 42 44 40CFR 63, Subpart ZZZZ: Compliance Certification

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- 47 45 6 NYCRR Subpart 201-6: Compliance Certification
- 48 46 6 NYCRR 227-2.4 (f) (1): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

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- 51 47 ECL 19-0301: Contaminant List
- 51 48 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 52 49 6 NYCRR 211.2: Visible Emissions Limited

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 09/15/2015 and 09/14/2020

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: Fees**
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 09/15/2015 and 09/14/2020**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related record keeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

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The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer
Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2016.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.



(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law,



or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 13.1:



The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: Right to Inspect
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit;

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and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Off Permit Changes

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:40 CFR Part 68

Item 19.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will

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apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 21: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-3.2 (c)

Item 21.1:

The Compliance Certification activity will be performed for the Facility.

Item 21.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition applies to emergency generators at the plant.

The operational hours of each engine must be limited to 500 hours per year, rolled monthly. The engines shall only be used for emergency purposes only. Facility must maintain on site records which

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demonstrate that each engine is operated less than 500 hours per year on a monthly rolling basis. The owner or operator must maintain a bound log book at the facility to record each emergency occurrence with date, time, duration of operation, and reason for operation of each emergency generating power source at the facility.

A summary of report must be submitted to the Department on a semiannual calendar basis.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 22: Emission Unit Definition
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 22.1:

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

Emission Unit: 0-000CB

Emission Unit Description:

Emission Unit #000CB consists of two 16.7 mmbtu/hr Cleaver Brooks boilers (Model #CB293-400) which are ducted to a single stack. Steam is produced in these boilers in order to provide heat to the shopping mall. The primary fuel for these boilers is natural gas. Number 2 fuel oil is the secondary fuel for these boilers. Kings Plaza is allowed to fire liquid fuel only during periods of gas curtailment, gas supply interruptions, startups, or for periodic testing on liquid fuel (periodic testing not to exceed a combined total of 48 hours during any calendar year).

Building(s): PWRPL

Item 22.2:

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

Emission Unit: 0-000DG

Emission Unit Description:

Emission unit #00DZG consists of four 3.2 MW Deutz natural gas spark fired engines (Model TBG632V16). These engines replaced five retired Nordberg engines. The Deutz units were installed and located in the exact same location as the retired Nordberg engines, exhaust through the same emission points(00DG1, 00DG2, 00DG3 and 00DG4). The temporary engines those were part of the this emission unit and used during the construction of the Deutz engines, were all taken out of service in February 2007. Two out of the five temporary engines remain on-site and used only for emergency backup.

NOx emissions from the unit is capped at 116 tpy and Emission

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Reduction Credit has been created.

Building(s): PWRPL

Condition 23: Progress Reports Due Semiannually
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

Item 23.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 24: Notification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 202-1.2

Item 24.1:

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

Condition 25: Acceptable procedures - Stack test report submittal
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 202-1.3

Item 25.1:

Emission test reports must be submitted in triplicate to the commissioner within 60 days after the completion of the tests, unless additional time is requested in writing.

Condition 26: Air pollution prohibited
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 211.1

Item 26.1:

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

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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 27: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 225-1.2 (f)

Item 27.1:

The Compliance Certification activity will be performed for the Facility.

Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of commercial, industrial, or residential emission sources that fire number two heating oil on or after July 1, 2012 are limited to the purchase of number two heating oil with 0.0015 percent sulfur by weight or less. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period.

All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 HEATING OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 28: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 225-1.2 (h)

Item 28.1:

The Compliance Certification activity will be performed for the Facility.

Item 28.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of a stationary combustion installations that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period.

All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 29: Compliance Certification

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement: 6 NYCRR 225-1.6 (f)

Item 29.1:

The Compliance Certification activity will be performed for the Facility.

Item 29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility owners subject to this Subpart must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if known, for each calendar quarter, within 30 days after the end of any quarterly period in which an exceedance takes place.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period.

All other facility owners or distributors must submit these records



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and summaries upon request of the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 30: Compliance and Enforcement

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:40CFR 63, Subpart JJJJJ

Item 30.1:

The Department has not accepted delegation of 40 CFR Part 63 Subpart JJJJJ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart JJJJJ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

Condition 31: Compliance and Enforcement

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 31.1:

The Department has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart ZZZZ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

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

Condition 32: Emission Point Definition By Emission Unit

Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 32.1:

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

Emission Unit: 0-000CB



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Emission Point: 000CB
Height (ft.): 38 Diameter (in.): 36
NYTMN (km.): 4496. NYTME (km.): 591.2 Building: PWRPL

Item 32.2:

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

Emission Unit: 0-000DG

Emission Point: 00DG1
Height (ft.): 38 Diameter (in.): 36
NYTMN (km.): 4496. NYTME (km.): 591.2 Building: PWRPL

Emission Point: 00DG2
Height (ft.): 38 Diameter (in.): 36
NYTMN (km.): 4496. NYTME (km.): 591.2 Building: PWRPL

Emission Point: 00DG3
Height (ft.): 38 Diameter (in.): 36
NYTMN (km.): 4496. NYTME (km.): 591.2 Building: PWRPL

Emission Point: 00DG4
Height (ft.): 38 Diameter (in.): 36
NYTMN (km.): 4496. NYTME (km.): 591.2 Building: PWRPL

**Condition 33: Process Definition By Emission Unit
Effective between the dates of 09/15/2015 and 09/14/2020**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 33.1:

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

Emission Unit: 0-000CB
Process: CBF Source Classification Code: 1-02-005-01
Process Description:
The firing of No. 2 fuel oil in the two boilers is defined as process CBF.

Emission Source/Control: 00CB1 - Combustion
Design Capacity: 16.7 million Btu per hour

Emission Source/Control: 00CB2 - Combustion
Design Capacity: 16.7 million Btu per hour

Item 33.2:

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

Emission Unit: 0-000CB
Process: CBG Source Classification Code: 1-02-006-02
Process Description:

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The firing of natural gas in the two boilers is defined as process
CBG.

Emission Source/Control: 00CB1 - Combustion
Design Capacity: 16.7 million Btu per hour

Emission Source/Control: 00CB2 - Combustion
Design Capacity: 16.7 million Btu per hour

Item 33.3:

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

Emission Unit: 0-000DG
Process: DGN Source Classification Code: 2-02-002-54
Process Description:
The firing of natural gas in the Deutz gas-fired generators is
defined as process DGN.

Emission Source/Control: 0DZG1 - Combustion
Design Capacity: 3.2 megawatt

Emission Source/Control: 0DZG2 - Combustion
Design Capacity: 3.2 megawatt

Emission Source/Control: 0DZG3 - Combustion
Design Capacity: 3.2 megawatt

Emission Source/Control: 0DZG4 - Combustion
Design Capacity: 3.2 megawatt

Item 33.4:

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

Emission Unit: 0-000DG
Process: ENF Source Classification Code: 2-02-001-02
Process Description:
The firing of distillate No.2 oil in the caterpillar emergency
generators.

Emission Source/Control: 0ENG1 - Combustion
Design Capacity: 1.825 megawatt

Emission Source/Control: 0ENG2 - Combustion
Design Capacity: 1.825 megawatt

Condition 34: Emission Unit Permissible Emissions
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 34.1:



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The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 0-000DG

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 232,000 pounds per year

CAS No: 0NY998-00-0

Name: VOC

PTE(s): 80,000 pounds per year

Condition 35: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 227.2 (b) (1)

Item 35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 0-000CB

Process: CBF

Emission Source: 00CB1

Emission Unit: 0-000CB

Process: CBF

Emission Source: 00CB2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil. The owner or operator shall complete the following once per term of this permit:

- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.

Manufacturer Name/Model Number: 30



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Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 36: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:40CFR 63, Subpart JJJJJ

Item 36.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000CB

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

40 CFR 63 Subpart JJJJJ-National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

Two existing boilers of emission unit (EU): 0-000CB. The two boilers are natural gas and No.2 fuel oil-fired boilers, and are rated at 16.7 MMBTU/hr (each boiler).

The owner or operator (the Permittee) is avoiding applicability of 40 CFR 63 Subpart JJJJJ "Industrial, Commercial, and Institutional Boilers Area Sources." (Subpart JJJJJ).The Permittee is permitted to operate two natural gas / No. 2 fuel oil-fired boilers (EU: 0-000CB). Per 40 CFR 63.11195(e), these two existing boilers are exempt from this Subpart because they are defined as gas-fired boiler(s) in 40 CFR 63.11237. In order to maintain this exemption, the Permittee is allowed to fire liquid fuel only during periods of gas curtailment, gas supply interruptions, startups, or for periodic testing on liquid fuel (periodic testing not to exceed a combined total of 48 hours during any calendar year).

The Permittee shall maintain records that document the time periods when liquid fuel is fired and the reasons the liquid fuel is fired.

If the Permittee fires liquid fuel for reasons other than gas curtailment, gas supply interruptions, startups, or for periodic

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tune-up must be kept on-site for a minimum of five years.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 38: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement: 6 NYCRR 227-1.3 (a)

Item 38.1:

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

Emission Unit: 0-000CB	Emission Point: 000CB
Emission Unit: 0-000CB Process: CBG	Emission Source: 00CB2
Emission Unit: 0-000DG	Emission Point: 00DG1
Emission Unit: 0-000DG	Emission Point: 00DG2
Emission Unit: 0-000DG	Emission Point: 00DG3
Emission Unit: 0-000DG	Emission Point: 00DG4
Emission Unit: 0-000DG Process: DGN	Emission Source: 0DZG1
Emission Unit: 0-000DG Process: DGN	Emission Source: 0DZG2
Emission Unit: 0-000DG Process: DGN	Emission Source: 0DZG3
Emission Unit: 0-000DG Process: DGN	Emission Source: 0DZG4

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

Item 38.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater

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than 20 percent opacity (on a six minute block period) except for one six minute block period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
 - weather condition
 - was a plume observed?

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

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**** NOTE **** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: DAILY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2015.

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Subsequent reports are due every 6 calendar month(s).

Condition 39: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (b) (3)

Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each engine shall be tuned-up a minimum of once each calendar year.
Kings Plaza shall maintain a log (in a format acceptable to the Department) containing the following information:

- (1) the date each tune-up was performed;
- (2) a summary of the items adjusted as part of the tune-up; and
- (3) the name, title and affiliation of the person(s) who performed the tune-up.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 40: Capping Monitoring Condition
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 40.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-2

Item 40.2:

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

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Item 40.3:

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 40.4:

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 40.5:

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 40.6:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 40.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The VOC emissions from Emission Unit 0000DG (four Deutz units and two Caterpillar emergency generator engines), shall not exceed 40 tons during any rolling twelve-month (12-month) period.

The facility must maintain on-site daily fuel use logs, engine operating hours, KW-hrs generated and supporting documentation to verify the VOC emissions. On a monthly basis the facility must calculate annual emissions using the emission factor derived during the most recent performance test of the Deutz engines. Until the initial VOC performance test of the Deutz engines is completed, as required in condition 45 of this permit, the facility will use EPA approved emission factors for four Deutz engines when determining monthly VOC emissions in the equation below. At all times the facility will use EPA approved emission factors for the two Caterpillar emergency generator engines.

The facility shall calculate and record the VOC emissions from the

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four Deutz engines and two Caterpillar emergency engines, on a monthly and rolling 12-month basis to demonstrate compliance with the 40 tons limit.

The monthly tons of VOC emissions from the four Deutz engines shall be calculated using the following equation:

$$\frac{[(\text{Engine VOC emission factor from the most recent performance test, expressed as g/BHP-hr}) \times (1.341 \text{ BHP/kW}) \times (\text{actual kW-hr from four engines, combined})]}{[453.6 \text{ g/lb}] / [2000 \text{ lb/ton}]}$$

- 1.341 BHP-hr- represents the conversion factor from g/BHP-hr to g/kW-hr.

The monthly tons of VOC emissions from the two Caterpillar engines shall be calculated using the following equation:

$$\frac{[(\text{VOC emission factor for the Caterpillar engines of 12.38 lbs/1000 gallons}) \times (\text{actual No.2 fuel oil usage in gallons})]}{[2000 \text{ lb/ton}]}$$

- The VOC emission factor from the Caterpillar engines firing No.2 fuel oil is based on AP 42 Table 3.4-1 emission factor of 12.38 lbs/1000 gallons based on a HHV of 137, 500 Btu/gallon

The total VOC emissions from the four Deutz engines and two Caterpillar engines in tons per rolling 12-month period shall be calculated, every month, by summing the tons of the current month plus the eleven (11) previous months.

Parameter Monitored: VOC

Upper Permit Limit: 40 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 41: Capping Monitoring Condition
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 41.1:

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 otherwise be subject to:



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6 NYCRR Subpart 231-2

Item 41.2:

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

Item 41.3:

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 41.4:

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 41.5:

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 41.6:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 41.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The power output generated by the four Deutz natural gas fired engines of EU: 0-000DG, combined, shall not exceed 51,480,440 kilowatt hours (kW-hr) on any rolling twelve-month (12-month) period.

The facility shall continuously monitor the kW-hr generated by the four Deutz engines, and keep records of the monthly kW-hr.

Parameter Monitored: POWER

Upper Permit Limit: 51,480,440 kilowatt hour per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY



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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 42: Capping Monitoring Condition
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 42.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-2

Item 42.2:

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

Item 42.3:

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 42.4:

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 42.5:

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 42.6:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 42.7:

Compliance Certification shall include the following monitoring:

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Capping: Yes

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

Monitoring Description:

The NOx emissions from Emission Unit 0000DG (four Deutz units and two Caterpillar emergency generator engines), shall not exceed 116 tons during any rolling twelve-month (12-month) period.

The facility shall maintain on site daily fuel use logs, engine operating hours, KW-hrs generated and supporting documentation to verify the NOx emissions and calculate emissions based on the most recent stack test used to determine the emission factors for the Deutz engines. NOx emissions from the Caterpillar emergency generators are based on AP42 emission factors.

The facility shall calculate and record the NOx emissions from the four Deutz and two Caterpillar emergency engines, on a monthly, and rolling 12-month basis to demonstrate compliance with the 116 ton limit.

The monthly tons of NOx emissions from the four Deutz engines shall be calculated using the following equation:

$$\frac{[(\text{Engine NOx emission factor from the most recent performance test, expressed as g/BHP-hr}) \times (1.341 \text{ BHP/kW}) \times (\text{actual kW-hr from four engines, combined})]}{[453.6 \text{ g/lb}] / [2000 \text{ lb/ ton}]}$$

- The NOx emission factor used by the facility in the above-listed equation shall be the NOx emission rate determined during the most recent Department approved performance test of a Deutz engine.

- 1.341 BHP-hr- represents the conversion factor from g/BHP-hr to g/kW-hr.

The monthly tons of NOx emissions from the two Caterpillar engines shall be calculated using the following equation:

$$\frac{[(\text{NOx emission factor for the Caterpillar engines of 440 lbs/1000 gallons}) \times (\text{actual No.2 fuel oil usage in gallons of the two Caterpillar engines})]}{[2000 \text{ lb/ton}]}$$

- NOx emission factor for Caterpillar engines firing No.2 fuel oil in lbs/1000 oil based on AP-42 Table 3.4-1 emission factor of 440 lbs/1000 gallons on a HHV of 137,500 Btu/gallon

The total NOx emissions from the four Deutz engines and two Caterpillar engines in tons per rolling 12-month period shall be calculated, every month, by summing the tons of the current month plus the eleven (11) previous months.



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Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 116 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2015.
Subsequent reports are due every 6 calendar month(s).

Condition 43: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

Item 43.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

40 CFR 63 Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)

Kings Plaza Energy, LLC (facility or Permittee) is subject to the requirements of 40 CFR 63, Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) for area sources of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the Permittee shall comply with all applicable requirements of 40 CFR 63 Subpart ZZZZ.

The 40 CFR 63 Subpart ZZZZ (or Subpart ZZZZ) applies to the following two existing emergency generators engines:

Two identical Caterpillar Fuel oil # 2 fired compression ignition (CI) stationary reciprocating internal combustion engines of emission unit (EU):0-000DG, each rated at 2,593 HP, 1.825 MW, and 18.15 MMBTU/hr.

The Permittee shall comply with the definition of emergency stationary RICE in 40 CFR 63.6675 and the following provisions:

I. Compliance Date:

The compliance date for the two existing emergency engines is May 3, 2013. [40 CFR 63.6595 (a)]



II. General Requirements for Complying with Subpart ZZZZ

1. The Permittee must be in compliance with the emission limitations, operating limitations and other applicable requirements of Subpart ZZZZ at all times. [40 CFR 63.6605 (a)]

2. At all times, the Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to NYSDEC which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.6605 (b)]

III. Emission Limitations, Management Practices and Other Requirements:

1. The Permittee shall comply with the following requirements of 40 CFR 63.6603 (a) and Table 2d, Section 4 of Subpart ZZZZ:

a. Change the oil and filter every 500 hours of operation or annually, whichever comes first. The Permittee has the option to utilize an oil analysis program as described in 63.6625(i) in order to extend the specified oil change requirements.

b. Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.

c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

d. If the engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedules required in Table 2d of Subpart ZZZZ, or if performing the management practice on the required schedules would otherwise pose an unacceptable risk under federal, state or local law, the management practices can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice shall be performed as soon as possible after the emergency has ended or the unacceptable risk has abated. The Permittee shall report any failure to perform the management practice on the schedule required and the federal, state, or local law under which the risk was deemed unacceptable.

2. Operate and maintain the engines and after-treatment control device (if any) according to the manufacturer's emission-related operation

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and maintenance instructions; or develop and follow your its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good pollution control practices for minimizing emissions. [40 CFR 63.6625 (e)]

3. Install a non-resettable hour meter if one is not already installed. [40 CFR 63.6625 (f)]

4. The Permittee may utilize an oil analysis program in order to extend the oil change requirements specified in 63.603 (a) and Table 2d. The oil analysis must be performed at the same frequency specified for changing the oil. If any of the limits listed below are exceeded, the Permittee shall change the oil within two (2) business days of receiving the results of the analysis. If the engine is not in operation when the results of the analysis are received, then the oil must be changed within two (2) business days or before commencing operation, whichever is later.

a. Total base number is less than 30 percent of the total base number of the oil when new; or

b. Viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or

c. Water content (by volume) is greater than 0.5%.

If all of the above limits are not exceeded, the Permittee is not required to change the oil before continuing to use the engine. [40 CFR 63.6625(i)]

5. If the Permittee does not operate the engine according to the requirements in 63.6640(f) (1) though (f) (4), then the engine will not be considered an emergency engine under NESHAP Subpart ZZZZ and must meet all requirements for non-emergency engines. [40 CFR 63.6640 (f)]

a. There is no time limit on the use in emergency situations. [40 CFR 63.6640 (f) (1)]

b. The Permittee may operate the engine for any combination of the purposes specified in paragraphs (f) (2) (i) through (ii) for a maximum of 100 hours per calendar year. Any operation for non-emergency situation as allowed by paragraph (f) (4) counts as part of the 100 hours per calendar year as allowed by paragraph (f) (2). [40 CFR 63.6640 (f) (2)]

- The engine may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission authority or equivalent balancing authority and transmission operator, or the insurance company associated with the



engine. The Permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the Permittee maintains records indicating that federal, state, or local standards require maintenance and testing of the engine beyond 100 hours per calendar year. [40 CFR 63.6640 (f) (2) (i)]

in • The engine may operate for emergency demand response for periods

which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergency or other authorized entity as determined by the Reliability Coordinator has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP- 002-3.[40 CFR 63.6640 (f) (2) (ii)]

of • The engine may be operated for periods where there is a deviation voltage or frequency of 5 percent or greater below standard voltage or frequency. [40 CFR 63.6640 (f) (2) (iii)]

6. Pursuant to 40 CFR 63.6640(f) (4), the engine may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in 63.6640(f) (2). Except as provided in 63.6640 (f)(4)(i)and (ii), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for the facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.[40 CFR 63.6640 (f) (4)]

a. Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for the facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system. [40 CFR 63.6640 (f) (4) (i)]

b. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met [40 CFR 63.6640 (f) (4)(ii)]:

• The engine is dispatched by the local balancing authority or local transmission or distribution system operator. [40 CFR 63.6640 (f) (4) (ii) (A)]:

• The dispatch is intended to mitigate local transmission and/or



distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. . [40 CFR 63.6640 (f) (4) (ii) (B)]:

- The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines. . [40 CFR 63.6640 (f) (4) (ii) (C)]:

- The power is provided only to the facility itself or to support the local transmission and distribution system. . [40 CFR 63.6640 (f) (4) (ii) (D)]:

- The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator. . [40 CFR 63.6640 (f) (4) (ii) (E)]:

IV. Fuel Requirements

Pursuant to 40 CFR 63.6604(b) the following the Permittee shall comply with the following fuel requirements:

Beginning January 1, 2015, emergency engines that meet all the following conditions shall use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel.

- Greater than 100 brake HP;
- Displacement of less than 30 liters per cylinder;
- Operates for the purposes specified in 63.6640 (f)(4)(ii) or operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 63.6640 (f) (2) (ii) and (iii).

Any existing diesel fuel purchased prior to January 1, 2015 may be used until depleted.

The diesel fuel requirements of 40 CFR 80.510(b) are as follows: (1) Sulfur content of 15 ppm maximum; and (2) A minimum cetane index of 40, or a maximum aromatic content of 35 volume percent.

V. Recordkeeping Requirements

The Permittee shall keep records showing:

1. The Permittee must keep the records required in Table 6 of Subpart

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ZZZZ to show continuous compliance with each applicable emission or operating limitation in 40 CFR Part 63, Subpart ZZZZ. [40 CFR 63.6655(d)]

2. If applicable, the parameters that are analyzed as part of the oil analysis program, the results of the analysis, and the oil changes for the engine. [40CFR 63.6655 (e)]

3. The hours of operation of the engine that is recorded through the non-resettable hour meter. The Permittee shall document how many hours are spent for emergency operation; including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for purposes specified in 63.6640(f)(2)(ii) or (iii) or 63.6640 (f)(4)(ii), then the Permittee shall keep records of the notification of the emergency situation, and the date, start time and end time of the engine operation for these purposes. [40 CFR 63.6655 (f)]

4. The records must be in a form suitable and readily available for expeditious review. [40 CFR 63.6660 (a) and 40 CFR 63.10 (b) (1)]

5. The Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660 (b) and 40 CFR 63.10 (b) (1)]

6. The Permittee must keep each record readily accessible in hard copy or electronic form on site at the source for 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 63.10 (b)(1). [40 CFR 63.6660 (c) and 40 CFR 63.10 (b) (1)]

VI. Reporting Requirements

For an engine greater than 100 brake HP and that operates for the purposes specified in 63.6640 (f)(4)(ii), or operate or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 63. 6640 (f) (2) (ii) and (iii), the Permittee shall submit an annual report to the Administrator. The report must contain the information specified at 63.6660 (h) (1) through (3), must be submitted according to the schedule specified at 63.6650 (h) (2), and in the format specified at 63.6650 (h) (3). [40 CFR 63.6650 (h)]:

40 CFR 63 Subpart A-General Provisions

The Permittee shall comply with all applicable provisions of 40 CFR Subpart A as outlined in Table 8 of 40 CFR 63 Subpart ZZZZ.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 44: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

Item 44.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-000DG

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

40 CFR 63 Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)

Kings Plaza Energy, LLC (facility or Permittee) is subject to the requirements of 40 CFR 63, Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) for area sources of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the Permittee shall comply with all applicable requirements of 40 CFR 63 Subpart ZZZZ.

The 40 CFR 63 Subpart ZZZZ (or Subpart ZZZZ) applies to the following four existing non-emergency generators engines:

Four identical Deutz natural gas fired spark ignition four stroke lean burn stationary reciprocating internal combustion engines of emission unit (EU):0-000DG, each rated at 4, 257 HP, 3.2 MW, and 26 MMBTU/hr.

I. Compliance date:

The compliance date for the four existing non-emergency engines is October 19, 2013.

[40 CFR 63.6595 (a)]

II. General Requirements for Complying with Subpart ZZZZ

1. The Permittee must be in compliance with the emission limitations, operating limitations and other applicable requirements of Subpart ZZZZ at all times. [40 CFR 63.6605 (a)]

2. At all times, the Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air



pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.6605 (b)]

III. Emission Limitation, Operating Limitation, and Other Requirements

1. The Permittee shall install oxidation catalyst devices to reduce HAPs emissions resulting from the four engines, except during periods of startup.

[40 CFR 63.6603 (a) and Table 2d, Section 9]

2. Emissions from each engine, must meet the following emission limitations according to Table 5 of Subpart ZZZZ, except during the startup:

- Average Reduction of CO emissions by 93 % or more; or
- Limit the average concentration of CO in the engine exhaust to 47 ppmvd @ 15% O₂ or less.

[40 CFR 63.6630 and Table 5, Section 13]

3. The Permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations in Table 2d of Subpart ZZZZ apply. [40 CFR 63.6625 (h)]

4. The Permittee must operate and maintain the engines and after-treatment control device according to the manufacturer's emission-related operation and maintenance instructions; or the Permittee must develop and follow its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good pollution control practices for minimizing emissions. [40 CFR 63.6625 (e)]

IV. Initial Compliance with Emission Limitations, Operating Limitations, and Other Requirements

Pursuant to 40 CFR 63.6612, 63.6625, and 63.6630, and Table 5, Section 13 of Subpart ZZZZ, the Permittee must demonstrate initial compliance with each emission and operating limitation in 40 CFR Part 63, Subpart ZZZZ that applies according to the following:

- Demonstrate that the average reduction of emissions of CO



determined

from the initial performance test achieves the required CO percent reduction; or Demonstrate that the average carbon monoxide concentration, corrected to 15% O₂, dry basis, from the 3 test runs is less than or equal to the carbon monoxide emission limitation;

- Install a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); or

- Install equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1350 0F.

V. Continuous Compliance with Emission Limitations, and Other Requirements

1. Pursuant to 63.6640(a) and Table 6, Section 14 of Subpart ZZZZ, the Permittee must demonstrate continuous compliance with the emission limitations in 40 CFR Part 63, Subpart ZZZZ that applies to each engine according to the following methods:

- Conduct annual performance test as specified at 63.6640 (c) to demonstrate that the required CO percent reduction is achieved, or to demonstrate that the carbon monoxide emissions remain at or below the carbon monoxide concentration limit; and either

- Collect the catalyst inlet temperature data according to §63.6625(b), reduce these data to 4-hour rolling averages, and maintain the 4-hour rolling average within the operating limitation of greater than 450 0 F and less than or equal to 1350 0 F for the catalyst inlet temperature; or

- Immediately shutting down the engine if the catalyst inlet temperature exceeds 1350 0 F

2. The permittee must report each instance in which an emission or operating limit was not met. These instances are deviations from the emission and operating limitations and must be reported according to reporting requirements of §63.6650 and this permit.[40 CFR 63.6640(b)]

3. Upon changing of catalyst, the values of the operating parameters measured during the initial performance test must be reestablished. Upon reestablishment of the operating parameters, the permittee must conduct a performance test to demonstrate that the required emission limitations continue to be met. [40 CFR 63.6640(b)]

4. The Permittee must comply with the monitoring and collection data requirements specified at 63.6635, in order to demonstrate compliance with the emissions and operating limitations of Subpart ZZZZ.[40 CFR 63.6635]

VI. Performance Test Requirements



1. The Permittee must conduct an initial performance test or other initial compliance demonstration that apply within 180 days after the compliance date that is specified for the four Deutz engines in 63.6595 (i.e., October 19, 2013), and according to the provisions of 63.7 (a)(2). [40 CFR 63.6612 (a)]

2. The Permittee must perform subsequent performance test annually. [40 CFR 63.6640 (c)]

VII. Performance Test Procedures

1. The Permittee must conduct each performance test according to the applicable requirements in Table 4, Sections 1 and 3 of Subpart ZZZZ. If the engines are non-operational, the Permittee does not need to start up the engine solely to conduct performance test. The Permittee can conduct the performance test when the engine is started up again. [40 CFR 63.6620 (b)]

2. The Permittee must conduct 3 separate test runs for each performance test required. Each test run must last at least 1 hour as specified in 63.7 (e) (3). [40 CFR 63.6620 (d)]

3. The Permittee must use the equations specified at 63.6620 (e). [40 CFR 63.6620 (e)]

4. The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The Permittee must include in the written report all information specified at 63.6620 (i). [40 CFR 63.6620 (i)]

VIII. Notifications

1. The permittee must submit all of the applicable notifications in 63.7(b) and (c), 63.8(e), (f) (4) and (f) (6), 63.9(b) through (e), and (g) and (h) of the General Provisions of 40 CFR Part 63 by the dates specified. [40 CFR 63.6645(a)]

2. If a performance test is required, the permittee must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1). [40 CFR 63.6645(g)]

3. If a performance test or other initial compliance demonstration is required, the permittee must submit a Notification of Compliance Status according to §63.9(h) (2) (ii). [40 CFR 63.6645(h)]

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IX. Recordkeeping

1. Pursuant to 40 CFR 63.6655 (a) the permittee must keep the following records:

- A copy of each notification and report that was submitted to comply with 40 CFR Part 63, Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirements of §63.10(b)(2)(xiv);
- Records of the occurrence and duration of each malfunction (i.e. process equipment) or the air pollution control monitoring equipment;
- Records of performance tests and performance evaluations as required in 63.10(b) (2) (viii);
- Records of all required maintenance performed on the air pollution control equipment; and
- Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b) including corrective actions to restore malfunctioning process and air pollution control monitoring equipment to its normal or usual manner of operation.

2. Pursuant to 40 CFR 63.6655(b), for each CPMS (if one is used), the Permittee must keep the following records:

- Records described in §63.10(b) (2) (vi) through (xi);
- Previous (i.e., superseded) versions of the performance evaluation plan as required in §63.8(d) (3); and
- Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f) (6) (i), if applicable.

3. The Permittee must keep the records required in Table 6 of Subpart ZZZZ to show continuous compliance with each applicable emission or operating limitation in 40 CFR Part 63, Subpart ZZZZ. [40 CFR 63.6655(d)]

4. The Permittee shall keep records showing that each and after-treatment control device was operated and maintained according to the Permittee's own maintenance plan (if applicable). [40 CFR 63.6655(e)]

5. The records must be in a form suitable and readily available for expeditious review. [40 CFR 63.6660 (a) and 40 CFR 63.10 (b)]



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(1)]

6. The Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660 (b) and 40 CFR 63.10 (b) (1)]

7. The Permittee must keep each record readily accessible in hard copy or electronic form on site at the source for 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 63.10 (b)(1). [40 CFR 63.6660 (c) and 40 CFR 63.10 (b) (1)]

X. Reporting

1. The permittee must comply with all applicable reporting requirements of 63.6650 and Table 7, Section 3.

2. The permittee must submit a compliance report, which contains the results of the annual compliance demonstration (if one was conducted during the reporting period). [40 CFR 63.6650 and Table 7, Section 3 of Subpart ZZZZ]

3. The compliance report must be submitted semiannually according to the requirements specified at 63.6650 (b) (1) through (b) (5). [40 CFR 63.6650 (b) (1) through (5) and Table 7, Section 3 of Subpart ZZZZ]

4. The (semiannual) compliance report must contain the information described in 63.6650 (c). [40 CFR 63.6650(c)]

5. The (semiannual) compliance report must include (if applicable) the information regarding each deviation from emissions that are specified at 63.6650 (d) and (e). [40 CFR 63.6650 (d) and (e)]
Emission Unit: 0.0000 DGN
Process: DGN

40 CFR 63 Subpart A-General Provisions
Regulated Contaminant(s):

CAS No: 0000-00-0, VOC
The Permittee shall comply with all applicable provisions of 40 CFR Subpart A as outlined in Table 8 of 40 CFR 63 S

Item 45.2:

Compliance Certification shall include the following monitoring:
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description: Compliance Certification

Condition 45: Within six months of the effective day of this TV renewal 3 permit, Kings Plaza shall determine the VOC emission factor of its four Deutz engines burning gas by conducting a Department approved VOC emission stack testing. This emission factor shall be used in the VOC capping calculation formula in condition 40. The owner or operator is required to submit a compliance testing protocol to the Department for approval at least 30 days prior to testing.
Applicable Federal Requirement: 40 NYCRR Subpart 201.9

Item 45.1:

The Compliance Certification activity will be performed for approval at least 30 days prior to testing.



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The Department reserve the right to require the facility to conduct subsequent VOC performance stack testing, as deemed necessary.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 46: Compliance Certification
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable Federal Requirement:6 NYCRR 227-2.4 (f) (1)

Item 46.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG1

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG2

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG3

Emission Unit: 0-000DG

Process: DGN

Emission Source: 0DZG4

Regulated Contaminant(s):

CAS No: 0NY210-00-0

OXIDES OF NITROGEN

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to stationary internal combustion engines that have a maximum mechanical output rating equal to or greater than 200 brake horsepower in a severe ozone nonattainment area or 400 brake horsepower outside a severe ozone nonattainment area and are fired by natural gas. The owner or operator is required to submit a compliance testing protocol to the department for approval at least 30 days prior to testing. The owner or operator will maintain all records on-site for a minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.5 grams per brake horsepower-hour

Reference Test Method: 40 CFR 60 Appendix A - Method 7, 7E, or 19

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

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Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2015.

Subsequent reports are due every 6 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: 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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 47: Contaminant List
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable State Requirement:ECL 19-0301

Item 47.1:

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: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0
Name: VOC

Condition 48: Malfunctions and start-up/shutdown activities
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable State Requirement:6 NYCRR 201-1.4

Item 48.1:

(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

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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 49: Visible Emissions Limited
Effective between the dates of 09/15/2015 and 09/14/2020

Applicable State Requirement:6 NYCRR 211.2

Item 49.1:

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.





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Facility Identification Data

Name: KINGS PLAZA ENERGY LLC

Address: 5100 KINGS PLZ

BROOKLYN, NY 11234

Owner/Firm

Name: KINGS PLAZA ENERGY LLC

Address: C/O THE MACERICH COMPANY

401 WILSHIRE BLVD, SUITE 700

SANTA MONICA, CA 90401-1452, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: ERIN L SHIRKEY

Address: NYSDEC - REGION 2

47-40 21ST ST

LONG ISLAND CITY, NY 11101-5401

Phone:7184824972

Division of Air Resources:

Name: CICYLY T NIRAPPEL

Address: HUNTERS POINT PLAZA

LONG ISLAND CITY, NY 11101

Phone:7184824944

Air Permitting Contact:

Name: SETH SZOLD

Address: DGKP LLC

5100 KINGS PLZ

BROOKLYN, NY 11234

Phone:7182528244

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

Application for renewal of Air Title V Facility.

Attainment Status



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KINGS PLAZA ENERGY LLC is located in the town of BROOKLYN in the county of KINGS. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

This facility is a major stationary source (subject to Title V of the Clean Air Act Amendments of 1990) as defined in 6 NYCRR Part 201-2.1(b)(21) because the emissions of the following pollutants by the facility are greater than the annual thresholds for major stationary sources: nitrogen oxides, carbon monoxide, and volatile organic compounds.

Permit Structure and Description of Operations

The Title V permit for KINGS PLAZA ENERGY LLC

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.



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KINGS PLAZA ENERGY LLC is defined by the following emission unit(s):

Emission unit 0000CB - Emission Unit #000CB consists of two 16.7 mmbtu/hr Cleaver Brooks boilers (Model #CB293-400) which are ducted to a single stack. Steam is produced in these boilers in order to provide heat to the shopping mall. The primary fuel for these boilers is natural gas. Number 2 fuel oil is the secondary fuel for these boilers.

Emission unit 0000CB is associated with the following emission points (EP):

000CB

Process: CBF is located at 3, Building PWRPL - The firing of No. 2 fuel oil in the two boilers is defined as process CBF.

Process: CBG The firing of natural gas in the two boilers is defined as process CBG.

Emission unit 0000DG - Emission unit #00DZG consists of four 3.2 MW Deutz natural gas spark fired engines (Model TBG632V16). These engines replaced five retired Nordberg engines. The Deutz units were installed and located in the exact same location as the retired Nordberg engines, exhaust through the same emission points(00DG1, 00DG2, 00DG3 and 00DG4).

The temporary engines those were part of the this emission unit and used during the construction of the Deutz engines, were all taken out of service in february 2007. Two out of the five temporary engines remain on-site and used only for emergency backup.

NOx emissions from the unit is capped at 116 tpy and Emission Reduction Credit has been created.

Emission unit 0000DG is associated with the following emission points (EP):

00DG1, 00DG2, 00DG3, 00DG4

Process: DGN is located at 3, Building PWRPL - The firing of natural gas in the Deutz gas-fired generators is defined as process DGN.

Process: ENF The firing of distillate No.2 oil in the caterpillar emergency generators.

Title V/Major Source Status

KINGS PLAZA ENERGY LLC is subject to Title V requirements. This determination is based on the following information:

This facility is a major stationary source (subject to Title V of the Clean Air Act Amendments of 1990) as defined in 6 NYCRR Part 201-2.1(b)(21) because the emissions of the following pollutants by the facility are greater than the annual thresholds for major stationary sources: nitrogen oxides, carbon monoxide, and volatile organic compounds.



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Program Applicability

The following chart summarizes the applicability of KINGS PLAZA ENERGY LLC with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	NO
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which



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mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

4931

ELEC & OTHER SERVICES COMBINED

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

1-02-005-01

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL
INDUSTRIAL BOILER - DISTILLATE OIL
Grades 1 and 2 Oil

1-02-006-02

EXTERNAL COMBUSTION BOILERS - INDUSTRIAL
INDUSTRIAL BOILER - NATURAL GAS
10-100 MMBtu/Hr

2-02-001-02

INTERNAL COMBUSTION ENGINES - INDUSTRIAL
INDUSTRIAL INTERNAL COMBUSTION ENGINE -
DISTILLATE OIL(DIESEL)



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2-02-002-54

Reciprocating
INTERNAL COMBUSTION ENGINES - INDUSTRIAL
INDUSTRIAL INTERNAL COMBUSTION ENGINE -
NATURAL GAS
INTERNAL COMBUSTION ENGINE-INDUSTRIAL:
NATURAL GAS: 4-CYCLE LEAN BURN

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000630-08-0	CARBON MONOXIDE				
000050-00-0	FORMALDEHYDE				
0NY210-00-0	OXIDES OF NITROGEN				
0NY075-00-0	PARTICULATES				
0NY075-00-5	PM-10				
007446-09-5	SULFUR DIOXIDE				
0NY100-00-0	TOTAL HAP				
0NY998-00-0	VOC				

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)



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Owners and/or operators of facilities having an issued Title V 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.

- Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)**
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)**
If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.
- Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)**
All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising



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or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 2 01-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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



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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)

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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_02

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**Item B: 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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
-- FACILITY	ECL 19-0301	47	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 63-JJJJJJ	30	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
0-000CB	40CFR 63-JJJJJJ	36	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
FACILITY	40CFR 63-ZZZZ	31	Reciprocating Internal Combustion Engine (RICE) NESHAP
0-000DG	40CFR 63-ZZZZ	43, 44	Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of



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FACILITY	6NYCRR 201-1.4	48	equipment. Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.2(c)	21	Exempt Activities - exempt activity list
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	22, 32, 33	Title V Permits and the Associated Permit Conditions
0-000DG/-/DGN	6NYCRR 201-6	45	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
0-000DG	6NYCRR 201-6.4(b)(3)	39	Use, Maintenance, and Installation of Monitoring Equipment
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201- 6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	23	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 201-7	34	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-1.2	24	Notification.
FACILITY	6NYCRR 202-1.3	25	Acceptable procedures.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	26	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	49	General Prohibitions - visible emissions limited.



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FACILITY	6NYCRR 215.2	9	Open Fires -
FACILITY	6NYCRR 225-1.2(f)	27	Prohibitions
FACILITY	6NYCRR 225-1.2(h)	28	Sulfur-in-Fuel
FACILITY	6NYCRR 225-1.6(f)	29	Limitations
0-000CB	6NYCRR 227.2(b)(1)	35	Sulfur-in-Fuel
0-000CB/000CB	6NYCRR 227-1.3(a)	38	Limitations
0-000CB/-/CBF/00CB1	6NYCRR 227-2.4(d)	37	Excess Emission
			Reports
0-000DG/-/DGN/0DZG1	6NYCRR 227-2.4(f)(1)	46	Particulate
			emissions.
			Smoke Emission
			Limitations.
			Small boilers, small
			combustion turbines,
			and small stationary
			internal combustion
			engines.
			Emission limit for
			natural gas fired
			engines.

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and



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federal air pollution control requirements, regulations, or law.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.



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6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or



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repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, KINGS PLAZA ENERGY LLC has been determined to be subject to the following regulations:

40 CFR Part 63, Subpart JJJJJ

This regulation covers facilities that own or operate an industrial, commercial, or institutional boiler as defined in §63.11237 that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in §63.2, except as specified in §63.11195.

40 CFR Part 63, Subpart ZZZZ

Internal combustion engines are subject to the applicable requirements of this Part.

6 NYCRR 201-3.2 (c)

This section lists the specific activities which may be exempt from the permitting provisions of this Part.

6 NYCRR 201-6.4 (b) (3)

This regulation requires proper equipment maintenance.

6 NYCRR 202-1.2

This regulation specifies that the department is to be notified at least 30 days in advance of any required stack test. The notification is to include a list of the procedures to be used that are acceptable to the department. Finally, free access to observe the stack test is to be provided to the department's representative.

6 NYCRR 202-1.3

This regulation requires that any emission testing, sampling and analytical determination used to determine compliance must use methods acceptable to the department. Acceptable test methods may include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. Alternate methods may be used provided they are determined to be acceptable by the department. Finally, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

6 NYCRR 211.1



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This regulation requires that 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.

6 NYCRR 225-1.2 (f)

Sulfur-in-fuel limitations for the purchase of #2 heating oil on or after July 1, 2012.

6 NYCRR 225-1.2 (h)

Sulfur-in-fuel limitation for the firing of distillate oil on or after July 1, 2016.

6 NYCRR 225-1.6 (f)

This citation requires subject facilities to submit excess emissions reports to the Department.

6 NYCRR 227.2 (b) (1)

This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. The rule establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

6 NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6 NYCRR 227-2.4 (d)

This section includes NOx RACT requirements for small boilers, small combustion turbines, and small stationary internal combustion engines.

6 NYCRR 227-2.4 (f) (1)

Presumptive NOx RACT emission limit for natural gas fired stationary internal combustion engines.

6 NYCRR Subpart 201-7



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This regulation sets forth an emission cap that cannot be exceeded by the facility.

Compliance Certification

Summary of monitoring activities at KINGS PLAZA ENERGY LLC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

0-000CB	36	record keeping/maintenance procedures
0-000DG	43	record keeping/maintenance procedures
0-000DG	44	record keeping/maintenance procedures
FACILITY	21	record keeping/maintenance procedures
0-000DG/-/DGN	45	record keeping/maintenance procedures
0-000DG	39	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
0-000DG	40	monitoring of process or control device parameters as surrogate
0-000DG	41	monitoring of process or control device parameters as surrogate
0-000DG	42	monitoring of process or control device parameters as surrogate
FACILITY	7	record keeping/maintenance procedures
FACILITY	27	work practice involving specific operations
FACILITY	28	work practice involving specific operations
FACILITY	29	record keeping/maintenance procedures
0-000CB	35	intermittent emission testing
0-000CB/000CB	38	monitoring of process or control device parameters as surrogate
0-000CB/-/CBF/00CB1	37	record keeping/maintenance procedures
0-000DG/-/DGN/0DZG1	46	intermittent emission testing

Basis for Monitoring

NYCRR Part 201-6.4 (c)(3)(ii): This condition that applies to monitoring conditions in all Title V Permits. All facilities that are subject to the Title V requirements must submit reports of any required monitoring to the NYSDEC every six months.

Part 201-6.4(e): Condition has been added in order to comply with the Title V annual compliance certification requirements and specify the mailing addresses for submitting the compliance reports. It further specifies what constitutes compliance certification with the terms and conditions of the permit. This is a required monitoring condition for all Title V permitted facilities.

Part 201-7: With the replacement of Nordberg engines with Deutz engines, Kings Plaza had received NOx Emission credits(ERC) (Ren 1 Mod 4) by capping the NOx emissions from the ERC Unit 0000DG at 116 tons per year, which includes 113.39 tons from for Deutz engines and the rest from the two emergency generators.



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Corresponding VOC emissions are also capped at 40 tpy. Kings Plaza is required to calculate and record NO_x and VOC emissions from the four Deutz and two caterpillar engines on a monthly, and rolling 12-month basis to demonstrate compliance with the permit caps. Facility is required to perform emission tests on engines once during the permit term for NO_x, and once after the issuance of renewal 3 for VOC. Also, Deutz engines production is also limited to 51,480, 440 kW-hr per year, to ensure compliance with the yearly NO_x cap (with the NO_x RACT limit of 1.5 gm/bhp-hr).

Part 202-2.1: Condition specifies the emission statement requirement for Title V permitted facilities.

NYCRR 225-1.2 (f): Owners and/or operators of commercial, industrial, or residential emission sources that fire number two heating oil on or after July 1, 2012 are limited to the purchase of number two heating oil with 0.0015 percent sulfur by weight or less. Compliance with this limit will be based on vendor certifications.

6 NYCRR 225-1.2 (h): Owners and/or operators of a stationary combustion installations that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016. Compliance with this limit will be based on vendor certifications.

Part 227.2(b)(1): Conditions establish a particulate limit of 0.10 lbs/mmBtu for all combustion units burning oil. Compliance is demonstrated via a periodic stack test as required under the regulation. The regulation is from the 1972 version of Part 227 which still remains as part of New York's SIP

NYCRR 227-1.3(a): Conditions require the facility to comply with the specified opacity limits and requires facility to monitor the stacks for visible emissions on a daily basis in the boilers or engines. If no plume is observed from a stack, it can be assumed that the opacity limit is being met. However, if a plume is observed, it is possible that the opacity limit is being exceeded. If a visible plume is observed two consecutive days of firing oil, then the facility must conduct a Method 9 analysis to measure the opacity. While Part 227 provides that Method 9 analyses are acceptable methods for determining compliance with the opacity standards for the combustion units, the circumstances under which Method 9 analyses are required are not defined. The Department has developed a standard method that results in a consistent approach to determining compliance with the opacity requirements of Part 227 as well as other rules which contain an opacity limit. The approach requires that the facility owner look for the presence of visible emissions once per day. If visible emissions are detected two days in a row, a Method 9 observation must be done.



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This method is more structured and routine than past treatment of opacity requirements in which problems may have occurred for some time before the Department became aware of them and sent a certified observer to document the violation. The approach in this permit allows the smoke condition to exist for only two days before a Method 9 analysis is necessary. It should be noted that the presence of visible emissions is not necessarily an indication that the opacity limit is being exceeded, only that it may need to be assessed by Method 9 if it persists for two days. Since the use of a continuous emissions monitor is not a requirement for this facility, and federal regulations do not contain any further opacity monitoring requirements for units such as those at this facility, this has become the standard approach to monitoring opacity for operations such as this.

The placement of this requirement in this permit does not preclude the Department or the EPA from conducting a Method 9 observation when deemed to be necessary. Finally, it should be noted that this approach has been used in many permits and has been found by the EPA under the Title V program to be an acceptable method for opacity monitoring for these situations.

6 NYCRR 201-6.4(b)(3)) are emission unit level conditions which apply to Emission Units #0-000DG. The facility is required to tune-up each engine at least once a year in order to ensure ongoing NOX RACT compliance. The facility demonstrates compliance with the NOx RACT limits via periodic stack tests.

40 CFR 68 contains the 112(r) requirements and sets forth the list of regulated substances and thresholds, the petition process for adding or deleting substances to the list of regulated substances and the requirements for owners or operators of stationary sources concerning the prevention of accidental releases. New York state does not currently have delegation for this program consequently it is the Department's position that the EPA has sole responsibility for making an applicability or other regulatory determination under this rule. As per the information received from EPA this facility is not currently subject to these requirements. If the EPA determines this to be applicable at a later date, this facility will be required to meet the requirements of the rule and demonstrate compliance to the EPA.

6 NYCRR part 227-2.4(d): The condition requires that the owner or operator of a small boiler must perform an annual tune-up of their equipment as the NOx RACT..

6 NYCRR Part 227-2.4(f)(1)The NOx RACT limit of Deutz engines is 1.5grams/bhp-hr. Facility is required to demonstrate the emissions by performing stack tests for NOx emissions once during the permit term. Also, condition under (201-6.5)b(3) assures proper maintenance and compliance in the interim period



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between tests. Previous experience with similar units has shown that if properly maintained NOx RACT limits will not be exceeded.

40 CFR 63 Subpart ZZZZ: Four Deutz engines and two caterpillar emergency generator engines are subject to NESHAPS regulations and the requirements have been placed in the permit. The Department has not accepted delegation of these Parts, but the Department has modified the permit to include conditions for 40 CFR 63 Subpart ZZZZ as recommended by EPA in attachments 4 and 5 of its July 1, 2015 email to the Department.

40 CFR 63 Subpart JJJJJ Kings Plaza's boilers are exempt from 40 CFR 63 Subpart JJJJJ- National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources per §63.11195 (e), since the boilers at Kings Plaza fall under the definition of “gas-fired boiler” as defined under §63.11237. Nonetheless, the Department has modified the draft permit to include a condition for 40 CFR 63 Subpart JJJJJ as recommended by EPA in attachment 6 of its July 1, 2015 email to the Department.

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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: PEARL RIVER CAMPUS LLC
4020 KINROSS LAKES PKWY STE 200
RICHFIELD, OH 44286

Facility: WYETH PHARMACEUTICALS
401 N MIDDLETOWN RD
PEARL RIVER, NY 10965-1299

Authorized Activity By Standard Industrial Classification Code:
2833 - MEDICINALS AND BOTANICALS
2834 - PHARMACEUTICAL PREPARATIONS
2836 - BIOLOGICAL PRODUCTS, EXCEPT DIAGNOSTIC
8731 - COMMERCIAL PHYSICAL RESEARCH
9999 - NONCLASSIFIABLE ESTABLISHMENTS

Permit Effective Date: 07/17/2015

Permit Expiration Date: 07/16/2020



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8	2	6 NYCRR 201-6.4 (a) (7): Fees
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9	4	6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
9	5	6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
11	6	6 NYCRR 201-6.4 (e): Compliance Certification
13	7	6 NYCRR 202-2.1: Compliance Certification
13	8	6 NYCRR 202-2.5: Recordkeeping requirements
14	9	6 NYCRR 215.2: Open Fires - Prohibitions
15	10	6 NYCRR 200.7: Maintenance of Equipment
15	11	6 NYCRR 201-1.7: Recycling and Salvage
15	12	6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
15	13	6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
16	14	6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
16	15	6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
16	16	6 NYCRR 201-6.4 (a) (8): Right to Inspect
17	17	6 NYCRR 201-6.4 (f) (6): Off Permit Changes
17	18	6 NYCRR 202-1.1: Required Emissions Tests
17	19	40 CFR Part 68: Accidental release provisions.
18	20	40CFR 82, Subpart F: Recycling and Emissions Reduction
18	21	6 NYCRR Subpart 201-6: Emission Unit Definition
20	22	6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
21	23	6 NYCRR 201-6.4 (g): Non Applicable requirements
21	24	6 NYCRR 211.1: Air pollution prohibited
21	25	6 NYCRR 212.4 (c): Compliance Certification
22	26	6 NYCRR 212.6 (a): Compliance Certification
23	27	6 NYCRR 225-1.2 (f): Compliance Certification
23	28	6 NYCRR 225-1.2 (h): Compliance Certification
24	29	6 NYCRR 226.2: Compliance Certification
25	30	6 NYCRR 227-1.3 (a): Compliance Certification
26	31	6 NYCRR 227-2.4 (b) (1) (ii): Compliance Certification
26	32	6 NYCRR 227-2.4 (b) (2): Compliance Certification
27	33	6 NYCRR 227-2.4 (b) (2): Compliance Certification
28	34	6 NYCRR 227-2.4 (b) (2): Compliance Certification
29	35	6 NYCRR 227-2.4 (b) (2): Compliance Certification
29	36	6 NYCRR 227-2.4 (b) (2): Compliance Certification
30	37	6 NYCRR 227-2.4 (b) (2): Compliance Certification
31	38	6 NYCRR 227-2.4 (e) (3): Compliance Certification
32	39	6 NYCRR 227-2.4 (e) (3): Compliance Certification
33	40	40CFR 60.334(b), NSPS Subpart GG: Compliance Certification
33	41	40CFR 60, NSPS Subpart IIII: Compliance Certification
34	42	40CFR 63, Subpart JJJJJ: Compliance Certification
34	43	40CFR 63.11494(a), Subpart VVVVVV: Compliance Certification



Emission Unit Level

- 35 44 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 37 45 6 NYCRR Subpart 201-6: Process Definition By Emission Unit
- 48 46 6 NYCRR Subpart 201-7: Emission Unit Permissible Emissions

EU=F-00002

- 48 *47 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 49 48 6 NYCRR Subpart 231-6: Compliance Certification
- 50 49 6 NYCRR Subpart 231-6: Compliance Certification
- 51 50 6 NYCRR Subpart 231-6: Compliance Certification
- 51 51 6 NYCRR Subpart 231-6: Compliance Certification
- 52 52 6 NYCRR Subpart 231-8: Compliance Certification
- 53 53 6 NYCRR Subpart 231-8: Compliance Certification
- 53 54 40CFR 60, NSPS Subpart A: Applicability of General Provisions of 40 CFR 60 Subpart A

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- 54 55 6 NYCRR Subpart 231-8: Compliance Certification

EU=F-00002,Proc=C02

- 54 56 6 NYCRR Subpart 231-8: Compliance Certification

EU=F-00002,Proc=C03

- 55 57 6 NYCRR Subpart 231-8: Compliance Certification

EU=F-00002,Proc=C04

- 56 58 6 NYCRR Subpart 231-8: Compliance Certification
- 57 59 40CFR 60.116b(b), NSPS Subpart Kb: Compliance Certification

EU=F-00003,Proc=W03

- 57 *60 6 NYCRR Subpart 201-7: Capping Monitoring Condition

EU=F-00005

- 58 *61 6 NYCRR Subpart 201-7: Capping Monitoring Condition

EU=F-00006

- 60 *62 6 NYCRR Subpart 201-7: Capping Monitoring Condition

EU=R-00005

- 61 63 6 NYCRR 212.11 (b): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

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- 63 64 ECL 19-0301: Contaminant List
- 63 65 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 07/17/2015 and 07/16/2020

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: Fees**
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 07/17/2015 and 07/16/2020**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related record keeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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Regional Air Pollution Control Engineer
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1696

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and



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(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive



plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)



Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: Right to Inspect
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

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(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Off Permit Changes
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40 CFR Part 68

Item 19.1:



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If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 21: Emission Unit Definition
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

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

Emission Unit: F-00001

Emission Unit Description:

Boiler No. 4 firing natural gas or No. 2 fuel oil.

Building(s): 132A

Item 21.2:

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

Emission Unit: F-00002

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Emission Unit Description:

Co-Generation facility consisting of two turbines each with a boiler (boiler No. 1 and No. 2). During periods of start-up, the turbine(s) exhaust through a bypass stack until the unit reaches 90% running speed (boiler permissive) at which time the turbine exhaust is diverted into the boiler(s) after the air purge through the boilers is completed. The water for injection turns on automatically at a pre-set T5 temperature of 1100 Deg. F. The turbine(s) are ramped up to, and then operated at the KW control set point, limited by the T5 maximum setting of 1275 Deg. F. T5 is the turbine third stage inlet (power turbine inlet) temperature. During shut-down, the boiler steam load is shed by gradually reducing and then shutting off fuel to the duct burners (if in use) and then diverting turbine exhaust through the bypass stack. Upon activating a normal stop, the turbine fuel flow is gradually reduced as the unit ramps down from full power to zero power output. The water for injection turns off automatically when the pre-set T5 temperature of 1050 Deg. F. is reached. The fuel flow to the turbine continues throughout the cool-down period and then shuts off, shutting down the turbine. In the event of Turbine failure, the boilers can be fired independently to maintain a steam supply to the facility. This fresh air firing of the boilers would be a non-routine event reserved for emergencies.

Building(s): 133C

Item 21.3:

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

Emission Unit: F-00003

Emission Unit Description:

This unit includes equipment associated with the site infrastructure including the waste water treatment plant, fuel storage and emergency generators.

Building(s): 141COMPLEX
B191-GEN

Item 21.4:

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

Emission Unit: F-00004

Emission Unit Description:

Boiler No. 5 firing natural gas or No. 2 fuel oil.

Building(s): 132A

Item 21.5:

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

Emission Unit: F-00005

Emission Unit Description:

Boiler No. 3 firing natural gas or No. 2 fuel oil.

Building(s): 132B

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Item 21.6:

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

Emission Unit: F-00006

Emission Unit Description:

Standby Emergency Generator to provide power for critical site equipment.

Building(s): B180

Item 21.7:

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

Emission Unit: R-00005

End Date: 11/12/2015

Emission Unit Description:

Pharmaceutical manufacturing in research and development facilities. Many of these sources will also operate as exempt R & D sources. Operations are subject to the permit and applicable rule only when manufacturing products for sale or when using/emitting VOC's when manufacturing products for clinical use in patients and not otherwise exempt from Part 233 (e.g. 233.1(g) (2).

Building(s): 250

Item 21.8:

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

Emission Unit: W-00002

End Date: 11/12/2015

Emission Unit Description:

Pharmaceutical manufacturing of biological products including vaccines.

Building(s): 100
112
215
215A
60B
60C

Condition 22: Progress Reports Due Semiannually

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

Item 22.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met,

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and any preventive or corrective measures adopted.

Condition 23: Non Applicable requirements
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (g)

Item 23.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

40 CFR Part 63, Subpart GGG

Reason: Facility HAP PTE below major threshold. No cap needed.

Condition 24: Air pollution prohibited
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 211.1

Item 24.1:

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 25: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 212.4 (c)

Item 25.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: W-00002	Emission Point: 21540
Emission Unit: W-00002	Emission Point: 21544
Emission Unit: W-00002	Emission Point: 21548
Emission Unit: W-00002	Emission Point: 36241

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



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Item 25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.05 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing shall be conducted at the request of the Department.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.05 grains per dscf

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 26: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 212.6 (a)

Item 26.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: R-00005	Emission Point: 25006
Emission Unit: W-00002	Emission Point: 21540
Emission Unit: W-00002	Emission Point: 21544
Emission Unit: W-00002	Emission Point: 21548
Emission Unit: W-00002	Emission Point: 36241

Item 26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE

PARAMETERS AS SURROGATE

Monitoring Description:

No person will 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. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during

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facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 27: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 225-1.2 (f)

Item 27.1:

The Compliance Certification activity will be performed for the Facility.

Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall not purchase distillate fuel containing sulfur exceeding 0.0015% by weight. Facilities shall maintain records that certify sulfur in fuel content. These records shall be maintained on site and available for Department review.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 28: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 225-1.2 (h)

Item 28.1:

The Compliance Certification activity will be performed for the Facility.

Item 28.2:



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Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility shall not fire distillate fuel containing sulfur exceeding 0.0015% by weight, after July 1, 2016. Facilities shall maintain records that certify sulfur in fuel content. These records shall be maintained on site and available for Department review.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 29: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 226.2

Item 29.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall conduct solvent metal cleaning unless:

- (1) Solvent is stored in covered containers and waste solvent is transferred or disposed of in such a manner that less than 20 percent of the waste solvent, by weight, can evaporate into the atmosphere;
- (2) Equipment used in solvent metal cleaning is maintained to minimize leaks and fugitive emissions;
- (3) A record of solvent consumption shall be maintained and made available to the commissioner or his representative upon request.

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(4) A cover shall be provided which can be operated easily.

(5) Cleaned parts shall be drained at least 15 seconds or until dripping ceases.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 30: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 227-1.3 (a)

Item 30.1:

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

Emission Unit: F-00001	Emission Point: 13256
Emission Unit: F-00002	Emission Point: 00101
Emission Unit: F-00002	Emission Point: 00102
Emission Unit: F-00002	Emission Point: 00106
Emission Unit: F-00002	Emission Point: 00107
Emission Unit: F-00004	Emission Point: 23155
Emission Unit: F-00005	Emission Point: 23259
Emission Unit: F-00006	Emission Point: 09716

Item 30.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall operate the installation in such a way to emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of 40 CFR 60. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

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Applicable Federal Requirement:6 NYCRR 227-2.4 (b) (2)

Item 32.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: F-00001

Emission Unit: F-00004

Emission Unit: F-00005

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition applies to Boilers No. 3, No. 4 and No. 5 (EUs F-00005, F-00001, and F-00004). The facility is required to conduct proper maintenance procedures and practices as described in Section 2.4 of the 2011 NOx RACT plan. Annual reporting is required to verify compliance.

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 1/30/2016.

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

Condition 33: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 227-2.4 (b) (2)

Item 33.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: F-00001

Process: B01

Emission Point: 13256

Emission Source: F0010

Emission Unit: F-00001

Process: B02

Emission Point: 13256

Emission Source: F0010

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

This condition applies to Boiler No. 4 (EU F0001) and is based on the evaluation and approval of the NOx **RACT** plan submitted in accordance with 227-2. NOx emissions are limited to an annual cumulative total of 33.3 tpy rolled monthly. Emission calculations shall be based on the most recent performance test results obtained from the NOx **RACT** compliance demonstration.

$$\frac{[(A * 0.23 \text{ lb} / 1000 \text{ scf}) + (B * 0.036 \text{ lb} / \text{gal})] / (2000 \text{ lb/ton})}{33.3 \text{ tpy NOx}}$$

A = Natural gas usage (scf)

B = Fuel oil usage (gal)

Until more recent testing is performed, the NOx **RACT** emission factors of 0.23 lb NOx/mmBtu (0.23 lb NOx/1000 scf) and 0.26 lb NOx/mmBtu (0.036 lb NOx/gal fuel oil), will be used to demonstrate compliance. Annual fuel reports required.

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 34: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 227-2.4 (b) (2)

Item 34.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: F-00004

Emission Point: 23155

Process: B05

Emission Source: F0005

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to boiler No. 5 firing natural gas.

This emission source is limited to 0.20 pounds NOx per million BTU, as

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established in the 2011 NOx RACT plan as approved. The facility shall conduct performance testing upon request by the Department to confirm compliance with the established limit.

Upper Permit Limit: 0.20 pounds per million Btus

Reference Test Method: Method 7, 7E, or 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 35: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 227-2.4 (b) (2)

Item 35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: F-00004

Emission Point: 23155

Process: B03

Emission Source: F0005

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to boiler No. 5 firing fuel oil.

This emission source is limited to 0.30 pounds NOx per million BTU, as established in the 2011 NOx RACT plan as approved. The facility shall conduct performance testing upon request by the Department to confirm compliance with the established limit.

Upper Permit Limit: 0.30 pounds per million Btus

Reference Test Method: Method 7, 7E, or 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 36: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 227-2.4 (b) (2)

Item 36.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:



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order to confirm compliance with the established limit. Within 60 days of conducting the performance test, the facility shall submit a protocol for Department review. Within 60 days of completing the test, the facility shall submit a report documenting the results of the performance test.

Upper Permit Limit: 0.26 pounds per million Btus
Reference Test Method: Method 7, 7E, or 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 38: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR 227-2.4 (e) (3)

Item 38.1:

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

Emission Unit: F-00002 Process: C01	Emission Point: 00101
Emission Unit: F-00002 Process: C01	Emission Point: 00102
Emission Unit: F-00002 Process: C02	Emission Point: 00101
Emission Unit: F-00002 Process: C02	Emission Point: 00102
Regulated Contaminant(s): CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:

This condition applies to Turbine No.1 and No.2 and Boiler No.1 and No.2 (EU F0002) firing natural gas and is based on the evaluation and approval of the 2011 NOx RACT plan submitted in accordance with 227-2.4(e)(3). NOx emissions shall be limited to 42 ppm (by volume, dry, corrected to 15% O2) and 56 lbs/hr per stack. Continuous Monitoring System shall be operated and data used to document compliance. These limits apply during normal operation. Semi-Annual reporting is required to verify compliance.

Manufacturer Name/Model Number: CEM



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Upper Permit Limit: 42 parts per million by volume (dry, corrected to 15% O2)

Reference Test Method: EPA Approved

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 39: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 227-2.4 (e) (3)

Item 39.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: F-00002 Process: C03	Emission Point: 00101
Emission Unit: F-00002 Process: C03	Emission Point: 00102
Emission Unit: F-00002 Process: C04	Emission Point: 00101
Emission Unit: F-00002 Process: C04	Emission Point: 00102
Regulated Contaminant(s): CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This condition applies to Turbine No.1 and No.2 and Boiler No.1 and No.2 (EU F0002) firing fuel oil and is based on the evaluation and approval of the 2011 NOx RACT plan submitted in accordance with 227-2.4(e)(3). NOx emissions shall be limited to 65 ppm (by volume, dry, corrected to 15% O2) and 56 lbs/hr per stack. Continuous Monitoring System shall be operated and data used to document compliance. These limits apply during normal operation. Semi-Annual reporting is required to verify compliance.

Manufacturer Name/Model Number: CEM

Upper Permit Limit: 65 parts per million by volume (dry, corrected to 15% O2)



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Reference Test Method: EPA Approved
Monitoring Frequency: CONTINUOUS
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 6 calendar month(s).

Condition 40: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40CFR 60.334(b), NSPS Subpart GG

Item 40.1:

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

Emission Unit: F-00002	Emission Point: 00101
Emission Unit: F-00002	Emission Point: 00102
Regulated Contaminant(s): CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall continue to maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) consisting of NOX and O2 or CO2 monitors. The CEMS shall be installed, certified, maintained and operated in accordance with the applicable Part GG and 40 CFR Part 60 Appendices B and F.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2015.
Subsequent reports are due every 3 calendar month(s).

Condition 41: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40CFR 60, NSPS Subpart IIII

Item 41.1:

The Compliance Certification activity will be performed for the Facility.

Item 41.2:

Compliance Certification shall include the following monitoring:



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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility's generators are subject to the applicable sections of 40 CFR 60 Subpart III. Any questions concerning compliance and/or enforcement of this regulation should be referred to the USEPA.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 42: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40CFR 63, Subpart JJJJJJ

Item 42.1:

The Compliance Certification activity will be performed for the Facility.

Item 42.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition applies to Boilers No.3, No.4 and No.5 (EUs F-00005, F-00001, and F-00004). The facility shall comply with all applicable sections under Subpart JJJJJJ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 43: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40CFR 63.11494(a), Subpart VVVVVV

Item 43.1:

The Compliance Certification activity will be performed for the Facility.

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition applies to Boilers No.3, No.4 and No.5 (EUs F-00005, F-00001, and F-00004). The facility is subject to Subpart VVVVVV as an area source for HAP emissions. The facility shall comply with all applicable sections under Subpart VVVVVV. The Department has not accepted delegation of 40 CFR Part 63 Subpart VVVVVV. Any questions



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concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart VVVVVV during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

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 1/30/2016.

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

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

**Condition 44: Emission Point Definition By Emission Unit
Effective between the dates of 07/17/2015 and 07/16/2020**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 44.1:

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

Emission Unit: F-00001

Emission Point: 13256

Height (ft.): 100

Diameter (in.): 42

NYTMN (km.): 4547.2

NYTME (km.): 582.5

Building: 132

Item 44.2:

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

Emission Unit: F-00002

Emission Point: 00101

Height (ft.): 127

Diameter (in.): 60

NYTMN (km.): 4547.2

NYTME (km.): 582.5

Emission Point: 00102

Height (ft.): 127

Diameter (in.): 60

NYTMN (km.): 4547.2

NYTME (km.): 582.5

Emission Point: 00106

Height (ft.): 55

Diameter (in.): 54

NYTMN (km.): 4547.62

NYTME (km.): 582.315

Emission Point: 00107

Height (ft.): 55

Diameter (in.): 54

NYTMN (km.): 4547.62

NYTME (km.): 582.315

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Item 44.3:

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

Emission Unit: F-00003

Emission Point: 09714

Height (ft.): 16 Length (in.): 150 Width (in.): 80
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: B191-GEN

Emission Point: 09715

Height (ft.): 16 Length (in.): 150 Width (in.): 80
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: B191-GEN

Emission Point: 14109

Height (ft.): 40 Diameter (in.): 10
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 141COMPLEX

Emission Point: 14114

Height (ft.): 42 Length (in.): 48 Width (in.): 72
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 141COMPLEX

Emission Point: 14116

Height (ft.): 42 Diameter (in.): 8
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 141COMPLEX

Emission Point: 54118

Height (ft.): 40 Diameter (in.): 20
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 141COMPLEX

Emission Point: FO111

Height (ft.): 12 Diameter (in.): 2
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 141COMPLEX

Emission Point: FO112

Height (ft.): 12 Diameter (in.): 2
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 141COMPLEX

Item 44.4:

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

Emission Unit: F-00004

Emission Point: 23155

Height (ft.): 100 Diameter (in.): 42
NYTMN (km.): 4547.323 NYTME (km.): 581.833 Building: 132A

Item 44.5:

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

Emission Unit: F-00005

Emission Point: 23259

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Height (ft.): 88 Diameter (in.): 42
NYTMN (km.): 4547.62 NYTME (km.): 582.315 Building: 132B

Item 44.6:

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

Emission Unit: F-00006

Emission Point: 09716
Height (ft.): 18 Diameter (in.): 16
NYTMN (km.): 4547.62 NYTME (km.): 582.315 Building: B180

Item 44.7:

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

Emission Unit: R-00005

Emission Point: 25006 Removal Date: 11/12/2015
Height (ft.): 50 Diameter (in.): 37
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 250

Item 44.8:

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

Emission Unit: W-00002

Emission Point: 21538 Removal Date: 11/12/2015
Height (ft.): 57 Diameter (in.): 1
NYTMN (km.): 4547.62 NYTME (km.): 582.315 Building: 215

Emission Point: 21540 Removal Date: 11/12/2015
Height (ft.): 57 Diameter (in.): 1
NYTMN (km.): 4547.62 NYTME (km.): 582.315 Building: 215

Emission Point: 21544 Removal Date: 11/12/2015
Height (ft.): 57 Diameter (in.): 1
NYTMN (km.): 4547.62 NYTME (km.): 582.315 Building: 215

Emission Point: 21548 Removal Date: 11/12/2015
Height (ft.): 57 Diameter (in.): 1
NYTMN (km.): 4547.62 NYTME (km.): 582.315 Building: 215

Emission Point: 36241 Removal Date: 11/12/2015
Height (ft.): 60 Diameter (in.): 4
NYTMN (km.): 4547.2 NYTME (km.): 582.5 Building: 60B

Condition 45: Process Definition By Emission Unit
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 45.1:

New York State Department of Environmental Conservation

Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



Emission Unit: F-00002

Process: C04

Source Classification Code: 1-02-005-05

Process Description:

Operation of turbine(s) and waste heat boiler(s) on No. 2 fuel oil, as described in the unit description.

Emission Source/Control: F0001 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0002 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0090 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: F0098 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: FWIS1 - Control

Control Type: STEAM OR WATER INJECTION

Emission Source/Control: FWIS2 - Control

Control Type: STEAM OR WATER INJECTION

Item 45.7:

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

Emission Unit: F-00002

Process: C05

Source Classification Code: 1-02-006-02

Process Description:

Fresh air firing using natural gas, of one or both waste heat boilers without combustion of corresponding turbine. This non-routine operation could occur to maintain site steam load if the turbine is taken off line.

Emission Source/Control: F0001 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0002 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0090 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: F0098 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: FWIS1 - Control

Control Type: STEAM OR WATER INJECTION

Emission Source/Control: FWIS2 - Control

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Facility DEC ID: 3392400025



Control Type: STEAM OR WATER INJECTION

Item 45.8:

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

Emission Unit: F-00002

Process: C06

Source Classification Code: 1-02-005-02

Process Description:

Fresh air firing using No. 2 fuel oil, of one or both waste heat boilers without combustion of corresponding turbine. This non-routine operation could occur to maintain site steam load if the turbine is taken off line.

Emission Source/Control: F0001 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0002 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0090 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: F0098 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: FWIS1 - Control

Control Type: STEAM OR WATER INJECTION

Emission Source/Control: FWIS2 - Control

Control Type: STEAM OR WATER INJECTION

Item 45.9:

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

Emission Unit: F-00002

Process: C07

Source Classification Code: 1-01-006-02

Process Description:

Operation of waste heat boilers firing natural gas.

Emission Source/Control: F0001 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0002 - Combustion

Design Capacity: 99 million Btu per hour

Emission Source/Control: F0090 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: F0098 - Combustion

Design Capacity: 110 million Btu per hour

Emission Source/Control: FWIS1 - Control

New York State Department of Environmental Conservation

Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



Control Type: STEAM OR WATER INJECTION

Emission Source/Control: FWIS2 - Control

Control Type: STEAM OR WATER INJECTION

Item 45.10:

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

Emission Unit: F-00003

Process: W01

Source Classification Code: 3-01-820-02

Process Description:

Equipment associated with the waste water treatment plant.

Emission Source/Control: F0013 - Process

Emission Source/Control: F0033 - Process

Emission Source/Control: F0034 - Process

Emission Source/Control: F0039 - Process

Emission Source/Control: F0040 - Process

Item 45.11:

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

Emission Unit: F-00003

Process: W02

Source Classification Code: 3-90-900-04

Process Description: Fuel oil tanks.

Emission Source/Control: F0035 - Process

Emission Source/Control: F0036 - Process

Item 45.12:

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

Emission Unit: F-00003

Process: W03

Source Classification Code: 2-02-001-02

Process Description:

Two emergency generators operated on diesel fuel. Fuel burned is capped so that annual NOx emissions remain below 5000 pounds per year.

Emission Source/Control: F0037 - Combustion

Emission Source/Control: F0038 - Combustion

Item 45.13:

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

Emission Unit: F-00004

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Facility DEC ID: 3392400025



Item 45.18:

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

Emission Unit: R-00005

Process: R08

Source Classification Code: 3-01-060-01

Process End Date: 11/12/2015

Process Description:

Pharmaceutical manufacturing exempt distillation operations and/or vacuum dryer sources may be used for commercial production, production for clinical studies or exempt R&D. VOC emission rate potential less than 15 lbs/day.

Emission Source/Control: R0249 - Process

Emission Source/Control: R0257 - Process

Emission Source/Control: R0258 - Process

Emission Source/Control: R0267 - Process

Emission Source/Control: R0269 - Process

Item 45.19:

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

Emission Unit: R-00005

Process: R09

Source Classification Code: 3-01-060-01

Process End Date: 11/12/2015

Process Description:

Pharmaceutical manufacturing process containing VOC's and filters with exposed liquid surface that exerts a total vapor pressure of 0.5 PSI or more at 20°C. May also operate as exempt R&D sources.

Emission Source/Control: R0250 - Process

Emission Source/Control: R0259 - Process

Item 45.20:

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

Emission Unit: R-00005

Process: R10

Source Classification Code: 3-01-060-01

Process End Date: 11/12/2015

Process Description:

Pharmaceutical manufacturing VOC process tanks. Sources may be used for commercial production, production for clinical studies or exempt R&D.

Emission Source/Control: R0251 - Process

Emission Source/Control: R0252 - Process

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Emission Source/Control: R0253 - Process

Emission Source/Control: R0254 - Process

Emission Source/Control: R0256 - Process

Item 45.21:

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

Emission Unit: R-00005

Process: R11

Source Classification Code: 3-01-060-01

Process End Date: 11/12/2015

Process Description:

Pharmaceutical manufacturing production exhaust systems with VOC emissions that are less than 33 lbs/day. Sources may also operate as exempt R&D sources.

Emission Source/Control: R0255 - Process

Emission Source/Control: R0256 - Process

Emission Source/Control: R0259 - Process

Emission Source/Control: R0262 - Process

Emission Source/Control: R0263 - Process

Emission Source/Control: R0264 - Process

Emission Source/Control: R0265 - Process

Emission Source/Control: R0266 - Process

Item 45.22:

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

Emission Unit: R-00005

Process: R12

Source Classification Code: 3-01-060-01

Process End Date: 11/12/2015

Process Description:

Aqueous based pharmaceutical manufacturing for sale. Small quantities (less than 1lb/day) of VOC's may be emitted. Sources may also operate as exempt R&D sources.

Emission Source/Control: R0260 - Process

Emission Source/Control: R0261 - Process

Emission Source/Control: R0262 - Process

Emission Source/Control: R0263 - Process

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Emission Source/Control: R0265 - Process

Emission Source/Control: R0266 - Process

Emission Source/Control: R0267 - Process

Emission Source/Control: R0268 - Process

Emission Source/Control: R0269 - Process

Emission Source/Control: R0270 - Process

Emission Source/Control: R0271 - Process

Emission Source/Control: R0272 - Process

Emission Source/Control: R0273 - Process

Item 45.23:

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

Emission Unit: R-00005

Process: R13

Source Classification Code: 3-01-060-01

Process End Date: 11/12/2015

Process Description:

Commercial production of Pharmaceutical products or intermediates with non-A rated, non-voc emissions.

Emission Source/Control: RCNO2 - Control

Control Type: VAPOR RECOVERY SYSTEMS, REFRIGERATED CONDENSER, GAS SCRUBBER (GENERAL)

Emission Source/Control: R0249 - Process

Emission Source/Control: R0250 - Process

Emission Source/Control: R0251 - Process

Emission Source/Control: R0252 - Process

Emission Source/Control: R0253 - Process

Emission Source/Control: R0254 - Process

Emission Source/Control: R0255 - Process

Item 45.24:

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

Emission Unit: R-00005

Process: R14

Source Classification Code: 3-01-060-01



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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025

Process End Date: 11/12/2015

Process Description:

Commercial production of Pharmaceutical products or intermediates with non-A rated VOC and non-VOC emissions. Emission rate potential less than 10 lbs/hour non-VOC, less than or equal to 15 lbs/day VOC from equipment and <33 lbs/day other VOC.

Emission Source/Control: RCNO2 - Control

Control Type: VAPOR RECOVERY SYSTEMS, REFRIGERATED CONDENSER, GAS SCRUBBER (GENERAL)

Emission Source/Control: RCNO3 - Control

Control Type: VAPOR RECOVERY SYSTEMS, REFRIGERATED CONDENSER, GAS SCRUBBER (GENERAL)

Emission Source/Control: R0256 - Process

Item 45.25:

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

Emission Unit: W-00002

Process: 072

Source Classification Code: 3-01-060-08

Process End Date: 11/12/2015

Process Description:

Pharmaceutical manufacturing production exhaust systems with non-VOC emissions.

Emission Source/Control: WM010 - Process

Item 45.26:

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

Emission Unit: W-00002

Process: 074

Source Classification Code: 3-01-060-99

Condition 46: Emission Unit Permissible Emissions

Process End Date: 11/12/2015

Effective between the dates of 07/17/2015 and 07/16/2020

Process Description: Process tanks and other equipment with non-VOC emissions.

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Emission Source/Control: W0086 - Process

Item 46.1:

The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Source/Control: W0087 - Process

Emission Source/Control: W0089 - Process

Emission Source/Control: W0090 - Process

Name: OXIDES OF NITROGEN

Emission Source/Control: W0095 - Process

PTE(s): 684,000 pounds per year

Condition 47: Capping Monitoring Condition

Effective between the dates of 07/17/2015 and 07/16/2020



Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 47.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-6

Item 47.2:

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

Item 47.3:

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 47.4:

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 47.5:

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 47.6:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 47.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

NOx Emissions are limited to a combined 342 tons per year during any twelve consecutive month period. NOx emissions shall be obtained



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utilizing the existing continuous monitoring system. Annual reporting required.

Manufacturer Name/Model Number: CEM
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 342 tons per year
Reference Test Method: EPA Approved
Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 48: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR Subpart 231-6

Item 48.1:
The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 48.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK **PRACTICE** INVOLVING SPECIFIC OPERATIONS
Monitoring Description:

Turbines firing No. 2 fuel oil shall be limited to a combined maximum of 2160 hours during any twelve consecutive months.

This limit is based on a New Source Review Non Attainment determination previously permitted under 231-2.2(b).

Work Practice Type: HOURS PER YEAR OPERATION
Upper Permit Limit: 2160 hours
Reference Test Method: EPA Approved
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 49: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



Applicable Federal Requirement:6 NYCRR Subpart 231-6

Item 49.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 49.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No. 2 fuel oil usage in the two turbines combined shall not exceed 1,734,306 gallons during any twelve month period.

This limit is based on a New Source Review Non Attainment determination previously permitted under 231-2.2(b).

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: FUEL OIL

Upper Permit Limit: 1734306 gallons per year

Reference Test Method: EPA Approved

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 50: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-6

Item 50.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 50.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:



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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025

No. 2 fuel oil usage in the two boilers combined shall not exceed 1,040,884 gallons during any twelve month period.

This limit is based on a New Source Review Non Attainment determination previously permitted under 231-2.2(b).

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: FUEL OIL
Upper Permit Limit: 1040884 gallons per year
Reference Test Method: EPA Approved
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 51: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-6

Item 51.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 51.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Boilers firing No. 2 fuel oil shall be limited to a combined maximum of 1440 hours during any twelve consecutive months.

This limit is based on a New Source Review Non Attainment determination previously permitted under 231-2.2(b).

Work Practice Type: HOURS PER YEAR OPERATION
Upper Permit Limit: 1440 hours
Reference Test Method: EPA Approved
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

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Condition 52: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-8

Item 52.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):

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

Item 52.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PM10 Emissions are limited to 4.0 lb/hr per stack. Compliance with the emission limit shall be verified by conducting performance testing if requested by the department. Compliance shall be based on the average of three one hour test runs.

This limit is based on a previous Prevention of Significant Deterioration determination under 40 CFR 52.21.

Upper Permit Limit: 4.0 pounds per hour

Reference Test Method: Method 201, 201A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 53: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-8

Item 53.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 53.2:

Compliance Certification shall include the following monitoring:

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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate Emissions are limited to 4.6 lb/hr per stack. Compliance with the emission limit shall be verified by conducting performance testing if requested by the department. Compliance shall be based on the average of three one hour test runs.

This limit is based on a previous Prevention of Significant Deterioration determination under 40 CFR 52.21.

Upper Permit Limit: 4.6 pounds per hour

Reference Test Method: 201, 201A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 54: Applicability of General Provisions of 40 CFR 60 Subpart A Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:40CFR 60, NSPS Subpart A

Item 54.1:

This Condition applies to Emission Unit: F-00002

Item 54.2:

This emission source is subject to the applicable General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

Condition 55: Compliance Certification Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-8

Item 55.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Process: C01

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 55.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING



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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025

Monitoring Description:

Carbon Monoxide emissions are limited to 48 ppm (by volume, dry, corrected to 15% O₂) and 13 lbs/hr per stack. Performance testing to verify compliance shall be conducted as requested by the Department. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel.

This limit is based on a New Source Review Attainment determination previously permitted under 40 CFR 52.21.

Upper Permit Limit: 48 parts per million by volume (dry, corrected to 15% O₂)

Reference Test Method: 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 56: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-8

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Process: C02

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 56.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Carbon Monoxide emissions are limited to 48 ppm (by volume, dry, corrected to 15% O₂) and 19 lbs/hr per stack. Performance testing to verify compliance shall be conducted as requested by the Department. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel.

This limit is based on a New Source Review Attainment determination previously permitted under 40 CFR 52.21.

Upper Permit Limit: 48 parts per million by volume (dry, corrected to 15% O₂)



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Reference Test Method: 10
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 57: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-8

Item 57.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002
Process: C03

Regulated Contaminant(s):
CAS No: 000630-08-0 CARBON MONOXIDE

Item 57.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

Carbon Monoxide emissions are limited to 77 ppm (by volume, dry, corrected to 15% O₂) and 19 lbs/hr per stack. Performance testing to verify compliance shall be conducted as requested by the Department. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel.

This limit is based on a New Source Review Attainment determination previously permitted under 40 CFR 52.21.

Upper Permit Limit: 77 parts per million by volume (dry, corrected to 15% O₂)

Reference Test Method: 10
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 58: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 231-8

New York State Department of Environmental Conservation

Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



Item 58.1:

The Compliance Certification activity will be performed for:

Emission Unit: F-00002

Process: C04

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 58.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Carbon Monoxide emissions are limited to 77 ppm (by volume, dry, corrected to 15% O₂) and 25 lbs/hr per stack. Performance testing to verify compliance shall be conducted as requested by the Department. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel.

This limit is based on a New Source Review Attainment determination previously permitted under 40 CFR 52.21.

Upper Permit Limit: 77 parts per million by volume (dry, corrected to 15% O₂)

Reference Test Method: 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 59: Compliance Certification

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 40CFR 60.116b(b), NSPS Subpart Kb

Item 59.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: F-00003

Process: W02

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 59.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept on site for the life of the storage vessel.

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 60: Capping Monitoring Condition
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 60.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-6

Item 60.2:

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

Item 60.3:

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 60.4:

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 60.5:

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 60.6:

The Compliance Certification activity will be performed for:



New York State Department of Environmental Conservation

Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025

Emission Unit: F-00003
Process: W03

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 60.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Combined NOx emissions will be less than 2.5 tons per year on an annual total rolled monthly determined by fuel use a surrogate. Fuel burned will not exceed 19,900 gallons per year. Records to be kept on site and made available for inspection.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: FUEL OIL

Upper Permit Limit: 19900 gallons per year

Reference Test Method: EPA Approved

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 61: Capping Monitoring Condition
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 61.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-6

Item 61.2:

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

Item 61.3:

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.

New York State Department of Environmental Conservation

Permit ID: 3-3924-00025/00821

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Item 61.4:

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 61.5:

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 61.6:

The Compliance Certification activity will be performed for:

Emission Unit: F-00005

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 61.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

NOx emissions shall not exceed 24.1 tons per year on a rolling monthly annual total calculated from fuel use.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL OIL

Parameter Monitored: FUEL

Upper Permit Limit: 24.1 tons per year

Reference Test Method: EPA Approved

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 62: Capping Monitoring Condition

Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 62.1:

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

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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025



the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-6

Item 62.2:

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

Item 62.3:

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 62.4:

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 62.5:

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 62.6:

The Compliance Certification activity will be performed for:

Emission Unit: F-00006

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 62.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Combined NOx emissions are limited to 4000 pounds per year and surrogate fuel burned will be used to compute emissions. Records to be maintained on site.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: FUEL OIL

Upper Permit Limit: 4000 pounds per year

Reference Test Method: EPA Approved



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Permit ID: 3-3924-00025/00821

Facility DEC ID: 3392400025

Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 63: Compliance Certification
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable Federal Requirement: 6 NYCRR 212.11 (b)

Item 63.1:
The Compliance Certification activity will be performed for:

Emission Unit: R-00005

Item 63.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The coolant temperature of refrigerated condensers shall be monitored when the source is operating with emissions.

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 1/30/2016.
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: 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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 64: Contaminant List
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable State Requirement:ECL 19-0301

Item 64.1:

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

CAS No: 000630-08-0
Name: CARBON MONOXIDE

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

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

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0
Name: VOC

Condition 65: Malfunctions and start-up/shutdown activities
Effective between the dates of 07/17/2015 and 07/16/2020

Applicable State Requirement:6 NYCRR 201-1.4

Item 65.1:

(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

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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.





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Permit Review Report

Permit ID: 3-3924-00025/00821
Renewal Number: 2
05/08/2018

Facility Identification Data

Name: WYETH PHARMACEUTICALS
 Address: 401 N MIDDLETOWN RD
 PEARL RIVER, NY 10965-1299

Owner/Firm

Name: PEARL RIVER CAMPUS LLC
 Address: 4020 KINROSS LAKES PKWY STE 200
 RICHFIELD, OH 44286, USA
 Owner Classification: Corporation/Partnership

Permit Contacts

Air Permitting Contact:
 Name: JUSTIN LICHTER
 Address: 4020 KINROSS LAKES PKWY STE 200
 RICHFIELD, OH 44286
 Phone:8052071830

Permit Description
Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

Application for renewal of Air Title V Facility.

Attainment Status

WYETH PHARMACEUTICALS is located in the town of ORANGETOWN in the county of ROCKLAND.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
-----	-----
-----	-----
Particulate Matter (PM)	ATTAINMENT
Particulate Matter< 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT



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Carbon Monoxide (CO)	ATTAINMENT
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-
- * Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.
 - ** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

THIS FACILITY IS ENGAGED IN THE MANUFACTURE, RESEARCH AND DEVELOPMENT OF PHARMACEUTICAL, NUTRITIONAL, BIOLOGICAL AND OTHER RELATED PRODUCTS. THE LOCATION ALSO CONTAINS FACILITY SUPPORT FUNCTIONS SUCH AS WAREHOUSES, TANKS, WASTEWATER TREATMENT AND BOILERS.

Permit Structure and Description of Operations

The Title V permit for WYETH PHARMACEUTICALS is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

WYETH PHARMACEUTICALS is defined by the following emission unit(s):

Emission unit F00002 -

Emission unit F00002 is associated with the following emission points (EP):

- 00101, 00102, 00106, 00107
- Process: C01 is located at Building 133C -
- Process: C02 is located at Building 133C -
- Process: C03 is located at Building 133C -
- Process: C04 is located at Building 133C -
- Process: C05 is located at Building 133C -
- Process: C06
- Process: C07

Emission unit F00003 -



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09714, 09715, 14109, 14114, 14116, 54118, FO111, FO112

Process: W01 is located at Building 141COMPLEX -

Process: W02

Process: W03

Emission unit F00004 -

Emission unit F00004 is associated with the following emission points (EP):

23155

Process: B03 is located at Building 132A -

Process: B05

Emission unit F00005 -

Emission unit F00005 is associated with the following emission points (EP):

23259

Process: B04 is located at Building 132B -

Process: B06 is located at Building 132B -

Emission unit F00006 -

Emission unit F00006 is associated with the following emission points (EP):

09716

Process: W04 is located at Building B180 -

Emission unit F00001 -

Emission unit F00001 is associated with the following emission points (EP):

13256

Process: B01 is located at Building 132A -

Title V/Major Source Status

WYETH PHARMACEUTICALS is subject to Title V requirements. This determination is based on the following information:

Facility is Major for Carbon Monoxide, Oxides of Nitrogen and Volatile Organic Compounds.

Program Applicability

The following chart summarizes the applicability of WYETH PHARMACEUTICALS with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	YES
NESHAP (40 CFR Part 61)	NO



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NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state



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air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

2833	MEDICINALS AND BOTANICALS
2834	PHARMACEUTICAL PREPARATIONS
2836	BIOLOGICAL PRODUCTS, EXCEPT DIAGNOSTIC
8731	COMMERCIAL PHYSICAL RESEARCH
9999	NONCLASSIFIABLE ESTABLISHMENTS

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

1-01-006-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS
1-02-005-01	Boilers < 100 MBtu/Hr except Tangential EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-005-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL 10-100MMBTU/HR **
1-02-005-05	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Cogeneration
1-02-006-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS Over 100 MBtu/Hr
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
1-02-006-04	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS



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2-02-001-02	Cogeneration INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL(DIESEL)
3-01-060-01	Reciprocating CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - PHARMACEUTICAL PREPARATIONS
3-01-060-08	Vacuum Dryers CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - PHARMACEUTICAL PREPARATIONS
3-01-060-99	Exhaust Systems CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - PHARMACEUTICAL PREPARATIONS
3-01-820-02	Other Not Classified CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - WASTEWATER AGGREGATE
3-90-900-04	WASTEWATER TREATMENT IN-PROCESS FUEL USE IN-PROCESS FUEL USE - FUEL STORAGE - FIXED ROOF TANKS DISTILLATE OIL (NO. 2): WORKING LOSS

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000092-52-4	1, 1 BIPHENYL				
000079-34-5	1,1,2,2- TETRACHLORO THANE				
000057-14-7	1,1-DIMETHYL HYDRAZINE				
000120-82-1	1,2,4- TRICHLOROBEN ZENE				
000084-74-2	1,2- BENZENEDICAR				



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000120-80-9	BOXYLIC ACID, DIBUTYL ESTER 1,2-
000107-06-2	BENZENEDIOL 1,2-
000107-21-1	DICHLOROETHA NE
000108-38-3	1,2-ETHANEDIOL 1,3 DIMETHYL BENZENE
000095-80-7	1,3- BENZENEDIAMIN E, 4-METHYL-
000106-99-0	1,3-BUTADIENE
000126-99-8	1,3-BUTADIENE, 2-CHLORO-
000085-44-9	1,3- ISOBENZOFURA NDIONE
000123-31-9	1,4- BENZENEDIOL
000123-91-1	1,4-DIETHYLENE DIOXIDE
000063-25-2	1- NAPHTHALENOL , METHYLCARBA MATE
000098-86-2	1- PHENYLETHANO NE
000542-75-6	1-PROPENE, 1,3- DICHLORO-
001746-01-6	2,3,7,8- TETRACHLOROD IBENZO-P- DIOXIN
000121-14-2	2,4, DINITRO TOLUENE
000051-28-5	2,4, DINITROPHENOL
000088-06-2	2,4,6 TRICHLOROPHE NOL
000094-75-7	2,4- DICHLOROPHEN OXYACETIC ACID
000108-31-6	2,5 - FURANDIONE
000053-96-3	2- ACETYLAMINOF LUORENE
000078-59-1	2-CYCLOHEXEN- 1-ONE,3,5,5- TRIMETHYL
000105-60-2	2H-AZEPIN-2- ONE,HEXAHYDR O
000079-10-7	2-PROPENOIC ACID
000080-62-6	2-PROPENOIC ACID, 2-METHYL- , METHYL ESTER



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000140-88-5	2-PROPENOIC ACID, ETHYL ESTER
000091-94-1	3,3'- DICHLOROBENZI DINE
000119-90-4	3,3'- DIMETHOXYBEN ZIDINE
000107-05-1	3-CHLORO-1- PROPENE
000101-77-9	4,4'- DIAMINODIPHEN YLMETHANE
000060-11-7	4- DIMETHYLAMIN OAZOBENZENE
000092-93-3	4- NITROBIPHENYL
000075-07-0	ACETALDEHYDE
000060-35-5	ACETAMIDE
000108-05-4	ACETIC ACID
000079-11-8	ETHENYL ESTER ACETIC ACID, CHLORO
000075-05-8	ACETONITRILE
000532-27-4	ALPHA- CHLOROACETOP HENONE
000062-53-3	ANILINE
007440-36-0	ANTIMONY
007440-38-2	ARSENIC
001332-21-4	ASBESTOS
000075-55-8	AZIRIDINE, 2- METHYL
000090-04-0	BENZENAMINE, 2-METHOXY
000095-53-4	BENZENAMINE, 2-METHYL
000121-69-7	BENZENAMINE, N, N-DIMETHYL
000071-43-2	BENZENE
000098-82-8	BENZENE, (1- METHYLETHYL)
000106-46-7	BENZENE, 1,4- DICHLORO-
000584-84-9	BENZENE, 2,4- DIISOCYANATO- 1-METHYL-
000098-07-7	BENZENE, TRICHLOROMET HYL
000095-47-6	BENZENE, 1,2- DIMETHYL
000092-87-5	BENZIDINE
000100-44-7	BENZYL CHLORIDE
007440-41-7	BERYLLIUM
000057-57-8	BETA- PROPIOLACTONE
000117-81-7	BIS(2- ETHYLHEXYL) PHTHALATE
000075-25-2	BROMOFORM



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007440-43-9	CADMIUM
000133-06-2	CAPTAN
000051-79-6	CARBAMIC ACID, ETHY ESTER
000079-44-7	CARBAMIC CHLORIDE, DIMETHYL
000075-15-0	CARBON DISULFIDE
000630-08-0	CARBON MONOXIDE
000463-58-1	CARBONYL SULFIDE
000133-90-4	CHLORAMBEN
000057-74-9	CHLORDANE
007782-50-5	CHLORINE
000108-90-7	CHLOROBENZEN E
000075-45-6	CHLORODIFLUO RO-METHANE
000067-66-3	CHLOROFORM
007440-47-3	CHROMIUM
007440-48-4	COBALT
001319-77-3	CRESYLIC ACID
000156-62-7	CYANAMIDE, CALCIUM SALT (1:1)
000057-12-5	CYANIDE
003547-04-4	DDE
000334-88-3	DIAZOMETHANE
000132-64-9	DIBENZOFURAN
000075-71-8	DICHLORODIFLU OROMETHANE
000075-09-2	DICHLOROMETH ANE
000131-11-3	DIMETHYL PHTHALATE
000071-55-6	ETHANE, 1,1,1- TRICHLORO
000079-00-5	ETHANE, 1,1,2- TRICHLORO
000075-34-3	ETHANE, 1,1- DICHLORO-
000111-44-4	ETHANE, 1,1'- OXYBIS 2- CHLORO
000106-93-4	ETHANE, 1,2- DIBROMO
000306-83-2	ETHANE, 2,2- DICHLORO-1,1- TRIFLUORO-
000075-00-3	ETHANE, CHLORO
000067-72-1	ETHANE, HEXACHLORO
000111-42-2	ETHANOL, 2,2'- IMINOBIS-
000111-46-6	ETHANOL, 2,2'- OXYBIS-
000075-35-4	ETHENE,1,1- DICHLORO
000510-15-6	ETHYL 4,4'- DICHLOROBENZI



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	LATE
000106-88-7	ETHYL OXIRANE
000100-41-4	ETHYLBENZENE
000079-06-1	ETHYLENE CARBOXAMIDE
000075-21-8	ETHYLENE OXIDE
000096-45-7	ETHYLENE THIOUREA
000151-56-4	ETHYLENEIMINE
000050-00-0	FORMALDEHYDE
000068-12-2	FORMAMIDE, N,N-DIMETHYL
000076-44-8	HEPTACHLOR
000118-74-1	HEXACHLOROBE NZENE
000087-68-3	HEXACHLOROB UTADIENE
000077-47-4	HEXACHLOROC YCLOPENTADIE NE
000110-54-3	HEXANE
000822-06-0	HEXANE, 1,6- DIISOCYANATO-
000302-01-2	HYDRAZINE
007647-01-0	HYDROGEN CHLORIDE
007664-39-3	HYDROGEN FLUORIDE
000122-66-7	HYRAZINE, 1,2 - DIPHENYL
007439-92-1	LEAD
000058-89-9	LINDANE, GAMMA
007439-96-5	MANGANESE
007439-97-6	MERCURY
000062-75-9	METHANAMINE, N-METHYL-N- NITROSO
000075-63-8	METHANE, BROMOTRIFLUO RO- CBRF3
000542-88-1	METHANE, OXYBIS (CHLORO)
000075-69-4	METHANE, TRICHLOROFLU ORO-
000072-43-5	METHOXYCHLO R
000067-56-1	METHYL ALCOHOL
000074-83-9	METHYL BROMIDE
000074-87-3	METHYL CHLORIDE
000107-30-2	METHYL CHLOROMETHYL ETHER
000078-93-3	METHYL ETHYL KETONE
000060-34-4	METHYL HYDRAZINE
000074-88-4	METHYL IODIDE



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000624-83-9	METHYL ISOCYANATE
001634-04-4	METHYL TERTBUTYL ETHER
000101-68-8	METHYLENE BISPHENYL ISOCYANATE
000121-44-8	N,N-DIETHYL ETHANAMINE
000091-20-3	NAPHTHALENE
0NY059-28-0	NICKEL (NI 059)
000098-95-3	NITROBENZENE
000059-89-2	NITROSOMORPH OLINE
000684-93-5	NITROSO-N- METHYLUREA
000119-93-7	O-TOLIDINE
0NY210-00-0	OXIDES OF NITROGEN
000106-89-8	OXIRANE, (CHLOROMETHY L)
000092-67-1	P- AMINODIPHENY L
000100-02-7	PARA- NITROPHENOL
0NY075-00-0	PARTICULATES
000082-68-8	PENTACHLORON ITROBENZENE
000540-84-1	PENTANE, 2,2,4- TRIMETHYL-
000127-18-4	PERCHLOROETH YLENE
000108-95-2	PHENOL
000534-52-1	PHENOL, 2- METHYL-4,6- DINITRO
000108-39-4	PHENOL, 3- METHYL
000087-86-5	PHENOL, PENTACHLORO
000075-44-5	PHOSGENE
007803-51-2	PHOSPHINE
000062-73-7	PHOSPHORIC ACID, 2,2- DICHLOROETHE NYL DIMETHYL ESTER
000680-31-9	PHOSPHORIC TRIAMIDE, HEXAMETHYL
000056-38-2	PHOSPHOROTHI OIC ACID, O,O- DIETHYL O-(4- NITROPHENYL) ESTER
007723-14-0	PHOSPHORUS (YELLOW)
0NY075-00-5	PM-10
001336-36-3	POLYCHLORINA TED BIPHENYL
000106-50-3	P-



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	PHENYLENEDIA
	MINE
001120-71-4	PROPANE
	SULTONE
000096-12-8	PROPANE, 1,2-
	DIBROMO-3-
	CHLORO
000078-87-5	PROPANE, 1,2-
	DICHLORO
000075-56-9	PROPANE, 1,2-
	EPOXY-
000079-46-9	PROPANE, 2-
	NITRO
000107-13-1	PROPENENITRIL
	E
000123-38-6	PROPIONALDEH
	YDE
000114-26-1	PROPOXUR
000091-22-5	QUINOLINE
000106-51-4	QUINONE
007782-49-2	SELENIUM
000100-42-5	STYRENE
000096-09-3	STYRENE OXIDE
007446-09-5	SULFUR DIOXIDE
000064-67-5	SULFURIC ACID,
	DIETHYL ESTER
000077-78-1	SULFURIC ACID,
	DIMETHYL
	ESTER
007550-45-0	TITANIUM
	TETRACHLORIDE
000108-88-3	TOLUENE
0NY100-00-0	TOTAL HAP
008001-35-2	TOXAPHENE
000079-01-6	TRICHLOROETH
	YLENE
000095-95-4	TRICHLOROPHE
	NOL, 2,4,5
001582-09-8	TRIFLURALIN
000593-60-2	VINYL BROMIDE
000075-01-4	VINYL
	CHLORIDE
0NY998-00-0	VOC
001330-20-7	XYLENE, M, O &
	P MIXT.
000106-42-3	XYLENE, PARA-

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.



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Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V 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.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination



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or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item K: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant



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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)

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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



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applicable requirement. item_02

**Item B: 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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
-- FACILITY	ECL 19-0301	64	Powers and Duties of the Department with respect to air pollution control
F-00002 FACILITY	40CFR 60-A	54	General provisions
FACILITY	40CFR 60-GG.334(b)	40	Monitoring of Operations: CEMS
FACILITY	40CFR 60-IIII	41	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
F-00003 FACILITY	40CFR 60-Kb.116b(b)	59	NSPS for volatile organic liquid storage vessels- monitoring of operations
FACILITY	40CFR 63-JJJJJJ	42	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
FACILITY	40CFR 63-VVVVVV.11494(a)	43	Chemical Manufacturing Area Source NESHAP - Applicability
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone -



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FACILITY	6NYCRR 200.6	1	recycling and emissions reduction
FACILITY	6NYCRR 200.7	10	Acceptable ambient air quality.
FACILITY	6NYCRR 201-1.4	65	Maintenance of equipment.
FACILITY	6NYCRR 201-1.7	11	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.8	12	Recycling and Salvage
			Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 44, 45	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 201-6.4(g)	23	Permit Shield
FACILITY	6NYCRR 201-7	46	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	24	General Prohibitions - air pollution prohibited
R-00005	6NYCRR 212.11(b)	63	Sampling and monitoring
FACILITY	6NYCRR 212.4(c)	25	General Process Emission Sources - emissions from new processes and/or modifications
FACILITY	6NYCRR 212.6(a)	26	General Process



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FACILITY	6NYCRR 215.2	9	Emission Sources - opacity of emissions limited
FACILITY	6NYCRR 225-1.2(f)	27	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2(h)	28	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 226.2	29	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 227-1.3(a)	30	General Requirements
FACILITY	6NYCRR 227-	31	Smoke Emission Limitations.
FACILITY	2.4(b)(1)(ii)	32, 33, 34, 35, 36,	2010 NOx RACT presumptive limits.
FACILITY	6NYCRR 227-2.4(b)(2)	37	NOx requirements.
FACILITY	6NYCRR 227-2.4(e)(3)	38, 39	NOx requirements for other combustion turbines.
F-00002	6NYCRR 231-6	48, 49, 50, 51	Mods to Existing Major Facilities in Nonattainment and Attainment Areas of the State in the OTR
F-00002	6NYCRR 231-8	52, 53	Mods to Existing Major Facilities in Attainment Areas (PSD)
F-00002/-/C01	6NYCRR 231-8	55	Mods to Existing Major Facilities in Attainment Areas (PSD)
F-00002/-/C02	6NYCRR 231-8	56	Mods to Existing Major Facilities in Attainment Areas (PSD)
F-00002/-/C03	6NYCRR 231-8	57	Mods to Existing Major Facilities in Attainment Areas (PSD)
F-00002/-/C04	6NYCRR 231-8	58	Mods to Existing Major Facilities in Attainment Areas (PSD)

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and



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repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)



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This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 201-6.4 (g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1



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Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

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.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, WYETH PHARMACEUTICALS has been determined to be subject to the following regulations:

40 CFR 60.116b (b)

40 CFR 60.334 (b)

The facility shall continue to maintain, operate, and quality-assure a Continuous Emission Monitoring System (CEMS) consisting of NOX and O2 or CO2 monitors. The CEMS shall be installed, certified, maintained and operated in accordance with the applicable 40 CFR 60 Part GG requirements. Quality Assurance and Control procedures shall be conducted as outlined in 40 CFR 60 Appendix F. NOx emission limits are identified as separate permit conditions under 227-2.4(e)(3). Annual reporting is required to ensure compliance.

40 CFR 63.11494 (a)



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As an owner or operator of a chemical manufacturing process unit (CMPU) located at an area source of hazardous air pollutant (HAP) emissions, the facility must comply with applicable portions of 40CFR 60 Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. Annual reporting is required to verify compliance.

40 CFR Part 60, Subpart A

40 CFR Part 60, Subpart IIII

The facility is subject to Subpart IIII. The facility shall comply with all applicable sections under Subpart IIII. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA.

40 CFR Part 63, Subpart JJJJJ

This condition applies to Boilers No.3, No.4 and No.5 (EUs F-00005, F-00001, and F-00004). The facility is subject to Subpart JJJJJ based on its non-major source HAP facility status. The facility shall comply with all applicable sections under Subpart JJJJJ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA. The Department is not delegated to monitor compliance.

6 NYCRR 211.1

6 NYCRR 212.11 (b)

The coolant temperature of refrigerated condensers for EU R00005 shall be monitored when the source is operating with emissions. Records to be kept on site and made available for inspection. Annual reporting is required to verify compliance.

6 NYCRR 212.4 (c)

Emissions of solid particulates are limited to less than 0.05 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing shall be performed by using Method 5 with a 1 hour averaging procedure. Testing shall be conducted at the request of the Department. Annual reporting is required, regardless of whether or not a performance test was requested for that year.

6 NYCRR 212.6 (a)



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No person will 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. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation. Annual reporting is required, regardless of whether or not a performance test was requested for that year.

6 NYCRR 225-1.2 (f)

The facility shall not purchase distillate fuel containing sulfur exceeding 0.0015% by weight, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that certify sulfur in fuel content is in compliance for every delivery. These records shall be maintained on site and available for Department review. Annual reporting is required to verify compliance. This limit supersedes previous conditions under 40 CFR 60 Subparts Dc and Gg.

6 NYCRR 225-1.2 (h)

The facility shall not fire distillate fuel containing sulfur exceeding 0.0015% by weight, after July 1, 2016, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that certify sulfur in fuel content is in compliance for every delivery. These records shall be maintained on site and available for Department review. Annual reporting is required to verify compliance. This limit supersedes previous conditions under 40 CFR 60 Subparts Dc and Gg.

6 NYCRR 226.2

To minimize VOC release, no person shall conduct solvent metal cleaning unless solvent is stored in covered containers and waste solvent is transferred or disposed of in such a manner that less than 20 percent of the waste solvent, by weight, can evaporate into the atmosphere. Equipment used in solvent metal cleaning must be maintained to minimize leaks and fugitive emissions. A record of solvent consumption shall be maintained and made available to the commissioner or his representative upon request. A cover shall be provided which can be operated easily. Cleaned parts shall be drained at least 15 seconds or until dripping ceases.

6 NYCRR 227-1.3 (a)

No owner or operator of a combustion installation shall operate the installation in such a way to emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of 40 CFR 60. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time



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during facility operation. Annual reporting is required, regardless of whether or not a performance test was requested for that year.

6 NYCRR 227-2.4 (b) (1) (ii)

This condition applies to boiler No.3 (F00005) firing both natural gas and fuel oil. This emission source is limited to the presumptive RACT value of 0.15 pounds NO_x per million BTU. The facility shall conduct performance testing upon request by the Department in order to confirm compliance with the established limit. Most recent testing was conducted on 9/6/06. The NO_x emission value for natural gas was reported as 0.041 lb/MMBtu and the NO_x emission value for fuel oil was reported as 0.075 lb/MMBtu.

6 NYCRR 227-2.4 (b) (2)

This condition applies to boiler No.4 (F00001) firing natural gas. This emission source is limited to 0.23 pounds NO_x per million BTU, as established in the 2011 NO_x RACT plan as approved. The facility shall conduct performance testing upon request by the Department in order to confirm compliance with the established limit. Most recent testing was conducted on 2/8/96. The NO_x emission value for natural gas was reported as 0.20 lb/MMBtu.

This condition applies to boiler No.4 (F00001) firing fuel oil. This emission source is limited to 0.26 pounds NO_x per million BTU, as established in the 2011 NO_x RACT plan as approved. The facility shall conduct performance testing within 180 days of the permit issuance in order to confirm compliance with the established limit. Within 60 days prior to conducting the performance test, the facility shall submit a protocol for Department review. Within 60 days of completing the test, the facility shall submit a report documenting the results of the performance test. Most recent testing was conducted on 2/8/96. The NO_x emission value for fuel oil was reported as 0.22 lb/MMBtu.

This condition applies to boiler No.5 (F00004) firing natural gas. This emission source is limited to 0.20 pounds NO_x per million BTU, as established in the 2011 NO_x RACT plan as approved. The facility shall conduct performance testing upon request by the Department in order to confirm compliance with the established limit. Most recent testing was conducted on 6/6/06. The NO_x emission value for natural gas was reported as 0.17 lb/MMBtu. Testing for NO_x emissions from fuel oil was not conducted.

This condition applies to boiler No.5 (F00004) firing fuel oil. This emission source is limited to 0.30 pounds NO_x per million BTU, as established in the 2011 NO_x RACT plan as approved. The facility shall conduct performance testing upon request by the Department in order to confirm compliance with the established limit.

This condition applies to Boiler No.4 (EU F00001) and is based on the evaluation and approval of the



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2011 NOx RACT plan submitted in accordance with 6 NYCRR 227-2. NOx emissions are limited to an annual cumulative total of 33.3 tpy rolled monthly. This value is associated with Boiler No.4 limited to run at full capacity for 2000 hours/year firing natural gas and 200 hours/year firing fuel oil. According to the NOx RACT plan, annual NOx emissions for Boiler No.4 using the presumptive limit of 0.15 lb/MMBtu would be 42.6 tpy under normal operating conditions. Emission calculations shall be based on the most recent performance test results obtained from the NOx RACT compliance demonstration. Annual reporting is required to verify compliance.

This condition applies to Boilers No.3, No.4 and No.5 (EUs F-00005, F-00001, and F-00004). The facility is required to conduct proper maintenance procedures and practices as described in Section 2.4 of the 2011 NOx RACT plan. Annual reporting is required to verify compliance.

6 NYCRR 227-2.4 (e) (3)

This condition applies to Turbines No.1 and No.2 and Boilers No.1 and No.2 (EU F00002) firing natural gas and is based on the evaluation and approval of the 2011 NOx RACT plan submitted in accordance with 6 NYCRR 227-2.4(e)(3). NOx emissions shall be limited to 42 ppm (by volume, dry, corrected to 15% O₂) and 56 lbs/hr per stack. Continuous Monitoring System shall be operated under the CEMS procedures cited in 40 CFR 60 Appendix B, as well as follow the Quality Assurance/ Quality Control Procedures cited in Appendix F. This data shall be used to document compliance. These limits apply during normal operation. Semi-Annual reporting is required to verify compliance.

This condition applies to Turbines No.1 and No.2 and Boilers No.1 and No.2 (EU F00002) firing fuel oil and is based on the evaluation and approval of the 2011 NOx RACT plan submitted in accordance with 6 NYCRR 227-2.4(e)(3). NOx emissions shall be limited to 65 ppm (by volume, dry, corrected to 15% O₂) and 56 lbs/hr per stack. Continuous Monitoring System shall be operated under the CEMS procedures cited in 40 CFR 60 Appendix B, as well as follow the Quality Assurance/ Quality Control Procedures cited in Appendix F. This data shall be used to document compliance. These limits apply during normal operation. Semi-Annual reporting is required to verify compliance.



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6 NYCRR Subpart 201-7

6 NYCRR Subpart 231-6

No. 2 fuel oil usage in the two turbines of EU F00002 combined shall not exceed 1,734,306 gallons during any twelve month period. This limit is based on a New Source Review Non Attainment determination previously permitted under 6 NYCRR 231-2.2(b). Annual reporting is required to verify compliance.

No. 2 fuel oil usage in the two boilers of EU F00002 combined shall not exceed 1,040,884 gallons during any twelve month period. This limit is based on a New Source Review Non Attainment determination previously permitted under 6 NYCRR 231-2.2(b). Annual reporting is required to verify compliance.

Boilers for EU F00002 firing No. 2 fuel oil shall be limited to a combined maximum of 1440 hours during any twelve consecutive months. This limit is based on a New Source Review Non Attainment determination previously permitted under 6 NYCRR 231-2.2(b). Annual reporting is required to verify compliance.

Turbines for EU F00002 firing No. 2 fuel oil shall be limited to a combined maximum of 2160 hours during any twelve consecutive months. This limit is based on a New Source Review Non Attainment determination previously permitted under 6 NYCRR 231-2.2(b). Annual reporting is required to verify compliance.

6 NYCRR Subpart 231-8

PM10 Emissions for EU F00002 are limited to 4.0 lb/hr per stack. The Department reserves the right to require a performance test be conducted in order to verify the compliancy with this emission limit.

Compliance shall be based on the average of three one hour test runs. This limit is based on a historical determination under the Prevention of Significant Deterioration section of 40 CFR 52.21, which is now under 6 NYCRR 231-8.

Particulate Emissions for EU F00002 are limited to 4.6 lb/hr per stack. The Department reserves the right to require a performance test be conducted in order to verify the compliancy with this emission limit.

Compliance shall be based on the average of three one hour test runs. This limit is based on a historical determination under the Prevention of Significant Deterioration section of 40 CFR 52.21, which is now



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under 6 NYCRR 231-8.

Carbon Monoxide emissions for EU F00002 Process C01 are limited to 48 ppm (by volume, dry, corrected to 15% O2) and 13 lbs/hr per stack. The Department reserves the right to require a performance test be conducted in order to verify the compliancy with this emission limit. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel. This limit is based on a historical determination under the Prevention of Significant Deterioration section of 40 CFR 52.21, which is now under 6 NYCRR 231-8.

Carbon Monoxide emissions for EU F00002 Process C02 are limited to 48 ppm (by volume, dry, corrected to 15% O2) and 13 lbs/hr per stack. The Department reserves the right to require a performance test be conducted in order to verify the compliancy with this emission limit. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel. This limit is based on a historical determination under the Prevention of Significant Deterioration section of 40 CFR 52.21, which is now under 6 NYCRR 231-8.

Carbon Monoxide emissions for EU F00002 Process C03 are limited to 77 ppm (by volume, dry, corrected to 15% O2) and 19 lbs/hr per stack. The Department reserves the right to require a performance test be conducted in order to verify the compliancy with this emission limit. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel. This limit is based on a historical determination under the Prevention of Significant Deterioration section of 40 CFR 52.21, which is now under 6 NYCRR 231-8.

Carbon Monoxide emissions for EU F00002 Process C04 are limited to 77 ppm (by volume, dry, corrected to 15% O2) and 25 lbs/hr per stack. The Department reserves the right to require a performance test be conducted in order to verify the compliancy with this emission limit. The emissions concentration corresponds to the water injection rate of 0.9 lbs of water/lb of fuel. This limit is based on a historical determination under the Prevention of Significant Deterioration section of 40 CFR 52.21, which is now under 6 NYCRR 231-8.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
FACILITY	40 CFR Part 63, Subpart Pharmaceutical MACT GGG	

Reason: Facility HAP PTE below major threshold. No cap needed.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional



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and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification

Summary of monitoring activities at WYETH PHARMACEUTICALS:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

FACILITY	40	record keeping/maintenance procedures
FACILITY	41	record keeping/maintenance procedures
F-00003	59	record keeping/maintenance procedures
FACILITY	42	record keeping/maintenance procedures
FACILITY	43	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
F-00002	47	continuous emission monitoring (cem)
F-00003/-/W03	60	work practice involving specific operations
F-00005	61	work practice involving specific operations
F-00006	62	work practice involving specific operations
FACILITY	7	record keeping/maintenance procedures
R-00005	63	record keeping/maintenance procedures
FACILITY	25	intermittent emission testing
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	work practice involving specific operations
FACILITY	28	work practice involving specific operations
FACILITY	29	record keeping/maintenance procedures
FACILITY	30	monitoring of process or control device parameters as surrogate
FACILITY	31	intermittent emission testing
FACILITY	32	record keeping/maintenance procedures
FACILITY	33	record keeping/maintenance procedures
FACILITY	34	intermittent emission testing
FACILITY	35	intermittent emission testing
FACILITY	36	intermittent emission testing
FACILITY	37	intermittent emission testing
FACILITY	38	continuous emission monitoring (cem)
FACILITY	39	continuous emission monitoring (cem)
F-00002	48	work practice involving specific operations
F-00002	49	work practice involving specific operations
F-00002	50	work practice involving specific operations
F-00002	51	work practice involving specific operations
F-00002	52	intermittent emission testing
F-00002	53	intermittent emission testing
F-00002/-/C01	55	intermittent emission testing
F-00002/-/C02	56	intermittent emission testing
F-00002/-/C03	57	intermittent emission testing
F-00002/-/C04	58	intermittent emission testing



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Basis for Monitoring

The facility has a PSD permit for Unit F-00002 the Co-Generation facility consisting of two turbines each with a boiler. The PSD Permit contains limits for the following pollutants; CO, Particulates and PM-10. Compliance with these limits are verified through Intermittent Stack Testing done upon the request of the Department. Oxides of Nitrogen emitted from Unit F-00002 is regulated under NYCRR Part 231. There are individual limits for the different firing scenarios. NOx is continuously monitored by a CEM Systems. The Unit F-00002 also has limits on the hours of operation on #2 Fuel Oil and the total number of run hours on #2 Fuel Oil.

Some of the metal parts used in Pharmaceutical manufacturing are cleaned by immersion in solvent, held at room temperature and in closed containers. Although this process (cleaning in metal cans) is akin to cold cleaning degreasing it is far less emission-generating in so far that the typical cold degreasing includes heating the solvent and calls for covers during the time when the process is down. The freeboard condition is intended to minimize emissions induced by the room air turbulence over the opening of a cold degreaser. The metal parts cleaning process in cans inherently meets and exceeds the emission control requirements of 226.3(a)(3).

The coolant temperature of the condensers is measured because the outlet gas flow is not readily measurable due to negligible flow.

The facility shall not purchase or fire distillate fuel containing sulfur exceeding 0.0015% by weight, as per the new sulfur content limit stated in 6 NYCRR 225. Facilities shall maintain records that certify sulfur in fuel content is in compliance for every delivery. These records shall be maintained on site and available for Department review. Annual reporting is required to verify compliance. This limit supersedes previous conditions under 40 CFR 60 NSPS Subparts Dc and Gg. The previous sulfur in fuel content was 0.3% by weight.

New emission limits have been approved through the 2011 NOx RACT plan that pertain to Emission Units F-00001, F-00004 and F-00002. NOx emission limit for Emission Unit F-00005 has remained at the presumptive RACT of 0.15 lb/MMBtu, for both natural gas and fuel oil. The new NOx limit for EU F-00001 is 0.23 lb/MMBtu when firing natural gas and 0.26 lb/MMBtu when firing fuel oil. An annual NOx limit of 33.3 tpy has also been established for EU F-00001 under this NOx RACT plan. The new NOx limit for EU F-00004 is 0.20 lb/MMBtu when firing natural gas and 0.30 lb/MMBtu when firing fuel oil. The new NOx limit for EU F-00002 is 42 ppmvd (at 15% O₂) when firing natural gas and 65 ppmvd (at 15% O₂) when firing fuel oil.

The 2011 NOx RACT plan states that Pfizer will continue to follow the work practices set forth in the *Small Entity Compliance Guide for Area Source Boilers*, in order to comply with the *NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers, 40 CFR Part 63, Subpart JJJJJJ* (Boiler Area Source NESHAP). Pfizer is subject to JJJJJJ because it is a non-major source HAP facility (<10 tpy of any toxic, or <25 tpy for any combination of air toxics).

Existing (constructed before 6/4/2010) large area source boilers firing oil are subject to a tune-up every other year. Tune-ups require optimizing total emissions of CO, measuring CO and O₂ levels before and after tune-up, documenting and maintaining monthly fuel records for the 12 months preceding each tune-up. A one-time energy assessment is also required (numerical emission limits are not required).

New Source Review Non Attainment determinations previously cited under 6 NYCRR Part 231-2.2(b) are now cited under 6 NYCRR 231-6. Prevention of Significant Deterioration (PSD) determinations previously cited under 40 CFR 52.21 are now cited under 6 NYCRR 231-8. These changes have been made due to



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updates of the state and federal regulations.

Wyeth 2011 NOx RACT Plan Unit Details

UNIT	HEAT CAPACITY (MMBtu/hr)	MODEL	INSTALLATION DATE
Boiler 3 (F5)	98.7	Nebraska Model #NS-E-64	2006
Boiler 4 (F1)	130	Riley Stoker Model P37-29 (duel-fired)	1946
Boiler 5 (F4)	150	Foster Wheeler Model (duel-fired)	1951
Turbine 1 (F2)	110	Solar combustion turbine	1991
Turbine 2 (F2)	110	Solar combustion turbine	1991
Boiler 1*	99	Coen boiler	1991
Boiler 2*	99	Coen boiler	1991
*Boilers only operate in combined cycle with the turbines			

UNIT	GAS EMISSIONS (lb/MMBtu)	OIL EMISSIONS (lb/MMBtu)	TEST DATE
	Stack Test Value	Stack Test Value	
Boiler 3	0.041	0.075	9/6/06
Boiler 4	0.20	0.22	2/8/96
Boiler 5	0.17	Test Not Performed	6/6/06



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Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: UNITED RIVERHEAD TERMINAL INC
212 SOUND SHORE RD
RIVERHEAD, NY 11901

Facility: UNITED RIVERHEAD TERMINAL
212 SOUND SHORE RD
RIVERHEAD, NY 11901

Authorized Activity By Standard Industrial Classification Code:
5171 - PETROLEUM BULK STATIONS & TERMINALS

Permit Effective Date: 04/12/2016

Permit Expiration Date: 04/11/2021



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FEDERALLY ENFORCEABLE CONDITIONS

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NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 04/12/2016 and 04/11/2021

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: Fees**
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

Condition 4: **Records of Monitoring, Sampling, and Measurement** Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Condition 5: **Compliance Certification** Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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Regional Air Pollution Control Engineer
NYSDEC- Region 1 Headquarters
Stony Brook University
50 Circle Road
Stony Brook, NY 11790-3409

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2017.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and



(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the



commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 04/12/2016 and 04/11/2021



Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: Right to Inspect
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

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(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Off Permit Changes
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40 CFR Part 68



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Item 19.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 21: Emission Unit Definition
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

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

Emission Unit: U-00001

Emission Unit Description:

This emission unit consists of twenty (20) bulk storage tanks. Each tank may store a variety of petroleum liquids, including, but not limited to, crude oils, distillate oils, gasoline, and residual oils. Tanks 1-3 and 9-13 have capacities less than 300,000 barrels and are exempted from regulations since they store distillate and residual fuel oil. Tanks 4 and 5 have capacities less than 100,000 barrels and

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are subject to 6 NYCRR Part 229. Tanks 6-8, 17-19 and 21 have capacities greater than 300,000 barrels, store No. 6 fuel oil/crude oil, and are subject to 6 NYCRR Part 212 regulation. Tanks 14-16 were constructed after 1973, have capacities ranging from 250,000 to 415,000 barrels, and are subject to 40 CFR 60 Subparts K and 6 NYCRR Part 229 regulations. Tanks 14-16 are also equipped with internal floating roofs.

Item 21.2:

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

Emission Unit: U-00002

Emission Unit Description:

This emission unit consists of three (3) identical 29 million Btu/hr boilers firing natural gas or No. 6 fuel oil. Each boiler will be equipped with a low NO_x burner and a continuous oxygen trim system when firing natural gas.

Building(s): BOILERROOM

Item 21.3:

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

Emission Unit: U-00003

Emission Unit Description:

This emission unit consists of one (1) diesel engine (South Pump) with a rated capacity of 375 hp driving a generator. This engine is for emergency use only and is restricted to less than 50 hours of operation per year for reliability testing and maintenance activities.

Item 21.4:

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

Emission Unit: U-00004

Emission Unit Description:

This emission unit consists of eight (8) truck loading bays transferring a variety of petroleum liquids including, but not limited to, crude oils, distillate oils, and residual oils to trucks for transport from the facility.

Item 21.5:

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

Emission Unit: U-00005

Emission Unit Description:

This emission unit includes the marine loading and unloading of petroleum and non-petroleum fuel liquids at an offshore platform. A variety of petroleum liquids including, but not limited to, crude oils, distillate oils, and residual oils are loaded and unloaded into marine vessels at the platform. The Department has granted a VOC RACT variance for the marine platform.

Item 21.6:

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

Emission Unit: U-00006

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Emission Unit Description:

This emission unit consists of fuel dispensing stations for powering diesel and gasoline fleet of vehicles operating on the site. The fuels are loaded from two 500-gallon tanks.

Condition 22: Progress Reports Due Semiannually
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

Item 22.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 23: Air pollution prohibited
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 211.1

Item 23.1:

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 24: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 211.1

Item 24.1:

The Compliance Certification activity will be performed for the Facility.

Item 24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall establish and implement a complaint response procedure to manage and address complaints related



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to air emissions from this facility. The procedure shall be designed to ensure that complaints received from interested parties are adequately documented and that an appropriate response is taken by the facility. The facility owner or operator shall:

- (1) Establish a complaint phone line that is accessible 24 hours per day, 7 days per week;
- (2) Investigate any possible causes of each complaint received;
- (3) Take prompt action to abate any circumstance which is found to be the cause of the complaint;
- (4) Fully document each complaint, the results of the investigation, and any corrective action taken in a bound log book; and
- (5) Maintain records of each complaint at the facility for a period of at least five years. Such records must be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 25: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 212.3 (a)

Item 25.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001	
Process: STO	Emission Source: 00T06
Emission Unit: U-00001	
Process: STO	Emission Source: 00T07
Emission Unit: U-00001	
Process: STO	Emission Source: 00T08
Emission Unit: U-00001	
Process: STO	Emission Source: 00T17
Emission Unit: U-00001	
Process: STO	Emission Source: 00T18
Emission Unit: U-00001	
Process: STO	Emission Source: 00T19
Emission Unit: U-00001	
Process: STO	Emission Source: 00T21



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Regulated Contaminant(s):

CAS No: 000108-88-3	TOLUENE
CAS No: 000110-54-3	HEXANE
CAS No: 001330-20-7	XYLENE, M, O & P MIXT.
CAS No: 007439-92-1	LEAD
CAS No: 000071-43-2	BENZENE

Item 25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions that exceed the permissible emission rate specified in Table 4 of 6 NYCRR Subdivision 212-2.3(b) for the environmental rating issued by the Department.

The Department has assigned the following environmental ratings to the contaminants emitted from this facility:

CAS Number	Contaminant Name	Rating
000071-43-2	Benzene	A
000110-54-3	Hexane	B
007439-92-1	Lead	A
001089-88-3	Toluene	C
001330-20-7	Xylene (M, O & P Mix)	B

The facility owner or operator shall maintain a copy of the Material Safety Data Sheet for each product stored at the facility, and shall ensure that the emission rate of each contaminant present in the stored product is limited to the extent practicable.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 26: Compliance Certification

Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 225-1.2 (e)

Item 26.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00002

Process: NO6

Item 26.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the purchase of residual oil with a sulfur content of 0.50% sulfur on or after July 1, 2014 and to the firing of residual oil with a sulfur content of 0.50% on or after July 1, 2016.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period.

All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.50 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME
(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 27: Compliance Certification

Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 225-1.6 (b)

Item 27.1:

The Compliance Certification activity will be performed for the Facility.

Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a facility that sells oil must retain records containing the following information:

(1) fuel analyses and data on the quantities of all oil received;
and

(2) the names of all purchasers, fuel analyses, and data on the quantity of all oil sold.

Fuel analyses prepared pursuant to this condition must contain the following information at a minimum:



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(1) data on the sulfur content, ash content, specific gravity, and heating value of residual oil; and

(2) data on the sulfur content, specific gravity, and heating value of distillate oil.

Records kept pursuant to this condition must be maintained at the facility for a period of at least five years, and must be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 28: Applicability of Subpart A General Provisions
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 60, NSPS Subpart A

Item 28.1:

This emission source is subject to the applicable general provisions of 40 CFR 60. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

Condition 29: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 60.112(a), NSPS Subpart K

Item 29.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: STO

Emission Source: 00T14

Emission Unit: U-00001

Process: STO

Emission Source: 00T15

Emission Unit: U-00001

Process: STO

Emission Source: 00T16

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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The owner or operator of a storage vessel storing petroleum liquids with true vapor pressures, as stored, greater than 1.5 psia but less than 11.1 psia shall equip the storage vessel with a floating roof, vapor recovery system, or equivalent control device.

If the true vapor pressure of the liquid stored is greater than 11.1 psia, the storage vessel shall be equipped with a vapor recovery system, or equivalent.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 30: General Provisions
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 63, Subpart A

Item 30.1:

This emission source is subject to the applicable provisions of 40 CFR 63 Subpart A. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

Condition 31: Applicability
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 31.1:

Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 subpart ZZZZ.

Condition 32: Compliance and Enforcement
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 32.1:

The Department has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart ZZZZ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

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

Condition 33: Emission Point Definition By Emission Unit
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 33.1:

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

Emission Unit: U-00002

Emission Point: 0EP01

Height (ft.): 30

Diameter (in.): 24

NYTMN (km.): 4539.224

NYTME (km.): 698.033

Building:

BOILERROOM

Emission Point: 0EP02

Height (ft.): 30

Diameter (in.): 24

NYTMN (km.): 4539.224

NYTME (km.): 698.033

Building:

BOILERROOM

Emission Point: 0EP03

Height (ft.): 30

Diameter (in.): 24

NYTMN (km.): 4539.224

NYTME (km.): 698.033

Building:

BOILERROOM

Item 33.2:

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

Emission Unit: U-00003

Emission Point: 0EP07

Height (ft.): 9 Diameter (in.): 6

NYTMN (km.): 4539.224

NYTME (km.): 698.033

Condition 34: Process Definition By Emission Unit
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 34.1:

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

Emission Unit: U-00001

Process: STO

Source Classification Code: 4-07-176-13

Process Description:

This process includes 20 bulk storage tanks of various sizes storing petroleum liquids. Stored petroleum liquids include crude oils, distillate oils, and residual oils.

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Emission Source/Control: 00T14 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T15 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T16 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T17 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T18 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T19 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T21 - Control
Control Type: FLOATING ROOF

Emission Source/Control: 00T01 - Process
Design Capacity: 260,000 barrels (petroleum, US)

Emission Source/Control: 00T02 - Process
Design Capacity: 260,000 barrels (petroleum, US)

Emission Source/Control: 00T03 - Process
Design Capacity: 12,000 barrels (petroleum, US)

Emission Source/Control: 00T04 - Process
Design Capacity: 86,000 barrels (petroleum, US)

Emission Source/Control: 00T05 - Process
Design Capacity: 66,000 barrels (petroleum, US)

Emission Source/Control: 00T06 - Process
Design Capacity: 322,000 barrels (petroleum, US)

Emission Source/Control: 00T07 - Process
Design Capacity: 316,000 barrels (petroleum, US)

Emission Source/Control: 00T08 - Process
Design Capacity: 316,000 barrels (petroleum, US)

Emission Source/Control: 00T09 - Process
Design Capacity: 150,000 barrels (petroleum, US)

Emission Source/Control: 00T10 - Process
Design Capacity: 150,000 barrels (petroleum, US)



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Emission Source/Control: 00T11 - Process
Design Capacity: 150,000 barrels (petroleum, US)

Emission Source/Control: 00T12 - Process
Design Capacity: 260,000 barrels (petroleum, US)

Emission Source/Control: 00T13 - Process
Design Capacity: 20,000 barrels (petroleum, US)

Item 34.2:

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

Emission Unit: U-00002
Process: NO6 Source Classification Code: 1-02-004-01
Process Description:
This process represents the operation of three boilers firing No. 6 fuel oil. The combined annual oil consumption of the boilers is limited to 2,400,000 gallons.

Emission Source/Control: 000B1 - Combustion
Design Capacity: 29 million Btu per hour

Emission Source/Control: 000B2 - Combustion
Design Capacity: 29 million Btu per hour

Emission Source/Control: 000B3 - Combustion
Design Capacity: 29 million Btu per hour

Item 34.3:

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

Emission Unit: U-00003
Process: 340 Source Classification Code: 2-03-001-01
Process Description:
This process represents the operation of one diesel engine (South Pump) with a rated capacity of 375 hp. This engine is primarily for emergency use and is restricted to 50 hours of operation per year for maintenance purposes.

Emission Source/Control: 000D4 - Combustion
Design Capacity: 375 horsepower (mechanical)

Item 34.4:

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

Emission Unit: U-00004
Process: RAC Source Classification Code: 4-06-001-63
Process Description:
Eight racks top load petroleum liquids with vapor pressures less than 12.4 psia into tank trucks. Each arm has a maximum filling rate of 600 gallons per minute.



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Emission Source/Control: 00LR3 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 00LR4 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 00LR5 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 00LR6 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 00LR9 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 0LR10 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 0LR11 - Process
Design Capacity: 600 gallons per minute

Emission Source/Control: 0LR12 - Process
Design Capacity: 600 gallons per minute

Item 34.5:

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

Emission Unit: U-00005

Process: DCK

Source Classification Code: 4-06-002-34

Process Description:

Petroleum liquids, including, but not limited to, crude oils, gasoline and gasoline blendstocks, with an RVP less than 13.5 psia are loaded and unloaded into marine vessels at an offshore platform.

Emission Source/Control: 0PLAT - Process

Design Capacity: 1,260,000 gallons per hour

Item 34.6:

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

Emission Unit: U-00005

Process: PIE

Source Classification Code: 4-06-002-51

Process Description:

Distillate and residual fuel oils with vapor pressures less than 0.2 psia are loaded at offshore platform.

Emission Source/Control: OPIER - Process

Design Capacity: 840,000 gallons per hour

Item 34.7:

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



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Emission Unit: U-00006

Process: DSP

Source Classification Code: 4-06-007-06

Process Description:

Gasoline and diesel fuels are dispensed to fleet vehicles.

Emission Source/Control: ODISP - Process

Design Capacity: 3 gallons per minute

Condition 35: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 229.3 (a)

Item 35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: STO

Emission Source: 00T14

Emission Unit: U-00001

Process: STO

Emission Source: 00T15

Emission Unit: U-00001

Process: STO

Emission Source: 00T16

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person may store petroleum liquid in a fixed roof tank subject to Part 229 unless:

1. the tank has been retrofitted with an internal floating roof or equivalent control; and
2. the vapor collection and vapor control systems are maintained and operated in such a way as to ensure the integrity and efficiency of the system.

The permittee must visually inspect the vapor collection and control systems every calendar quarter to ensure compliance with the above.

The permittee must visually inspect the floating roof and secondary seals from the tank roof hatch on an annual basis.

Records of all inspections must be maintained on site for a period of five years. Inspection records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment

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repairs or replacements.

Reference Test Method: Visual

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 36: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 229.5 (a)

Item 36.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a facility containing any fixed roof or external floating roof petroleum liquid storage tank having a capacity equal to or greater than 40,000 gallons must maintain a record of the capacity, in gallons, of each such storage tank at the facility for a period of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 37: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 229.5 (d)

Item 37.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: STO

Emission Source: 00T14

Emission Unit: U-00001

Process: STO

Emission Source: 00T15

Emission Unit: U-00001

Process: STO

Emission Source: 00T16

Regulated Contaminant(s):



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CAS No: 0NY998-00-0 VOC

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a volatile organic liquid storage tank that is subject to 6NYCRR Part 229 must maintain a record of the capacity (in gallons) of the volatile organic liquid storage tank at the facility.

Monitoring Frequency: ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 38: Compliance Certification

Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:40CFR 60.113(a), NSPS Subpart K

Item 38.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: STO

Emission Source: 00T14

Emission Unit: U-00001

Process: STO

Emission Source: 00T15

Emission Unit: U-00001

Process: STO

Emission Source: 00T16

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 39: Compliance Certification

New York State Department of Environmental Conservation

Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023



Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 227-1.3 (a)

Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Item 39.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)



New York State Department of Environmental Conservation

Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 40: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 227-2.4 (c) (1) (ii)

Item 40.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to residual oil/gas fired mid-size boilers.
The owner or operator shall submit a testing protocol to the
Department for approval a minimum of 30 days prior to any stack
testing.

The owner or operator will maintain records on-site for a minimum of
five years.

The compliance deadline, with the emission limitation listed in this
condition, is July, 1 2014. Compliance with the monitoring, record
keeping, or reporting requirements listed in this condition begins on
July, 1 2014.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.20 pounds per million Btus

Reference Test Method: 40 CFR 60 Appendix A - Method 7, 7E, or 19

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 41: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement:6 NYCRR 227.2 (b) (1)

Item 41.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

New York State Department of Environmental Conservation

Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023



Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The two hour average emission of particulates from this stationary combustion installation shall not exceed 0.10 pounds per million Btu of heat input.

At the monitoring frequency stated below the facility shall perform the following:

- 1) Submit to the Department an acceptable protocol for the testing of particulate emissions in a manner that will determine compliance with the limit cited in this condition.
- 2) Perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition.
- 3) Submit an acceptable stack test report that outlines the results obtained from the testing done to meet the requirement of #2 above.
- 4) Facility shall keep records of all testing done at this stationary combustion installation for a period of 5 years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: EPA RM 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 42: Compliance Certification

Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 229.3 (g) (1)

Item 42.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00005

Process: DCK

Emission Source: OPLAT

New York State Department of Environmental Conservation

Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023



Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 42.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

An analysis performed by United Riverhead Terminal, Inc. demonstrates that the cost of controls necessary to achieve the VOC RACT emission limit specified by 6 NYCRR Part 229 at the offshore petroleum loading/unloading platform exceeds the cost effectiveness threshold published in the Department's DAR-20 guidance document. Therefore, the facility owner or operator need not install such controls as long as it can be periodically demonstrated that the cost effectiveness threshold cannot be achieved.

In addition, this variance restricts VOC emissions from the loading of petroleum liquids with vapor pressure greater than 1.5 psia to marine vessels to less than 341 tons during each 12-month period. The facility owner or operator shall maintain a record of the amount and type of each petroleum liquid loaded, the date of loading, the emission factor used, and all other records necessary to demonstrate compliance with this limit at the facility for at least five years. The facility owner or operator shall submit a summary of the calculations used to demonstrate compliance with this variance as part of the semiannual compliance report.

The facility owner or operator must reevaluate the cost effectiveness of installing appropriate control equipment with each Title V facility permit renewal application submitted to the Department.

Process Material: PETROLEUM LIQUIDS WITH MAXIMUM ANNUAL AVERAGE RVP OF 12.4

Parameter Monitored: VOC

Upper Permit Limit: 341 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

Condition 43: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 230.2 (f)

Item 43.1:

The Compliance Certification activity will be performed for:



New York State Department of Environmental Conservation

Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023

Emission Unit: U-00006

Process: DSP

Emission Source: 0DISP

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and/or operators of gasoline storage tanks, gasoline transport vehicles and gasoline dispensing sites subject to stage I and/or stage II vapor collection or vapor control system requirements must:

- (1) install all necessary stage I and/or stage II vapor collection and control systems, and make any modifications necessary to comply with the requirements;
- (2) provide adequate training and written instructions to the operator of the affected gasoline dispensing site and the gasoline transport vehicle;
- (3) replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage I vapor collection and vapor control systems;
- (4) connect and ensure proper operation of the stage I and/or stage II vapor collection and control systems whenever gasoline is being loaded, unloaded or dispensed;
- (5) with respect to stage I vapor collection systems, connect the stage I vapor collection hose before connecting the gasoline delivery hose to the gasoline transport vehicle, and disconnect the gasoline delivery hose before disconnecting the stage I vapor collection hose from the gasoline transport vehicle

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

**Condition 44: Repairs to gasoline transport vehicles
Effective between the dates of 04/12/2016 and 04/11/2021**

Applicable Federal Requirement:6 NYCRR 230.4 (a) (2)

Item 44.1:

This Condition applies to Emission Unit: U-00006

Process: DSP

Emission Source: 0DISP



New York State Department of Environmental Conservation

Permit ID: 1-4730-00023/00030

Facility DEC ID: 1473000023

Item 44.2:

No owner or operator of a gasoline transport vehicle subject to 6 NYCRR Part 230 will allow said vehicle to be filled or emptied unless the gasoline transport vehicle is repaired by the owner or operator within 15 days after failing to meet the pressure change standard in paragraph 230.4(a)(1) of 6 NYCRR Part 230.

Condition 45: Labelling of gasoline transport vehicles
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 230.4 (a) (3)

Item 45.1:

This Condition applies to Emission Unit: U-00006
Process: DSP Emission Source: 0DISP

Item 45.2:

No owner or operator of a gasoline transport vehicle subject to 6 NYCRR Part 230 will allow said vehicle to be filled or emptied unless the gasoline transport vehicle displays a marking, near the U.S. Department of Transportation certificate plate, in letters and numerals at least two inches high, which reads: NYS DEC and the date on which the gasoline transport vehicle was last tested.

Condition 46: Compliance Certification
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 230.4 (f)

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00006
Process: DSP Emission Source: 0DISP

Item 46.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a gasoline transport vehicle will allow a compartment on said vehicle to be loaded under a pressure exceeding 18 inches of water gauge, to be unloaded under a vacuum exceeding 6 inches of water gauge, or to be unloaded under pressure.

Parameter Monitored: PRESSURE

Lower Permit Limit: 6.0 inches of water

Upper Permit Limit: 18.0 inches of water

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2016.

Subsequent reports are due every 6 calendar month(s).

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Facility DEC ID: 1473000023



Condition 47: Dome covers
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable Federal Requirement: 6 NYCRR 230.4 (g)

Item 47.1:

This Condition applies to Emission Unit: U-00006

Process: DSP

Emission Source: 0DISP

Item 47.2:

Dome covers on gasoline transport vehicles must be closed while the transport vehicle is being loaded.



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: 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.

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Facility DEC ID: 1473000023



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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 48: Contaminant List
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable State Requirement:ECL 19-0301

Item 48.1:

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

CAS No: 000071-43-2
Name: BENZENE

CAS No: 000108-88-3
Name: TOLUENE

CAS No: 000110-54-3
Name: HEXANE

CAS No: 001330-20-7
Name: XYLENE, M, O & P MIXT.

CAS No: 007439-92-1
Name: LEAD

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

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0
Name: VOC

Condition 49: Malfunctions and start-up/shutdown activities
Effective between the dates of 04/12/2016 and 04/11/2021

Applicable State Requirement:6 NYCRR 201-1.4



Item 49.1:

(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.





**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 1-4730-00023/00030

Renewal Number: 2

04/12/2016

Facility Identification Data

Name: UNITED RIVERHEAD TERMINAL

Address: 212 SOUND SHORE RD

RIVERHEAD, NY 11901

Owner/Firm

Name: UNITED RIVERHEAD TERMINAL INC

Address: 212 SOUND SHORE RD

RIVERHEAD, NY 11901, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: KEVIN A KISPERT

Address: SUNY @ STONY BROOK

50 CIRCLE RD

STONY BROOK, NY 11790

Phone:6314440302

Division of Air Resources:

Name: MARK LANZAFAME

Address: NYSDEC - HEADQUARTERS

625 BROADWAY

ALBANY, NY 12233-3254

Phone:5184028403

Air Permitting Contact:

Name: SCOTT KAMM

Address: UNITED RIVERHEAD TERMINAL

212 SOUND SHORE RD

RIVERHEAD, NY 11901

Phone:6312842010

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This project consists of the renewal of the Title V permit issued to United Riverhead Terminal. There are no significant changes proposed to the existing petroleum bulk storage and transfer operations carried out



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04/12/2016

at the facility as part of this renewal. In addition, the facility will continue to operate pursuant to its existing 6 NYCRR Part 229 VOC RACT variance for its offshore petroleum liquid loading operations.

United Riverhead Terminal was issued an air state facility permit to construct for a project related to the storage and handling of gasoline at the facility on June 11, 2014. United Riverhead Terminal has postponed the construction of the gasoline throughput project for the time being. Accordingly, this renewal does not incorporate any new applicable requirements related to gasoline throughput or storage. The facility is required to apply for a Title V permit modification within one year of the commencement of operation of the emission sources included in the gasoline throughput project.

Attainment Status

UNITED RIVERHEAD TERMINAL is located in the town of RIVERHEAD in the county of SUFFOLK. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of



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nitrogen (NO_x) which are ozone precursors.

** NO_x has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

United Riverhead Terminal is a petroleum bulk storage terminal. The facility consists of twenty bulk storage tanks storing petroleum liquids including distillate oil, residual oil, and crude oils. In addition to the petroleum bulk storage operations, the facility operates three identical residual oil fired boilers, a diesel fired emergency engine, truck loading bays for dispensing petroleum liquids to tanker trucks, a gasoline and diesel fuel dispensing site for fleet vehicles, and a marine platform for the loading and unloading of petroleum liquids from marine vessels.

Permit Structure and Description of Operations

The Title V permit for UNITED RIVERHEAD TERMINAL

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

UNITED RIVERHEAD TERMINAL is defined by the following emission unit(s):

Emission unit U00001 - This emission unit consists of twenty (20) bulk storage tanks. Each tank may store a variety of petroleum liquids, including, but not limited to, crude oils, distillate oils, and residual oils. Tanks 1-3 and 9-13 have capacities less than 300,000 barrels and are exempted from regulations since they store distillate and residual fuel oil. Tanks 4 and 5 have capacities less than 100,000 barrels and are subject to 6 NYCRR Part 229. Tanks 6-8, 17-19 and 21 have capacities greater than 300,000 barrels, store No. 6 fuel oil/crude oil, and are subject to 6 NYCRR Part 212 regulation. Tanks 14-16 were constructed after 1973, have capacities ranging from 250,000 to 415,000 barrels, and are subject to 40 CFR 60 Subparts K and 6 NYCRR Part 229 regulations. Tanks 14-16 are also equipped with internal floating roofs.



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Process: STO This process includes 20 bulk storage tanks of various sizes storing petroleum liquids. Stored petroleum liquids include crude oils, distillate oils, and residual oils.

Emission unit U00002 - This emission unit consists of three (3) identical 29 million Btu/hr boilers firing natural gas or No. 6 fuel oil. Each boiler will be equipped with a low NOx burner and a continuous oxygen trim system when firing natural gas.

Emission unit U00002 is associated with the following emission points (EP):
OEP01, OEP02, OEP03

Process: NO6 is located at Building BOILERROOM - This process represents the operation of three boilers firing No. 6 fuel oil. The combined annual oil consumption of the boilers is limited to 2,400,000 gallons.

Emission unit U00003 - This emission unit consists of one (1) diesel engine (South Pump) with a rated capacity of 375 hp driving a generator. This engine is for emergency use only and is restricted to less than 50 hours of operation per year for reliability testing and maintenance activities.

Emission unit U00003 is associated with the following emission points (EP):
OEP07

Process: 340 This process represents the operation of one diesel engine (South Pump) with a rated capacity of 375 hp. This engine is primarily for emergency use and is restricted to 50 hours of operation per year for maintenance purposes.

Emission unit U00004 - This emission unit consists of eight (8) truck loading bays transferring a variety of petroleum liquids including, but not limited to, crude oils, distillate oils, and residual oils to trucks for transport from the facility.

Process: RAC Eight racks top load petroleum liquids with vapor pressures less than 12.4 psia into tank trucks. Each arm has a maximum filling rate of 600 gallons per minute.

Emission unit U00005 - This emission unit includes the marine loading and unloading of petroleum and non-petroleum fuel liquids at an offshore platform. A variety of petroleum liquids including, but not limited to, crude oils, distillate oils, and residual oils are loaded and unloaded into marine vessels at the platform. The Department has granted a VOC RACT variance for the marine platform.

Process: DCK Petroleum liquids, including, but not limited to, crude oils, distillate oils, and residual oils are loaded and unloaded into marine vessels at an offshore platform.



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loaded at offshore platform.

Emission unit U00006 - This emission unit consists of fuel dispensing stations for powering diesel and gasoline fleet of vehicles operating on the site. The fuels are loaded from two 500-gallon tanks.

Process: DSP Gasoline and diesel fuels are dispensed to fleet vehicles.

Title V/Major Source Status

UNITED RIVERHEAD TERMINAL is subject to Title V requirements. This determination is based on the following information:

United Riverhead Terminal is a major facility because the facility's potential to emit oxides of nitrogen, hazardous air pollutants and volatile organic compounds exceeds the corresponding major facility threshold for those contaminants.

Program Applicability

The following chart summarizes the applicability of UNITED RIVERHEAD TERMINAL with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to



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major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the



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basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
5171	PETROLEUM BULK STATIONS & TERMINALS

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
1-02-004-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - RESIDUAL OIL Grade 6 Oil
2-03-001-01	INTERNAL COMBUSTION ENGINES - COMMERCIAL/INSTITUTIONAL COMMERCIAL/INSTITUTIONAL IC ENGINE - DISTILLATE OIL (DIESEL) Reciprocating
4-06-001-63	TRANSPORTATION AND MARKETING OF PETROLEUM PRODUCTS TANK CARS AND TRUCKS
4-06-002-34	GASOLINE: RETURN W/ VAPOR (TRANSIT LOSSES) TRANSPORTATION AND MARKETING OF PETROLEUM PRODUCTS TRANSPORTATION AND MARKETING OF PETROLEUM PRODUCTS - MARINE VESSELS
4-06-002-51	Gasoline: Ship Loading - Ballasted Tank TRANSPORTATION AND MARKETING OF PETROLEUM PRODUCTS TRANSPORTATION AND MARKETING OF PETROLEUM PRODUCTS - MARINE VESSELS
4-06-007-06	Distillate Oil: Loading Barges TRANSPORTATION AND MARKETING OF PETROLEUM PRODUCTS
4-07-176-13	CORPORATE FLEET REFUELING - STAGE I: BALANCED SUBMERGED FILLING ORGANIC CHEMICAL STORAGE ORGANIC CHEMICAL STORAGE - FLOATING ROOF TANKS - ALKANES (PARAFFINS) FLOAT ROOF TANKS PETROLEUM DISTILLATES: STANDING LOSS

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to

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Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount of material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	Range
		lbs/yr	
000071-43-2	BENZENE		> 0 but < 10 tpy
000098-82-8	BENZENE, (1-METHYLETHYL)		> 0 but < 10 tpy
000124-38-9	CARBON DIOXIDE		>= 250 tpy but < 75,000 tpy
0NY750-00-0	CARBON DIOXIDE EQUIVALENTS		>= 250 tpy but < 75,000 tpy
000630-08-0	CARBON MONOXIDE		>= 10 tpy but < 25 tpy
000100-41-4	ETHYLBENZENE		> 0 but < 10 tpy
000110-54-3	HEXANE		> 0 but < 10 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
000091-20-3	NAPHTHALENE		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES		>= 10 tpy but < 25 tpy
000540-84-1	PENTANE, 2,2,4-TRIMETHYL-		> 0 but < 10 tpy
0NY075-02-5	PM 2.5		>= 10 tpy but < 25 tpy
0NY075-00-5	PM-10		>= 10 tpy but < 25 tpy
007446-09-5	SULFUR DIOXIDE		>= 2.5 tpy but < 10 tpy
000108-88-3	TOLUENE		> 0 but < 10 tpy
0NY100-00-0	TOTAL HAP		>= 100 tpy but < 250 tpy
0NY998-00-0	VOC		>= 250 tpy but < 75,000 tpy
001330-20-7	XYLENE, M, O & P MIXT.		> 0 but < 10 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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



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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 Title V Facilities - 6 NYCRR 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V 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.

Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit



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renewal application.

- Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item H: Property Rights - 6 NYCRR 201-6.4(a)(6)**
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR Part 201-6.4(a)(9)**
If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.
- Item J: Permit Shield - 6 NYCRR Part 201-6.4(g)**
All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:
- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
 - ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
 - iii. The applicable requirements of Title IV of the Act;
 - iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



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Item K: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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.

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NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

**Item A: 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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
FACILITY	ECL 19-0301	48	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 60-A	28	General provisions
FACILITY	40CFR 60-K.112 (a)	29	Petroleum liquid storage tanks over 40,000 gallons capacity - standard for VOC
U-00001	40CFR 60-K.113 (a)	38	Petroleum liquid storage tanks over 40,000 gallons capacity - monitoring of operations
FACILITY	40CFR 63-A	30	Subpart A - General Provisions apply to all NESHAP affected sources
FACILITY	40CFR 63-ZZZZ	31, 32	Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.

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FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	49	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 33, 34	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4 (a) (4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c) (2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4 (c) (3) (ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f) (6)	17	Off Permit Changes
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	23, 24	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 212.3 (a)	25	General Process Emission Sources - emissions from existing emission sources
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2 (e)	26	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.6 (b)	27	Recordkeeping Requirements
U-00002	6NYCRR 227.2 (b) (1)	41	Particulate emissions.
U-00002	6NYCRR 227-1.3 (a)	39	Smoke Emission



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U-00002	6NYCRR 227- 2.4 (c) (1) (ii)	40	Limitations. 2010 NOx RACT presumptive limit.
U-00001	6NYCRR 229.3 (a)	35	Petroleum fixed roof tank control requirements
U-00005/-/DCK/0PLAT	6NYCRR 229.3 (g) (1)	42	RACT variances
U-00001	6NYCRR 229.5 (a)	36	Recordkeeping - petroleum liquid fixed roof storage tanks
U-00001	6NYCRR 229.5 (d)	37	Recordkeeping - VOL storage tanks
U-00006/-/DSP/0DISP	6NYCRR 230.2 (f)	43	Requirements
U-00006/-/DSP/0DISP	6NYCRR 230.4 (a) (2)	44	Gasoline transport vehicles - prohibitions and requirements.
U-00006/-/DSP/0DISP	6NYCRR 230.4 (a) (3)	45	Gasoline transport vehicles - prohibitions and requirements.
U-00006/-/DSP/0DISP	6NYCRR 230.4 (f)	46	Gasoline transport vehicles - prohibitions and requirements.
U-00006/-/DSP/0DISP	6NYCRR 230.4 (g)	47	Gasoline transport vehicles - prohibitions and requirements.

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8



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Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.



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6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

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.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.



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40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, UNITED RIVERHEAD TERMINAL has been determined to be subject to the following regulations:

40 CFR 60.112 (a)

This section describes the applicable emission standard for volatile organic compounds emitted from tanks that are subject to 40 CFR 60 Subpart K.

40 CFR 60.113 (a)

This section describes the applicable testing and other procedures for tanks that are subject to 40 CFR 60 Subpart K.

40 CFR Part 60, Subpart A

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

40 CFR Part 63, Subpart A

The General Provisions in 40 CFR 63 Subpart A apply to facilities subject to other National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP) regulations in 40 CFR 63. These rules are also known as MACT rules since they are based on attaining Maximum Achievable Control Technology. Each MACT rule has a table or section that describe which portions of the General Provisions apply to facilities covered by that particular rule and which portions are overridden or do not apply. Note that NESHAP regulations found in 40 CFR 61 do **not** trigger the general provisions of 40 CFR 63.

40 CFR Part 63, Subpart ZZZZ

This regulation applies to facilities that operate stationary reciprocating internal combustion engines.



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6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 212.3 (a)

This rule requires compliance with the degree of control specified in Tables 2, 3 and 4 for existing (on or before July 1, 1973) process emission sources.

6 NYCRR 225-1.2 (e)

This section contains the sulfur-in-fuel limitation for residual oil in the remainder of the State on or after July 1, 2014.

6 NYCRR 225-1.6 (b)

This citation sets the the types of records a subject facility must keep to prove compliance with this Subpart.

6 NYCRR 227.2 (b) (1)

This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. The rule establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

6 NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6 NYCRR 227-2.4 (c) (1) (ii)

This section contains the NO_x RACT presumptive limit for residual oil fired midsize boilers.

6 NYCRR 229.3 (a)

This subdivision contains the control requirements for petroleum fixed roof tanks.

6 NYCRR 229.3 (g) (1)



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This regulation states that the Department may allow a facility to operate with a lesser degree of control if a satisfactory process specific VOC RACT demonstration has been made to the Department.

6 NYCRR 229.5 (a)

This regulation requires that a record be of the capacities, in gallons, of petroleum liquid storage tanks subject to the control requirements for petroleum fixed roof and petroleum liquid external floating roof tanks under Part 229.3, be maintained at the facility for a period of 5 years.

6 NYCRR 229.5 (d)

This section requires facilities subject to the requirements under Part 229.3, to maintain a record of the capacity of the volatile organic liquid storage tanks, in gallons, for a period of 5 years.

6 NYCRR 230.2 (f)

Owners and/or operators of gasoline storage tanks, vehicles, and dispensing stations required to install stage 1 and/or stage 2 vapor recovery equipment must meet these provisions. The provisions include training , correct operation, replacement, and repair of personnel and equipment.

6 NYCRR 230.4 (a) (2)

Gasoline transport vehicles that fail the ability to sustain the specified pressure change in 230.4(a)(1) must be repaired within 15 days.

6 NYCRR 230.4 (a) (3)

The gasoline transport vehicle must display "NYSDEC" and the date of passing pressure-vacuum test using 2" letters/numbers and located near the US DOT certificate plate.

6 NYCRR 230.4 (f)

Gasoline transport vehicles must be loaded in accordance to the pressures in the regulation to insure vapor tight integrity.

6 NYCRR 230.4 (g)

Dome covers on gasoline transport vehicles must be closed while vehicle is being loaded, unloaded or in motion.

Compliance Certification

Summary of monitoring activities at UNITED RIVERHEAD TERMINAL:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

FACILITY	29	record keeping/maintenance procedures



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U-00001	38	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	24	record keeping/maintenance procedures
FACILITY	25	record keeping/maintenance procedures
FACILITY	26	work practice involving specific operations
FACILITY	27	record keeping/maintenance procedures
U-00002	41	intermittent emission testing
U-00002	39	monitoring of process or control device parameters as surrogate
U-00002	40	intermittent emission testing
U-00001	35	record keeping/maintenance procedures
U-00005/-/DCK/0PLAT	42	monitoring of process or control device parameters as surrogate
U-00001	36	record keeping/maintenance procedures
U-00001	37	record keeping/maintenance procedures
U-00006/-/DSP/0DISP	43	record keeping/maintenance procedures
U-00006/-/DSP/0DISP	46	monitoring of process or control device parameters as surrogate

Basis for Monitoring

United Riverhead Terminal is a petroleum bulk storage facility located in the Town of Riverhead, Suffolk County. The facility operates several emission sources related to the storage and handling of various petroleum liquids including crude, residual, and distillate oils. These emission sources are regulated as discussed below:

Bulk Storage Tank Regulation:

The United Riverhead Terminal facility includes twenty bulk storage tanks of various sizes and ages. There are several regulations that potentially apply to these tanks, based on the date of their construction and their contents. The following is a summary of the tanks at the facility and the regulations that apply to them:

Tanks 1-5 and 9-13 have a storage capacity less than 300,000 barrels, and store distillate and residual fuel oil. As a result, these tanks are exempted from permitting as described in 6 NYCRR Part 201-3.2(c)(21).

Tanks 14-16 have capacities ranging from 250,000 to 415,000 barrels and were constructed after 1973. As a result, these tanks are subject to the requirements of 6 NYCRR Part 229 and 40 CFR 60 Subpart K. These tanks are also equipped with internal floating roofs.

Tanks 6-8, 17-19 and 21 have capacities greater than 300,000 barrels, store residual oil and crude oil, and are subject to the requirements of 6 NYCRR Part 212. Tanks 17-19 and 21 are also equipped with internal floating roofs.

NOx RACT:

The boilers operated by United Riverhead Terminal are subject to the requirements for Reasonably Available Control Technology for Oxides of Nitrogen (NOx RACT) found in 6 NYCRR Part 227-2. Each of the three boilers operated at the facility is rated at 29 mmBtu/hr. Accordingly, the boilers are subject to the portions of Part 227-2 that apply to mid-size boilers, as described in Part 227-2.4(c). Since these



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boilers are capable of firing residual oil the applicable presumptive RACT limit is 0.20 pounds of NO_x per mmBtu.

VOC RACT:

United Riverhead Terminal's potential to emit volatile organic compounds exceeds the applicable major facility threshold. Accordingly, the facility is subject to the VOC RACT requirements of 6 NYCRR Part 229. The facility has met these requirements for its petroleum bulk storage operations and the onshore loading of petroleum liquids.

United Riverhead Terminal also operates an offshore loading platform and dock located approximately one mile off the shore of Long Island. The operations performed on the platform are a source of VOC emissions, and therefore must be evaluated for VOC RACT applicability. The analysis conducted by the facility demonstrates that the cost of installing an appropriate control device on the platform exceeds the cost effectiveness threshold established by the Department's DAR-20 guidance document. Accordingly, the Department has granted United Riverhead Terminal a variance from the VOC RACT requirements of 6 NYCRR Part 229 for the operations conducted on the offshore loading platform.

Previous versions of this permit contained a VOC RACT variance that restricted the throughput of petroleum liquids to less than 5,000,000 barrels per year. This limitation was based on a series of calculations developed several years ago based on the facility's typical operations at the time, and equates to approximately 341 tons per year of potential VOC emissions. In order to provide the facility with operational flexibility, the revised variance limits the VOC emissions from the loading of petroleum liquids with vapor pressure greater than 1.5 psia at the platform to less than 341 tons during each 12-month period. The facility is required to maintain records and submit periodic reports that demonstrate compliance with this limit. This limitation is approximately equivalent to the historical throughput limitation.

United Riverhead Terminal is required to re-evaluate the calculations and other considerations that make up its VOC RACT analysis as part of each permit renewal application. Should a future VOC RACT analysis demonstrate that the cost of controls is less than or equal to the cost effectiveness threshold established by DAR-20, United Riverhead Terminal will be required to install the appropriate controls.

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: BERRY SPECIALTY TAPES LLC
101 OAKLEY ST
EVANSVILLE, IN 47710

Facility: ADCHEM CORPORATION
1852 OLD COUNTRY RD
RIVERHEAD, NY 11901

Authorized Activity By Standard Industrial Classification Code:
2672 - PAPER COATED AND LAMINATED, NEC

Permit Effective Date: 11/14/2016

Permit Expiration Date: 11/13/2021



PAGE LOCATION OF CONDITIONS

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 7 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 7 2 6 NYCRR 201-6.4 (a) (7): Fees
- 7 3 6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
- 8 4 6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
- 8 5 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
- 10 6 6 NYCRR 201-6.4 (e): Compliance Certification
- 12 7 6 NYCRR 202-2.1: Compliance Certification
- 12 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 13 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 14 10 6 NYCRR 200.7: Maintenance of Equipment
- 14 11 6 NYCRR 201-1.7: Recycling and Salvage
- 14 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 14 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 15 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 15 6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
- 15 16 6 NYCRR 201-6.4 (a) (8): Right to Inspect
- 16 17 6 NYCRR 201-6.4 (f) (6): Off Permit Changes
- 16 18 6 NYCRR 202-1.1: Required Emissions Tests
- 16 19 40 CFR Part 68: Accidental release provisions.
- 17 20 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 17 21 6 NYCRR Subpart 201-6: Emission Unit Definition
- 18 22 6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
- 18 23 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- 18 *24 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 20 25 6 NYCRR 211.1: Air pollution prohibited
- 20 26 6 NYCRR 228-1.1 (a): Compliance Certification
- 20 27 6 NYCRR 228-1.1 (a) (3): Once in always in
- 21 28 6 NYCRR 228-1.3 (a): Compliance Certification
- 22 29 6 NYCRR 228-1.3 (a): Compliance Certification
- 23 30 6 NYCRR 228-1.5 (c): Compliance Certification
- 24 31 6 NYCRR 228-1.6 (h): Compliance Certification
- 24 32 40CFR 60.442(a)(2)(i), NSPS Subpart RR: Compliance Certification
- 25 33 40 CFR Part 64: Compliance Certification
- 26 **Emission Unit Level**
- 26 34 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 27 35 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=U-00001

- 29 36 6 NYCRR 201-6.4 (f): Compliance Certification
- 30 37 6 NYCRR 228-1.3 (b) (1): Compliance Certification
- 31 38 40CFR 60.445(a), NSPS Subpart RR: Compliance Certification
- 31 39 40CFR 60.445(e), NSPS Subpart RR: Compliance Certification
- 32 40 40CFR 60.445(g), NSPS Subpart RR: Compliance Certification

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- 33 41 40CFR 60.446(a), NSPS Subpart RR: Test methods for determination of coating VOC content
- 33 42 40 CFR Part 64: Compliance Certification
- 37 43 40 CFR Part 64: Compliance Certification
- 39 44 40 CFR Part 64: Compliance Certification

EU=U-00001,EP=00001,Proc=101,ES=000I2

- 40 45 6 NYCRR 228-2.4 (c) (2): Compliance Certification
- 41 46 40CFR 60.443(e), NSPS Subpart RR: Compliance Certification

EU=U-00001,EP=00002,Proc=101,ES=000I3

- 42 47 6 NYCRR 228-2.4 (c) (2): Compliance Certification
- 43 48 40CFR 60.443(e), NSPS Subpart RR: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 46 49 ECL 19-0301: Contaminant List
- 46 50 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 47 51 6 NYCRR 211.2: Visible Emissions Limited

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 11/14/2016 and 11/13/2021

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: Fees**
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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Regional Air Pollution Control Engineer
NYSDEC- Region 1 Headquarters
Stony Brook University
50 Circle Road
Stony Brook, NY 11790-3409

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2017.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.



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(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law,



or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 10: Maintenance of Equipment
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

**Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 13.1:



The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: Right to Inspect
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit;

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and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Off Permit Changes

Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests

Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.

Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40 CFR Part 68

Item 19.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will

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apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 21: Emission Unit Definition
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

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

Emission Unit: U-00001

Emission Unit Description:

Coating lines 4 (CL4) and 5 (CL5) produce pressure sensitive tapes and labels. Emissions from solvent based coatings are controlled by incineration. Coating line 3 (CL3) is a hot melt coater. An enclosed buffer (BUF1) is equipped with a cyclone (C1) and a bag filter (BF1) for 99% particulate control. An evaporator (EVAP1) is used to reduce the volume of air compressor condensate and other non hazardous liquids, primarily residual water based coatings. A hot melt mixer (MT1) is equipped with a woven filter (F1), a cartridge filter (DC1) and a carbon filter (AF2).

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Building(s): MAIN

Item 21.2:

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

Emission Unit: U-00002

Emission Unit Description:

The mixing, dispensing, and storage of adhesives containing VOCs. Process equipment includes drum dispensing equipment (DISP1) and adhesive mix tanks (AMT1 and AMT2).

Building(s): MIX

Condition 22: Progress Reports Due Semiannually
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

Item 22.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 23: Facility Permissible Emissions
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 23.1:

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: 0NY998-00-0
Name: VOC

PTE: 190,000 pounds per year

Condition 24: Capping Monitoring Condition
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 24.1:

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

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the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 231-1.2 (a) (4)

Item 24.2:

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

Item 24.3:

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 24.4:

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 24.5:

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 24.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 24.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Record monthly usage of all coatings and cleaning solvents. Record monthly amounts of VOC emitted and verify that annual VOC emissions, rolled monthly, are below 95 tons.

Parameter Monitored: VOC

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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The initial report is due 1/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 25: Air pollution prohibited
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 211.1

Item 25.1:

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 26: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 228-1.1 (a)

Item 26.1:

The Compliance Certification activity will be performed for the Facility.

Item 26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Unless Otherwise noted in this permit; a coating line listed in table 1 of section 228-1.1 (a) (1) or table A of a 6 NYCRR Part 228-1.4 (a) (2); which is located in the New York City metropolitan area; must comply with all provisions applicable to that coating line upon start-up.

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 1/30/2017.

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

Condition 27: Once in always in
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 228-1.1 (a) (3)

Item 27.1:

Any coating line that is or becomes subject to the provisions of Subpart 228-1 will remain subject to these provisions even if the annual potential to emit or actual emissions of VOCs for

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the facility later falls below the thresholds set forth in Subdivision 228-1.1(a).

Condition 28: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 228-1.3 (a)

Item 28.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001 Emission Point: 00001

Emission Unit: U-00001 Emission Point: 00002

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

Item 28.2:

Compliance Certification 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 will be determined by conducting daily observations of visible emissions from the emission unit, process, etc. to which this condition applies. The observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow). Observations must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- date and time of day
- observer's name
- identity of emission point
- weather condition
- was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry. If the operator observes any visible emissions (other than steam – see below) the permittee will immediately investigate any such occurrence and take corrective action, as necessary, to reduce or eliminate the emissions. If visible emissions persist after corrections are made, the permittee will immediately notify the department and may be required to conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions



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will be kept on-site in a format acceptable to the department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

**** NOTE **** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: SEE MONITORING DESCRIPTION
Monitoring Frequency: WEEKLY
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 29: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 228-1.3 (a)

Item 29.1:
The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00001 Emission Point: 00001

Emission Unit: U-00001 Emission Point: 00002

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

Item 29.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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.

Upper Permit Limit: 20 percent

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Reference Test Method: METHOD 9
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 30: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 228-1.5 (c)

Item 30.1:

The Compliance Certification activity will be performed for the Facility.

Item 30.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The overall removal efficiency of an air cleaning device used as a control strategy must be determined, for every surface coating formulation, on a solids as applied basis using Equation 2 unless a 90 percent or greater overall removal efficiency is achieved by the air cleaning device. The air cleaning device must be designed and operated to provide, at a minimum, an overall removal efficiency of either 90 percent or as determined by Equation 2.

Equation 2: $\eta = [1 - [(\text{VOC})_c (\text{Vn})_a] / (\text{VOC})_a (\text{Vn})_c] \times 100$,
where:

η is the overall removal efficiency;

$(\text{VOC})_c$ is the maximum permissible pounds of VOC per gallon of coating minus water and excluded VOC at application, as set forth in the tables of this Subpart;

$(\text{VOC})_a$ is the VOC content of an as applied coating, expressed as pounds of VOC per gallon of coating minus water and excluded compounds;

$(\text{Vn})_c$ is the volumetric fraction of solids, expressed as gallon of solids per gallon of coating minus water and excluded compounds, in a compliant coating expressed as:

Equation 3: $(\text{Vn})_c = 1 - (\text{Vv})_c$

$(\text{Vv})_c$ is the volumetric fraction of VOC, expressed as gallon of VOC per gallon of coating minus water and excluded compounds, in a compliant coating expressed as:

Equation 4: $(\text{Vv})_c = [(\text{VOC})_c] / (\text{d})_{\text{voc}}$

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(Vn)_a is the volumetric fraction of solids, expressed as gallon of solids per gallon of coating minus water and excluded compounds, in an as applied coating expressed as:

$$\text{Equation 5: } (Vn)_a = 1 - (Vv)_a$$

(Vv)_a is the volumetric fraction of VOC, expressed as gallon of VOC per gallon of coating minus water and excluded compounds, in an as applied coating expressed as:

$$\text{Equation 6: } (Vv)_a = [(VOC)_a / (d)_{voc}]$$

(d)_{voc} is the density of VOC as applied, i.e., total volatiles minus water and excluded compounds, in pounds of VOC per gallon of VOC.

Parameter Monitored: VOC

Lower Permit Limit: 90 percent degree of air cleaning or greater

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE AT ANY TIME

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 31: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 228-1.6 (h)

Item 31.1:

The Compliance Certification activity will be performed for the Facility.

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any information or record showing noncompliance with the requirements of 228-1 'Surface Coating Processes' must be reported to the department within 30 days following notice or generation of the information or record. All records required by this condition must be maintained at the facility for a period of five years.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 32: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 40CFR 60.442(a)(2)(i), NSPS Subpart

RR

Item 32.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:



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Emission Unit: U-00001

Emission Point: 00001

Emission Unit: U-00001

Emission Point: 00002

Emission Unit: U-00001

Process: 101

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility shall demonstrate a 90 percent overall VOC emission reduction. The demonstration shall include an evaluation of the facility's capture efficiency and the destruction efficiencies of both oxidizers.

Manufacturer Name/Model Number: AWS 18 and Tellkamp 25 RTO

Parameter Monitored: DESTRUCTION EFFICIENCY

Lower Permit Limit: 90 percent reduction

Reference Test Method: 40 CFR 60

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 33: Compliance Certification

Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40 CFR Part 64

Item 33.1:

The Compliance Certification activity will be performed for the Facility.

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This facility is subject to the Compliance Assurance Monitoring Rule (CAM Rule). The owner or operator of this facility must submit a plan to the Department for its review and approval showing how they will comply with this rule. The plan must include the following:

- An indicator to be monitored to show compliance with the applicable emission limit or standard.
- The ranges or designated conditions for such indicators, or the

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process by which such indicators ranges or designed conditions will be established.

- the performance criteria for the monitoring stated above
- if applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS (if used).

The owner or operator of this facility shall submit an annual report of the monitoring required above. The report shall include the following:

- summary of information on the number, duration and cause (including unknown cause) of excursions or exceedances, as applicable, and the corrective actions taken;
- summary information on the number, duration and cause (including unknown cause) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks if applicable); and
- a description of the actions taken to implement a Quality Improvement Plan (QIP) during the reporting period. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

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

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

**Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 34.1:

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 52 Diameter (in.): 40

NYTMN (km.): 4533.107 NYTME (km.): 692.888

Emission Point: 00002

Height (ft.): 38 Diameter (in.): 36

NYTMN (km.): 4533.107 NYTME (km.): 692.88

Emission Point: 00007



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Height (ft.): 48 Diameter (in.): 42
 NYTMN (km.): 4533.107 NYTME (km.): 692.904

Emission Point: 00008
 Height (ft.): 23 Diameter (in.): 8
 NYTMN (km.): 4533.045 NYTME (km.): 692.902

Emission Point: 00009
 Height (ft.): 25 Diameter (in.): 16
 NYTMN (km.): 4533.06 NYTME (km.): 692.906

Emission Point: 00011
 Height (ft.): 23 Diameter (in.): 8
 NYTMN (km.): 4533.079 NYTME (km.): 692.724

Emission Point: 00012
 Height (ft.): 22 Diameter (in.): 5
 NYTMN (km.): 4533.064 NYTME (km.): 692.935

Item 34.2:

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

Emission Unit: U-00002

Emission Point: 00003
 Height (ft.): 31 Diameter (in.): 2
 NYTMN (km.): 4533.165 NYTME (km.): 692.897

Emission Point: 00004
 Height (ft.): 31 Diameter (in.): 8
 NYTMN (km.): 4533.15 NYTME (km.): 692.899

Emission Point: 00005
 Height (ft.): 8 Length (in.): 24 Width (in.): 12
 NYTMN (km.): 4533.171 NYTME (km.): 692.893

Emission Point: 00006
 Height (ft.): 33 Diameter (in.): 14
 NYTMN (km.): 4533.159 NYTME (km.): 692.89

Condition 35: Process Definition By Emission Unit
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 35.1:

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

Emission Unit: U-00001
 Process: 101 Source Classification Code: 4-02-007-01
 Process Description:
 Coating line 4 (CL4) produces pressure sensitive tapes and labels.

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Coatings vary according to customer requirements. VOC emissions are controlled by incinerator I3 (EP00002).

Coating line 5 (CL5) is a solvent based coating line that has a thermal oxidizer I2 (EP00001) for control of VOC emissions.

Both coating lines CL4 and CL5 are capable of using incinerator I2 as the control device. Adchem intends to reserve the operational flexibility to have incinerator I2 receive emissions from coating lines CL4 and CL5 for future provided emission test using this scenario is performed in accordance with an approved protocol.

The control equipment is not required to be operating at times when the emissions from CL4 and CL5 are due solely to the application of water based coatings. The control equipment shall be operating when solvent based cleaning products are being used.

Emission Source/Control: 000I2 - Control
Control Type: DIRECT FLAME AFTERBURNER WITH HEAT EXCHANGER

Emission Source/Control: 000I3 - Control
Control Type: DIRECT FLAME AFTERBURNER WITH HEAT EXCHANGER

Emission Source/Control: 00CL4 - Process

Emission Source/Control: 00CL5 - Process

Item 35.2:

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

Emission Unit: U-00001
Process: 102 Source Classification Code: 4-02-007-01
Process Description:
The hot melt coater (CL3) and the hot melt mixer (MT1) generate negligible emissions.

Emission Source/Control: 000C1 - Control
Control Type: SINGLE CYCLONE

Emission Source/Control: 000F1 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00AF1 - Control
Control Type: ACTIVATED CARBON ADSORPTION

Emission Source/Control: 00AF2 - Control
Control Type: ACTIVATED CARBON ADSORPTION

Emission Source/Control: 00BF1 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00DC1 - Control

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Control Type: FABRIC FILTER

Emission Source/Control: 00CL3 - Process

Emission Source/Control: 00MT1 - Process

Emission Source/Control: 0BUF1 - Process

Emission Source/Control: EVAP1 - Process

Item 35.3:

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

Emission Unit: U-00002

Process: 103

Source Classification Code: 4-02-007-06

Process Description:

The adhesives mix building operations include adhesive mixing in two 660 gallon jacketed mix tanks, drum dispensing of adhesive, and drum storage. Low point ventilation at several locations is provided for safety.

Emission Source/Control: 00LP1 - Process

Emission Source/Control: 00LP2 - Process

Emission Source/Control: 00LP3 - Process

Emission Source/Control: 0AMT1 - Process

Emission Source/Control: 0AMT2 - Process

Emission Source/Control: DISP1 - Process

Condition 36: Compliance Certification

Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 201-6.4 (f)

Item 36.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

OPERATIONAL FLEXIBILITY:

Both coating lines CL4 and CL5 are capable of using the thermal oxidizer I2 (EP 00001) as the control device. Adchem intends to reserve the operational flexibility to have incinerator I2 receive



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emissions from coating lines CL4 and CL5 for future use provided emission test using this scenario is performed in accordance with an approved protocol.

A performance test must be performed to determine the overall capture and destruction efficiency of the thermal oxidizer I2 (EP 00001) using both coating lines CL4 and CL5 as process sources.

A test/operational flexibility protocol must be submitted to the Division of Air Resources for approval within 60 days prior to initiating this Alternate Operating Scenario to direct emissions from both coating lines (CL4 and CL5) to the thermal oxidizer I2 (EP 00001). This protocol must identify the maximum permissible operating conditions that will be measured during the test to include in an Operational Flexible Plan and the test report. The final Plan and test report must be submitted to the Department for approval within 30 days after the completion of the test, which must contain, but not limited to, lower incinerator temperature limit, upper temperature limit, VOC loading from both lines, outlet emissions etc.

Manufacturer Name/Model Number: AWS18

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 37: Compliance Certification

Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 228-1.3 (b) (1)

Item 37.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an emission source subject to 6 NYCRR Part 228-1 must maintain the following records in a format acceptable to the department for a period of at least five years:

1. A certification from the coating supplier or manufacturer which lists the parameters used to determine the actual VOC content of each as applied coating used at the facility.
2. Purchase, usage and/or production records of each coating material, including solvents.
3. Records identifying each air cleaning device that has an overall

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removal efficiency of at least 90 percent.

4. Records verifying each parameter used to calculate the overall removal efficiency, as described in Equation 2 of Section 228-1.5(c), if applicable.

5. Any additional information required to determine compliance with Part 228-1.

Upon request, the owner or operator of an emission source subject to 6 NYCRR Part 228-1 must submit a copy of the records kept in accordance with this condition to the department within 90 days of receipt of the request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 38: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40CFR 60.445(a), NSPS Subpart RR

Item 38.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an affected facility subject to this subpart shall maintain a calendar month record of all coatings used and the results of the reference test method specified in 60.446(a) or the manufacturer's formulation data used for determining the VOC content of those coatings.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 39: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40CFR 60.445(e), NSPS Subpart RR



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Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an affected facility controlled by a thermal incineration solvent destruction device shall install, calibrate, maintain, and operate a monitoring device which continuously indicates and records the temperature of the solvent destruction device's exhaust gases. The monitoring device shall have an accuracy of the greater of (+) or (-) 0.75 percent of the temperature being measured expressed in degrees Celsius or (+) or (-) 2.5 degrees Celsius.

All records shall be retained for at least two years following the date of the measurements.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 40: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40CFR 60.445(g), NSPS Subpart RR

Item 40.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If an affected facility that is controlled by a solvent destruction device uses a hood or enclosure system to capture fugitive VOC

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emissions, a monitoring device shall be installed, calibrated, maintained, and operated to continuously indicate that the hood or enclosure system is operating.

No continuous monitor is required if it is demonstrated that the hood or enclosure system is interlocked with the affected facility's oven recirculation air system.

All records shall be retained for at least two years following the date of the measurements.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

**Condition 41: Test methods for determination of coating VOC content
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:40CFR 60.446(a), NSPS Subpart RR

Item 41.1:

This Condition applies to Emission Unit: U-00001

Item 41.2:

The VOC content of coating solids as applied and compliance with 40 CFR 60.442(a)(1) shall be determined by either reference Method 24 and the equations specified in 40 CFR 60.443 or by manufacturer' formulation data. In the event of an inconsistency between the Method 24 test and the manufacturer' formulation data, the Method 24 test will govern.

A source owner or operator may be required to perform Method 24 tests during such months as deemed appropriate. The coating sample must be a one liter sample taken into a one liter container at a point where the sample will be representative of the coating applied to the web substrate.

**Condition 42: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021**

Applicable Federal Requirement:40 CFR Part 64

Item 42.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 42.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

The following is the Compliance Assurance Monitoring (CAM) Plan for the Thermal oxidizers controlling VOC and HAPs emissions from Coating Line 4 (EP 00002) and Coating Line 5 (EP 00001).

INDICATOR 1: OXIDIZER OPERATING TEMPERATURE

I. MEASUREMENT APPROACH:

Continuously record the operating temperature of the oxidizers' combustion zone.

II. INDICATOR RANGE: < 50 F

An excursion is identified as a reading of 50 degrees F less than the average temperature demonstrated during the most recent compliance demonstration. This excursion may not exceed any rolling three-hour period during the monitoring and reporting period.

CORRECTIVE ACTION: Each excursion triggers an assessment of the problem, corrective action and a reporting requirement.

III. PERFORMANCE CRITERIA

A. DATA REPRESENTATIVENESS: Any temperature monitoring device employed to measure the oxidizer combustion zone temperature shall be accurate to within 0.75% of temperature measured.

B. VERIFICATION OF OPERATIONAL STATUS: Temperature recorded on chart paper or electronic media.

C. QA/QA PRACTICES and CRITERIA: Validation of temperature system calibrations performed annually. Acceptable criteria +20 degrees F. (See footnote No.1)

D. MONITORING:

FREQUENCY - Continuously

DATA COLLECTION PROCEDURE - Recorded at least every 15-minutes on a chart or electronic media.

AVERAGING PERIOD - Three-hour rolling average.

E. RECORDKEEPING:

Maintain for a period of 5 years records of chart recorder paper or electronic media and corrective actions taken in response to excursions.

F. REPORTING:

Number, duration cause of any excursion and the corrective action taken with a report submitted within 30 days of the excursion.

G. FREQUENCY:

Within 30-days of excursion and semiannual summary.

INDICATOR 2: WORK PRACTICE/INSPECTION

I. MEASUREMENT APPROACH:



Inspect internal and external structural integrity of oxidizer to ensure proper operation. (See Footnotes No. 2, 3)

II. INDICATOR RANGE:

An excursion is identified as any finding that the structural integrity of the oxidizer has been jeopardized and it no longer operates in accordance with manufacturer specification.

CORRECTIVE ACTION: Each excursion triggers an assessment of the problem, corrective action and a reporting requirement.

III. PERFORMANCE CRITERIA

A. DATA REPRESENTATIVENESS:

Inspection of the oxidizer system to identify any problem.

B. VERIFICATION OF OPERATIONAL STATUS: - Inspection reports by a qualified technician.

C. QA/QA PRACTICES and CRITERIA:

Internal inspection shall only be performed by a qualified technician.

D. MONITORING:

FREQUENCY - External inspection quarterly and internal inspection annually (see footnotes 2, 3)

DATA COLLECTION PROCEDURE - Written documentation of inspection results and observations.

AVERAGING PERIOD - Not applicable.

E. RECORDKEEPING:

Maintain for a period of 5 years records of inspections and corrective actions taken in response to excursions.

F. REPORTING:

Number, duration cause of any excursion and the corrective action taken with a report submitted within 30 days of the excursion.

G. FREQUENCY:

Within 30-days of excursion and semiannual summary.

INDICATOR 3: PERFORMANCE TEST

I. MEASUREMENT APPROACH:

Conduct source emission testing to demonstrate compliance with the permitted destruction efficiencies.

II. INDICATOR RANGE:

An excursion is identified as any finding that the oxidizer does not meet the permitted destruction efficiency.

CORRECTIVE ACTION: Each excursion triggers an assessment of the problem, corrective action and a reporting requirement.

III. PERFORMANCE CRITERIA

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A. DATA REPRESENTATIVENESS:

A test protocol shall be prepared and approved by the Regulatory Agency prior to conducting the performance test.

B. VERIFICATION OF OPERATIONAL STATUS: - Emission testing must be conducted in accordance with the test protocol and witnessed by the Regulatory Agency representative. A final test report must be submitted with the permitted time period.

C. QA/QA PRACTICES and CRITERIA:

EPA approved test method must be used to conduct emission testing.

D. MONITORING:

FREQUENCY - Once in every 5 years.

DATA COLLECTION PROCEDURE - Emission testing must be conducted in accordance with the test protocol and witnessed by the Regulatory Agency representative. A final test report must be submitted with the permitted time period

AVERAGING PERIOD - In accordance with the approved test protocol.

E. RECORDKEEPING:

Maintain for a period of 5 years records of inspections or until the next test is conducted. Maintain records of corrective actions taken in response to excursions.

F. REPORTING:

Submit test protocol and notification of testing within 30 days prior to test date. Submit test report 60 days after conducting a performance test.

G. FREQUENCY:

For each performance test conducted.

Footnotes:

1. Facility to maintain Standard Operating Procedure on-site for verifying accuracy of system.
2. Internal inspection of regenerative unit (CL5 EP00001) should include annual assessment of valves for leakage; this assessment may be comprised of an internal inspection, or other method of assessment for leakage.
3. Internal inspection (by a qualified technician) of recuperative unit (CL4 EP00002) should include annual assessment of heat exchanger for leakage; this assessment may be comprised of an internal inspection, or other method of assessment for leakage.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).



Condition 43: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40 CFR Part 64

Item 43.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following is the Compliance Assurance Monitoring (CAM) Plan for the Material Usage and VOC/HAP Emissions:

a. Measurement Approach

Adchem operates two solvent Coating Lines No. 4 and No. 5. To demonstrate compliance with the 12-month rolling total limit of 100 tons VOC per year, the facility shall follow the recordkeeping procedures described below. The same procedure shall also be used to track HAPs emissions.

VOC Content of Material Applied: Adchem will use the values from the most recent material safety data sheet (MSDS) obtained from the supplier. Information from these data sheets is kept in Adchem's office.

Quantity of Material Applied for the Month: Adchem will calculate the quantity of each material used for the month by summing the amount of the material used during the month, based on operating records. The operating records are maintained in the facility's computing system. Usage is expressed in terms of pounds.

b. Measurement Frequency

Material Composition: Adchem and its suppliers shall provide a MSDS each time it purchases a new product or there is a change in the formulation of the material. New MSDSs shall replace any outdated versions immediately upon receipt.

Material Usage: Coating usage is entered into the Adchem system within five working days after is used.

c. Calculations

Material Composition: Values supplied on MSDSs

Material Usage: For each material, all usage during the month is summed to approximate total usage for the month. Usage is in terms of pounds of material, so no conversions are required.



d. Recordkeeping

Adchem will maintain electronic copies of each current MSDS in its files. Hard copies of prior MSDS formulations are kept onsite. New and replacement MSDS are transmitted to Adchem by suppliers upon delivery and routed to the Adchem official. The facility official enters each pertinent MSDS value into Adchem material compliance spreadsheet prior to performing the compliance calculations at the end of the month. The MSDSs are filed after being entered into the compliance spreadsheet.

Usage records are entered at the time of the material application or use. These records typically are entered into the computer within five working days after production.

After the last day of each month, Adchem will perform the compliance calculation to demonstrate the rolling 12-month VOC total of less than 100 tons for that month. A similar calculation is made for HAPs to demonstrate that emission less than 10 tons per year. Capture and destruction efficiencies will be based upon the most recent stack test results. Records of each monthly calculation are kept on file.

For semiannual reports, the spreadsheet data for each month will be used to prepare the appropriate summary tables. Adchem will prepare the appropriate text for the report, and a responsible official will sign and submit the report to the Department. The reports will be maintained as electronic computer files and in hard copy.

e. QA/QC Procedures

All computer data and records will be backed up weekly.

Every six months, Adchem will review usage records (i.e., the records up loaded into the compliance spreadsheet) against summary records received from the material suppliers. If these records fail to agree within 10 percent, Adchem will evaluate the probable sources of error and, if necessary, revise the plan to correct any shortcomings.

Every year, Adchem will perform a comprehensive review of the QA/QC program, including spot-checking the material composition values in the spreadsheet against MSDS hard copies and reviewing spreadsheet macros and equation to verify that they are correct. For any errors that are identified, the past year's compliance calculations will be redone, and the results reported to the permitting authority. The corrected calculations will replace the erroneous ones. If any errors are identified, the plan will be revised to minimize their recurrence.

Records of all QA/QC activities, audits, and reviews will be maintained in the files.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)



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Reports due 30 days after the reporting period.
The initial report is due 1/30/2017.
Subsequent reports are due every 6 calendar month(s).

Condition 44: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40 CFR Part 64

Item 44.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following is the Compliance Assurance Monitoring (CAM) Plan for Coating Lines 4 and 5 where the exhaust gas can be diverted away from the air pollution control device to atmosphere. This is also applicable to the BYPASS damper installed at the air pollution control device, proper; i.e., an emergency bypass.

A. Rationale for Selection of Monitoring Approach

The CAM rule 40CFR 64.3 (a)(2) requires that "unless stated otherwise, by an applicable requirement, the owner or operator shall monitor indicators to detect bypass of the control device (or capture system) to the atmosphere, if such bypass of the control device can occur based on the design of the pollutant-specific emissions unit." The coating lines employ a damper that directs process line exhaust to the control device or to the atmosphere (bypass). These "bypass" dampers need to be monitored to verify that the exhaust gases are being sent to the control device when the process is in operation.

B. Monitoring Approach

Each bypass damper located in the exhaust gas capture system between Coating Lines 4 and 5 and the thermal incinerator shall be monitored as follows:

- i. Ensure that any bypass line valve or damper is in the closed position through continuous monitoring of valve position using Limit Switches. The monitoring system shall be inspected at least once every month to ensure that it is functioning properly.
- ii. Each bypass damper or valve is inspected at least annually to ensure proper operation of the valve or damper.

C. Operational Description of Bypass Interlock

- i. Start up of a coating line:
 1. The oxidizer is brought up to the set point temperature
 2. The dryer blowers and burners are turned on
 3. The PLC-controlled bypass damper automatically diverts air flow to

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the oxidizer only after the oxidizer reaches temperature. Only then the PLC shall allow the Coating Line to start.

ii. Normal shut down:

1. Shut down Coating Line
2. Shut down dryer
3. Shut down oxidizer

iii. Emergency shut down

The PLC shall automatically shut down the Coating Line if either a) the oxidizer temperature falls below the required temperature, or b) the blowers or burners in the oven shut down. For safety reasons, the bypass damper will also open.

The operator will be allowed to run water based coatings on Lines 4 and 5 if the "Aqueous" option is selected at start up. The bypass damper remains open during water based runs. To prevent operator error on the position of the bypass damper, the PLC shall automatically shut the line down if the Lower Explosive Limit (LEL) monitor detects that solvent based coating is being applied (see Footnotes below).

D. Indicator Range and Excursion

The limit switches tied into the coating line will prevent any excursion.

Footnotes:

1. Coating Line No. 5 is connected to the PLC to automatically shut down if the LEL monitor detects that solvent based coating is being applied. Coating Line No. 4 is connected to the PLC by an electric interlock that enables aqueous coatings to be run.
2. The PLC shall be equipped with a data logger to record the use of bypass to include time, duration and cause of such use.
3. The LEL monitor shall be calibrated in accordance with the manufacturer's recommendations with the appropriate calibration gas. This calibration check records shall be maintain on-site for department representative's review when requested.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 45: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:6 NYCRR 228-2.4 (c) (2)

Item 45.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001
Process: 101

Emission Point: 00001
Emission Source: 00012



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Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 45.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Temperature of thermal oxidizer will be monitored as indication of destruction efficiency. Continuous temperature measurement and recording to demonstrate an average temperature of not less than 1600 deg. F (or as demonstrated by the most recent stack test) during any 3-hr period.

Manufacturer Name/Model Number: Tellkamp 25 RTO (I2)

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1600 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 46: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40CFR 60.443(e), NSPS Subpart RR

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001
Process: 101 Emission Source: 000I2

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 46.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The owner/operator shall continuously record the thermal incinerator temperature during coating operations. All 3-hours periods during which the average temperature of the incinerator is more than 28 degrees Celsius (50 F) below the average temperature of the incinerator during the most recent performance test shall be recorded.

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The initial performance test shall be conducted according to the procedures listed in 40CFR60.444(c).

A monitoring device shall be installed, calibrated, maintained, and operated which continuously indicates and records the temperature of the thermal incinerator's exhaust gases. This monitoring device shall have an accuracy of the greater of +/- 0.75% of the temperature being measured in degrees Celsius or +/- 2.5 degrees Celsius.

The performance test data and results from the performance test shall be submitted as specified in 40CFR60.8(a).

Following the performance test, the owner or operator shall submit quarterly reports of exceedances of the VOC emission limits. If no such exceedances occur during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

Reports shall also be submitted at the frequency specified in 40CFR60.7(c) when the incinerator temperature drops as defined above. If no such periods occur, this shall be stated in the report.

Manufacturer Name/Model Number: Tellkamp 25 RTO (I2)

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1600 degrees Fahrenheit

Reference Test Method: 25 or 25A as appropriate

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 47: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement: 6 NYCRR 228-2.4 (c) (2)

Item 47.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Emission Point: 00002

Process: 101

Emission Source: 00013

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE

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PARAMETERS AS SURROGATE

Monitoring Description:

Temperature of thermal oxidizer will be monitored as indication of destruction efficiency. Continuous temperature measurement and recording to demonstrate an average temperature of not less than 1236 deg. F (or as demonstrated by the most recent stack test) during any 3-hr period.

Manufacturer Name/Model Number: AWS-18 (I3)

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1236 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 calendar month(s).

Condition 48: Compliance Certification
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable Federal Requirement:40CFR 60.443(e), NSPS Subpart RR

Item 48.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Emission Point: 00002

Process: 101

Emission Source: 00013

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 48.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The owner/operator shall continuously record the thermal incinerator temperature during coating operations. All 3-hours periods during which the average temperature of the incinerator is more than 28 degrees Celsius (50 F) below the average temperature of the incinerator during the most recent performance test shall be recorded.

The initial performance test shall be conducted according to the procedures listed in 40CFR60.444(c).

A monitoring device shall be installed, calibrated, maintained, and operated which continuously indicates and records the temperature of the thermal incinerator's exhaust gases. This monitoring device shall have an accuracy of the greater of +/- 0.75% of the temperature being

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measured in degrees Celsius or +/- 2.5 degrees Celsius.

The performance test data and results from the performance test shall be submitted as specified in 40CFR60.8(a).

Following the performance test, the owner or operator shall submit quarterly reports of exceedances of the VOC emission limits. If no such exceedances occur during a particular quarter, a report stating this shall be submitted to the Administrator semiannually.

Reports shall also be submitted at the frequency specified in 40CFR60.7(c) when the incinerator temperature drops as defined above. If no such periods occur, this shall be stated in the report.

Manufacturer Name/Model Number: AWS-18 (I3)

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1236 degrees Fahrenheit

Reference Test Method: 25 or 25A as appropriate

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2017.

Subsequent reports are due every 6 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: 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.

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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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 49: Contaminant List
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable State Requirement:ECL 19-0301

Item 49.1:

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: 0NY998-00-0
Name: VOC

Condition 50: Malfunctions and start-up/shutdown activities
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable State Requirement:6 NYCRR 201-1.4

Item 50.1:

(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

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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 51: Visible Emissions Limited
Effective between the dates of 11/14/2016 and 11/13/2021

Applicable State Requirement:6 NYCRR 211.2

Item 51.1:

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.





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05/08/2018

Facility Identification Data

Name: ADCHEM CORPORATION
Address: 1852 OLD COUNTRY RD
RIVERHEAD, NY 11901

Owner/Firm

Name: BERRY SPECIALTY TAPES LLC
Address: 101 OAKLEY ST
EVANSVILLE, IN 47710, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
Name: KEVIN A KISPERS
Address: SUNY @ STONY BROOK
50 CIRCLE RD
STONY BROOK, NY 11790
Phone:6314440302

Division of Air Resources:
Name: NAHLA M BABIKER
Address: NYSDEC - REGION 1 SUNY STONY BROOK
50 CIRCLE RD
STONY BROOK, NY 11790-3409
Phone:6314440239

Air Permitting Contact:
Name: JOHN J PUFUHL
Address: ADCHEM CORPORATION
1852 OLD COUNTRY ROAD
RIVERHEAD, NY 11901
Phone:6317276000

**Permit Description
Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

Application for renewal of Air Title V Facility.

Attainment Status



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ADCHEM CORPORATION is located in the town of RIVERHEAD in the county of SUFFOLK. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

This facility produces pressure sensitive tapes and labels that adhere to a surface on contact without wetting, heating or adding a curing agent. The pressure sensitive label and tape industry is subcategory of paper coating (SIC Code 2672). Emissions from solvent based coating operations are controlled by incinerators.

Permit Structure and Description of Operations

The Title V permit for ADCHEM CORPORATION

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

ADCHEM CORPORATION is defined by the following emission unit(s):



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Emission unit U00002 - The mixing, dispensing, and storage of adhesives containing VOCs. Process

Emission unit U00002 is associated with the following emission points (EP):

00003, 00004, 00005, 00006

Process: 103 is located at 1, Building MIX - The adhesives mix building operations include adhesive mixing in two 660 gallon jacketed mix tanks, drum dispensing of adhesive, and drum storage. Low point ventilation at several locations is provided for safety.

Emission unit U00001 - Coating lines 4 (CL4) and 5 (CL5) produce pressure sensitive tapes and labels. Emissions from solvent based coatings are controlled by incineration. Coating line 3 (CL3) is a hot melt coater. An enclosed buffer (BUF1) is equipped with a cyclone (C1) and a bag filter (BF1) for 99% particulate control. An evaporator (EVAP1) is used to reduce the volume of air compressor condensate and other non hazardous liquids, primarily residual water based coatings. A hot melt mixer (MT1) is equipped with a woven filter (F1), a cartridge filter (DC1) and a carbon filter (AF2).

Emission unit U00001 is associated with the following emission points (EP):

00001, 00002, 00007, 00008, 00009, 00011, 00012

Process: 101 is located at 1, Building MAIN - Coating line 4 (CL4) produces pressure sensitive tapes and labels. Coatings vary according to customer requirements. VOC emissions are controlled by incinerator I3 (EP00002).

Coating line 5 (CL5) is a solvent based coating line that has a thermal oxidizer I2 (EP00001) for control of VOC emissions.

Both coating lines CL4 and CL5 are capable of using incinerator I2 as the control device. Adchem intends to reserve the operational flexibility to have incinerator I2 receive emissions from coating lines CL4 and CL5 for future provided emission test using this scenario is performed in accordance with an approved protocol.

The control equipment is not required to be operating at times when the emissions from CL4 and CL5 are due solely to the application of water based coatings. The control equipment shall be operating when solvent based cleaning products are being used.

Process: 102 is located at 1, Building MAIN - The hot melt coater (CL3) and the hot melt mixer (MT1) generate negligible emissions.

Title V/Major Source Status

ADCHEM CORPORATION is subject to Title V requirements. This determination is based on the following information:

The annual amount of VOC emissions rolled monthly are below 95 tons.

Program Applicability

The following chart summarizes the applicability of ADCHEM CORPORATION with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability



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PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229,



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230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

2672

PAPER COATED AND LAMINATED, NEC

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

4-02-007-01

SURFACE COATING OPERATIONS
SURFACE COATING APPLICATION - GENERAL
Adhesive Application

4-02-007-06

SURFACE COATING OPERATIONS
SURFACE COATING APPLICATION - GENERAL
Adhesive: Solvent Mixing

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the



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capacity of the facility or air contamination source to emit any air contaminant , including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term ‘HAP’ refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000108-05-4	ACETIC ACID				
	ETHENYL ESTER				
000630-08-0	CARBON MONOXIDE				
000110-54-3	HEXANE				
000067-56-1	METHYL ALCOHOL				
000078-93-3	METHYL ETHYL KETONE				
0NY210-00-0	OXIDES OF NITROGEN				
0NY075-00-0	PARTICULATES				
0NY075-00-5	PM-10				
007446-09-5	SULFUR DIOXIDE				
000108-88-3	TOLUENE				
0NY100-00-0	TOTAL HAP				
0NY998-00-0	VOC	190000			
001330-20-7	XYLENE, M, O & P MIXT.				

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)
Owners and/or operators of facilities having an issued Title V 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.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth,



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accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

- Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)**
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)**
If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.
- Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)**
All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:
- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;



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- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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



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under the Clean Air Act brought by the United States or any person.

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

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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_02

Item B: 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

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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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
-- FACILITY	ECL 19-0301	49	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 60-RR.442(a)(2)(i)	32	Pressure Sensitive Tape and Label Surface Coating Operations - standard for VOC
U-00001/00001/101/000I2	40CFR 60-RR.443(e)	46	Pressure Sensitive Tape and Label Surface Coating Operations - compliance provisions
U-00001/00002/101/000I3	40CFR 60-RR.443(e)	48	Pressure Sensitive Tape and Label Surface Coating Operations - compliance provisions
U-00001	40CFR 60-RR.445(a)	38	Pressure Sensitive Tape and Label Surface Coating Operations - monitoring of operations and recordkeeping
U-00001	40CFR 60-RR.445(e)	39	Pressure Sensitive Tape and Label Surface Coating Operations - monitoring of operations and recordkeeping
U-00001	40CFR 60-RR.445(g)	40	Pressure Sensitive Tape and Label Surface Coating Operations - monitoring of operations and recordkeeping
U-00001	40CFR 60-RR.446(a)	41	Pressure Sensitive Tape and Label Surface Coating Operations - test methods and procedures



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FACILITY	40CFR 64	33	COMPLIANCE ASSURANCE MONITORING
U-00001	40CFR 64	42, 43, 44	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	50	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 34, 35	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
U-00001	6NYCRR 201-6.4(f)	36	Operational Flexibility
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 201-7	23	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	25	General Prohibitions - air pollution



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FACILITY	6NYCRR 211.2	51	prohibited General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 228-1.1(a)	26	Applicability
FACILITY	6NYCRR 228-1.1(a)(3)	27	Once in always in
FACILITY	6NYCRR 228-1.3(a)	28, 29	Surface Coating General Requirements- Opacity
U-00001	6NYCRR 228-1.3(b)(1)	37	General Requirements - Record Keeping
FACILITY	6NYCRR 228-1.5(c)	30	Calculation of overall removal efficiency of an air cleaning device
FACILITY	6NYCRR 228-1.6(h)	31	Records reporting and maintaining
U- 00001/00001/101/000I2	6NYCRR 228-2.4(c)(2)	45	Emission control equipment - combustion temperature monitoring for thermal oxidizer
U- 00001/00002/101/000I3	6NYCRR 228-2.4(c)(2)	47	Emission control equipment - combustion temperature monitoring for thermal oxidizer

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical



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6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be



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certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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.



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40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, ADCHEM CORPORATION has been determined to be subject to the following regulations:

40 CFR 60.442 (a) (2) (i)

This requires a 90% overall VOC emission reduction as calculated over a calendar month.

40 CFR 60.443 (e)

This requires installation, calibration, maintenance, and operation of a monitoring device that continuously records the gas temperature upstream and downstream of the incinerator catalyst bed during coating operations. It also requires quarterly reports to be prepared.

40 CFR 60.445 (a)

This requires a calendar month record of all coatings used and the results of the reference test method used to determine compliance.

40 CFR 60.445 (e)

This requires thermal incineration solvent destruction devices to install, calibrate, maintain, and operate a monitoring device which continuously indicates and records the temperature of the solvent destruction device's exhaust gases.

40 CFR 60.445 (g)

This requires that if a solvent destruction device uses a hood or enclosure system to capture fugitive VOC emissions, a monitoring device shall be installed, calibrated, maintained, and operated to continuously indicate that the hood or enclosure system is operating.



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40 CFR 60.446 (a)

The VOC content of coating solids as applied and compliance shall be determined by either reference Method 24 and the equations specified .

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

6 NYCRR 201-6.4 (f)

This section describes the operational flexibility protocol proposed by the facility. The protocol will allow the facility owner or operator to make certain changes at the facility without the need for a permit modification. Changes made pursuant to the protocol must be approved by the Department, and will be rolled into the permit during the next renewal or modification.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 228-1.1 (a)

6 NYCRR 228-1.1 (a) (3)

This citation dictates that any coating line, which is or becomes subject to the requirements of this regulation, will remain subject to its requirements even if the reason they were subject later falls below the applicability threshold.



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6 NYCRR 228-1.3 (a)

This citation prohibits owners or operators of emission sources from allowing emissions to the outdoor atmosphere, which reduce the visibility through the atmosphere by 20 percent or greater for any consecutive six-minute period.

6 NYCRR 228-1.3 (b) (1)

This regulation requires the facility owner or operator to maintain a certification from the coating manufacturer that contains the information used to determine the as-applied volatile organic compound content of the coating. In addition, the facility owner or operator is required to maintain records of other information used to determine compliance with Part 228-1.

6 NYCRR 228-1.5 (c)

6 NYCRR 228-1.6 (h)

This citation requires the facility owner or operator to divulge any information or record showing noncompliance with the requirements of the regulation to the Department within 30 days and to maintain this information on the premises for a period of 5 years.

6 NYCRR 228-2.4 (c) (2)

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is

Compliance Certification

Summary of monitoring activities at ADCHEM CORPORATION:

Location	Cond No.	Type of Monitoring
Facility/EU/EP/Process/ES		



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FACILITY	32	intermittent emission testing
U-00001/00001/101/000I2	46	monitoring of process or control device parameters as surrogate
U-00001/00002/101/000I3	48	monitoring of process or control device parameters as surrogate
U-00001	38	record keeping/maintenance procedures
U-00001	39	record keeping/maintenance procedures
U-00001	40	record keeping/maintenance procedures
FACILITY	33	record keeping/maintenance procedures
U-00001	42	record keeping/maintenance procedures
U-00001	43	record keeping/maintenance procedures
U-00001	44	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
U-00001	36	record keeping/maintenance procedures
FACILITY	24	monitoring of process or control device parameters as surrogate
FACILITY	7	record keeping/maintenance procedures
FACILITY	26	record keeping/maintenance procedures
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	intermittent emission testing
U-00001	37	record keeping/maintenance procedures
FACILITY	30	monitoring of process or control device parameters as surrogate
FACILITY	31	record keeping/maintenance procedures
U-00001/00001/101/000I2	45	monitoring of process or control device parameters as surrogate
U-00001/00002/101/000I3	47	monitoring of process or control device parameters as surrogate

Basis for Monitoring

The facility operates two solvent coating lines NO.4 and NO.5. To demonstrate compliance with the 12-month rolling total limit of 100 tons VOC per year, the facility shall follow the recordkeeping procedure described below. The same procedure shall also be used to track HAPs emissions.

The facility will use the values of VOC content of material applied from the most recent material safety data sheet (MSDS) obtained from the supplier. Information from these data sheets is kept in Adchem's office.

To determine the quantity of material applied for the month, the facility will calculate the quantity of each material used for the month by summing the amount of the material used during the month, based on operating records. The operating records are maintained in the facility's computing system.

The facility and its suppliers shall provide a MSDS each time it purchases a new product or there is a change on the formulation of the material. New MSDS shall replace any outdated versions immediately upon receipt.

Coating usage is entered onto the facility's system within five working days after is used.

To determine the material composition values are supplied on MSDS.

For each material, all usage during the month is summed to approximate total usage for the month.

The facility will maintain electronic copies of each current MSDS in its files. Hard copies of prior MSDS formulation are kept onsite. New and replacement MSDS are transmitted to Adchem by suppliers upon delivery and routed to the facility official. The facility official enters each pertinent MSDS value into the facility material compliance spreadsheet prior to performing the compliance calculations at the end of the month. The MSDSs are filed after being entered into the compliance spreadsheet.



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Usage records are entered at the time of the material application or use. These records typically are entered into the computer within five working days after production.

After the last day of each month, the facility will perform the compliance calculations to demonstrate the rolling 12-month VOC total of less than 100 tons for that month. A similar calculations is made for HAPs to demonstrate that emissions is less than 10 tons per year. Capture and destruction efficiencies will be based upon the most recent stack test results. Records of each monthly calculation are kept on file.

For semiannual reports, the spreadsheet data for each month will be used to prepare the appropriate summary tables. The facility will prepare the appropriate text for the report, and a responsible official will sign and submit the report to the Department.

Every six months, the facility will review usage records, against summary records received from the material suppliers. If these records fail to agree within 10 percent, the facility will evaluate the probable sources of error and, if necessary , revise the plan to correct any shortcomings.

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Facility DEC ID: 5411500002



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: BALL CORPORATION
9300 WEST 108TH CIRCLE
BROOMFIELD, CO 80021-3682

Facility: BALL METAL BEVERAGE CONTAINER CORP
11 ADAMS RD|CADY HILL INDUSTRIAL PARK
SARATOGA SPRINGS, NY 12866

Authorized Activity By Standard Industrial Classification Code:
3411 - METAL CANS

Permit Effective Date: 06/13/2015

Permit Expiration Date: 06/12/2020



PAGE LOCATION OF CONDITIONS

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

7	1	6 NYCRR 200.6: Acceptable Ambient Air Quality
7	2	6 NYCRR 201-6.4 (a) (7): Fees
7	3	6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
8	4	6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
8	5	6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
10	6	6 NYCRR 201-6.4 (e): Compliance Certification
12	7	6 NYCRR 202-2.1: Compliance Certification
12	8	6 NYCRR 202-2.5: Recordkeeping requirements
13	9	6 NYCRR 215.2: Open Fires - Prohibitions
14	10	6 NYCRR 200.7: Maintenance of Equipment
14	11	6 NYCRR 201-1.7: Recycling and Salvage
14	12	6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
14	13	6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
15	14	6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
15	15	6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
15	16	6 NYCRR 201-6.4 (a) (8): Right to Inspect
16	17	6 NYCRR 201-6.4 (f) (6): Off Permit Changes
16	18	6 NYCRR 202-1.1: Required Emissions Tests
16	19	40 CFR Part 68: Accidental release provisions.
17	20	40CFR 82, Subpart F: Recycling and Emissions Reduction
17	21	6 NYCRR Subpart 201-6: Emission Unit Definition
18	22	6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
18	23	6 NYCRR Subpart 201-7: Facility Permissible Emissions
19	*24	6 NYCRR Subpart 201-7: Capping Monitoring Condition
21	*25	6 NYCRR Subpart 201-7: Capping Monitoring Condition
23	*26	6 NYCRR Subpart 201-7: Capping Monitoring Condition
24	*27	6 NYCRR Subpart 201-7: Capping Monitoring Condition
25	*28	6 NYCRR Subpart 201-7: Capping Monitoring Condition
27	*29	6 NYCRR Subpart 201-7: Capping Monitoring Condition
29	30	6 NYCRR 211.1: Air pollution prohibited
30	31	6 NYCRR 228-1.3 (a): Compliance Certification
31	32	6 NYCRR 228-1.3 (e) (2): Compliance Certification
31	33	6 NYCRR 228-1.4 (d) (2): Compliance Certification
		Emission Unit Level
32	34	6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
33	35	6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=U-10001

36	36	6 NYCRR 228-1.1 (a) (3): Once in always in
36	37	6 NYCRR 228-1.3 (b) (1): Compliance Certification
37	38	6 NYCRR 228-1.3 (c): Surface Coating- Prohibitions
38	39	6 NYCRR 228-1.3 (d): Compliance Certification
39	40	6 NYCRR 228-1.3 (e): Surface Coating- application requirements

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- 40 41 6 NYCRR 228-1.6 (a): Compliance Certification
- 40 42 6 NYCRR 228-1.6 (c): Surface coating access for sampling
- 41 43 6 NYCRR 228-1.6 (h): Compliance Certification
- 41 44 40 CFR Part 64: Compliance Certification

- 42 **EU=U-10001,Proc=101**
45 40CFR 60.492(a), NSPS Subpart WW: Compliance Certification

- 43 **EU=U-10001,Proc=102**
46 40CFR 60.492(b), NSPS Subpart WW: Compliance Certification

- 43 **EU=U-10001,Proc=103**
47 40CFR 60.492(c), NSPS Subpart WW: Compliance Certification

- 44 **EU=U-10002**
48 6 NYCRR 212.4 (a): Emissions from new emission sources and/or
modifications
- 44 49 6 NYCRR 212.4 (c): Compliance Certification
- 45 50 6 NYCRR 212.6 (a): Compliance Certification

- STATE ONLY ENFORCEABLE CONDITIONS**
Facility Level
48 51 ECL 19-0301: Contaminant List
48 52 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
49 53 6 NYCRR 211.2: Visible Emissions Limited

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.
- Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**
Owners and/or operators of facilities having an issued Title V 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.
- Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR**



201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.



Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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)**
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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

- Condition 1: Acceptable Ambient Air Quality**
Effective between the dates of 06/13/2015 and 06/12/2020

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: Fees**
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)

- Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

- Condition 3: Recordkeeping and Reporting of Compliance Monitoring**
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (c)



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Item 3.1:

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of

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every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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Regional Air Pollution Control Engineer
Region 5 Suboffice
232 Golf Course Road
Warrensburg, NY 12885-1172

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.



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(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.



**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be



required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-3.3 (a)

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: Right to Inspect
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

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(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Off Permit Changes

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:40 CFR Part 68

Item 19.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

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- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

The following conditions are subject to annual compliance certification requirements for Title V permits only.

Condition 21: Emission Unit Definition
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

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

Emission Unit: U-10001

Emission Unit Description:

This emission unit consists of:

- (1) the basecoat/clearcoat application and curing line,
- (2) printing ink, bottom coat, and overvarnish. Application and curing lines 1, 2, 3, 4 and incinerator by-pass for lines 1, 2, 3 & 4,
- (3) 3 internal coat ovens incinerator by-pass (4 lines),
- (4) Internal coat overspray baghouse, and

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(5) the incinerator lines for 1, 2, 3, 4 internal coat lines, printing ink/overvarnish/bottom coat line 1, 2, 3, 4. The emission points associated with this unit are BCOE1, ODOE1, ODOE2, ODOE3, DECO4, OICE1, ICOE1, ICOE3, ICOE4 & INCIN.

Building(s): BDG1

Item 21.2:

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

Emission Unit: U-10002

Emission Unit Description:

This emission unit consists of the sludge dryer exhaust. The emission point is SDEO1.

Building(s): BDG1

**Condition 22: Progress Reports Due Semiannually
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

Item 22.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 23: Facility Permissible Emissions
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 23.1:

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: 000050-00-0
Name: FORMALDEHYDE

PTE: 19,000 pounds per year

CAS No: 0NY998-00-0
Name: VOC

PTE: 772,000 pounds per year

Condition 24: Capping Monitoring Condition

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Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 24.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-1

Item 24.2:

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

Item 24.3:

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 24.4:

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 24.5:

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 24.6:

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

Emission Unit: U-10001

Emission Point: INCIN

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 24.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Ball Metal Beverage Container Corp. shall continue to operate the

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thermal oxidizer in support of meeting the NSR cap on VOCs, limiting Formaldehyde emissions and control of potential odors.

The thermal oxidizer shall be operated concurrent with facility coating operations. A minimum combustion temperature set point of 1500°F shall be maintained.

Ball Metal Beverage Container Corp. shall continue to use 6 NYCRR Part 228 and 40 CFR Part 60 Subpart WW compliant coatings.

Ball Metal Beverage Container Corp. shall keep records of the date, time and duration of all periods the thermal oxidizer was not in operation during the normal operations of the equipment that it controls, including startup/shutdown, malfunction or curtailment. Ball Metal Container Corp. may continue to operate the process lines during periods of thermal oxidizer breakdown, malfunction and necessary scheduled or unscheduled maintenance provided that all coatings comply with the emissions limitations pursuant to permit conditions under 6NYCRR 228 and 40 CFR 60 Subpart WW. Uncontrolled Volatile Organic Compounds and Formaldehyde emissions shall be accounted for and reported within annual emission statements and semi-annual compliance reporting.

Thermal Oxidizer malfunctions or maintenance events over 4 days shall require written notification to the Department within 30 days of repair. These notifications shall describe date, time, duration, cause, corrective action and facility manufacturing status during the event.

If the incinerator is operated at less than 1500 degrees Fahrenheit or not at all, then emissions from the affected sources are to be assumed to have no control for purposes of calculating emissions. Emissions are calculated based upon 97.6% control of formaldehyde and 89.75 overall capture/control of VOCs from the incinerator as demonstrated in the June 30, 2004 stack test. If subsequent tests are performed, then the latest demonstrated capture/control efficiency shall be used to determine VOC emissions and the permit shall be modified to reflect this new number. There is no actual minimum degree of control required.

Parameter Monitored: DESTRUCTION EFFICIENCY

Lower Permit Limit: 89.75 percent degree of air cleaning or greater

Reference Test Method: M-25A

Monitoring Frequency: UPON PERMIT RENEWAL

Averaging Method: Minimum-not to fall below average parameter value determined by stack test

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 25: Capping Monitoring Condition

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Permit ID: 5-4115-00002/00129

Facility DEC ID: 5411500002



Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 25.1:

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 otherwise be subject to:

40 CFR Part 63, Subpart KKKK

Item 25.2:

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

Item 25.3:

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 25.4:

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 25.5:

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 25.6:

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

Emission Unit: U-10001

Emission Point: INCIN

Regulated Contaminant(s):

CAS No: 000050-00-0

FORMALDEHYDE

Item 25.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Ball Metal Beverage Container Corp. shall continue to operate the

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thermal oxidizer in support of meeting the NSR cap on VOCs, limiting Formaldehyde emissions and control of potential odors.

The thermal oxidizer shall be operated concurrent with facility coating operations. A minimum combustion temperature set point of 1500°F shall be maintained.

Ball Metal Beverage Container Corp. shall continue to use 6 NYCRR Part 228 and 40 CFR Part 60 Subpart WW compliant coatings.

Ball Metal Beverage Container Corp. shall keep records of the date, time and duration of all periods the thermal oxidizer was not in operation during the normal operations of the equipment that it controls, including startup/shutdown, malfunction or curtailment. Ball Metal Container Corp. may continue to operate the process lines during periods of thermal oxidizer breakdown, malfunction and necessary scheduled or unscheduled maintenance provided that all coatings comply with the emissions limitations pursuant to permit conditions under 6NYCRR 228 and 40 CFR 60 Subpart WW. Uncontrolled Volatile Organic Compounds and Formaldehyde emissions shall be accounted for and reported within annual emission statements and semi-annual compliance reporting.

Thermal Oxidizer malfunctions or maintenance events over 4 days shall require written notification to the Department within 30 days of repair. These notifications shall describe date, time, duration, cause, corrective action and facility manufacturing status during the event.

If the incinerator is operated at less than 1500 degrees Fahrenheit or not at all, then emissions from the affected sources are to be assumed to have no control for purposes of calculating emissions. Emissions are calculated based upon 97.6% control of formaldehyde and 89.75 overall capture/control of VOCs from the incinerator as demonstrated in the June 30, 2004 stack test. If subsequent tests are performed, then the latest demonstrated control efficiency shall be used to determine formaldehyde emissions and the permit shall be modified to reflect this new number. There is no actual minimum degree of control required.

Parameter Monitored: DESTRUCTION EFFICIENCY

Lower Permit Limit: 97.6 percent degree of air cleaning or greater

Reference Test Method: M-316

Monitoring Frequency: UPON PERMIT RENEWAL

Averaging Method: Minimum-not to fall below average parameter value determined by stack test

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 26: Capping Monitoring Condition



Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 26.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-1

Item 26.2:

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

Item 26.3:

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 26.4:

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 26.5:

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 26.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 26.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Total VOC usage (including coatings, inks and solvents) for the facility is not to exceed 3550 tons per year. This limit is based upon an overall capture and

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control efficiency for VOC of 89.75% and subtracting out 10 tons of Formaldehyde which is formed in the curing of the coatings and not present in the them. Any future stack test results will change this allowable limit to:

$$(386-10) / ((1-(\text{destruction efficiency}\%/100))$$

Ball Metal Beverage Container Corp. will conduct an inventory of their coating, ink and solvent usage every week. Monthly summaries describing total coating, ink and solvent usage, their VOC contents will be available for inspection by the 15th day of the following month.

An annual report describing total VOC usage (coatings, ink and solvent usage) must be submitted within thirty (30) days of the end of each calendar year.

Process Material: COATING

Parameter Monitored: VOC

Upper Permit Limit: 3550 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 27: Capping Monitoring Condition
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 27.1:

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 otherwise be subject to:

40 CFR Part 63, Subpart KKKK

Item 27.2:

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

Item 27.3:

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.

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Item 27.4:

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 27.5:

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 27.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000050-00-0 FORMALDEHYDE

Item 27.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Semi-annual reports shall be submitted describing Total hours that the coating lines are in operation along with any concurrent times that the incinerator is not in operation. Formaldehyde emissions are based on an hourly emission rate either controlled or uncontrolled as demonstrated in the June 20, 2004 stack test. If the incinerator is operated at less than 1500 degrees Fahrenheit or not at all, then emissions from the affected sources are to be assumed to have no control for purposes of calculating emissions. Emissions are calculated based upon 7.208 lb/hr emissions of Formaldehyde before control & 97.6% control of Formaldehyde when the incinerator is operating; as demonstrated in the June 30, 2004 stack test.

Process Material: COATING LINES

Parameter Monitored: HOURS OF OPERATION

Upper Permit Limit: 9.5 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

Condition 28: Capping Monitoring Condition
Effective between the dates of 06/13/2015 and 06/12/2020



Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 28.1:

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 otherwise be subject to:

6 NYCRR Subpart 231-1
40 CFR Part 63, Subpart KKKK

Item 28.2:

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

Item 28.3:

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 28.4:

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 28.5:

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 28.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000050-00-0 FORMALDEHYDE
CAS No: 0NY998-00-0 VOC

Item 28.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Ball Metal Beverage Container Corp. shall continue to operate the thermal oxidizer in support of meeting the NSR cap on VOCs, limiting Formaldehyde emissions and control of potential odors.

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The thermal oxidizer shall be operated concurrent with facility coating operations. A minimum combustion temperature set point of 1500°F shall be maintained.

Ball Metal Beverage Container Corp. shall continue to use 6 NYCRR Part 228 and 40 CFR Part 60 Subpart WW compliant coatings.

Ball Metal Beverage Container Corp. shall keep records of the date, time and duration of all periods the thermal oxidizer was not in operation during the normal operations of the equipment that it controls, including startup/shutdown, malfunction or curtailment. Ball Metal Container Corp. may continue to operate the process lines during periods of thermal oxidizer breakdown, malfunction and necessary scheduled or unscheduled maintenance provided that all coatings comply with the emissions limitations pursuant to permit conditions under 6 NYCRR 228 and 40 CFR 60 Subpart WW. Uncontrolled Volatile Organic Compounds and Formaldehyde emissions shall be accounted for and reported within annual emission statements and semi-annual compliance reporting.

Thermal Oxidizer malfunctions or maintenance events over 4 days shall require written notification to the Department within 30 days of repair. These notifications shall describe date, time, duration, cause, corrective action and facility manufacturing status during the event.

If the incinerator is operated at less than 1500 degrees Fahrenheit or not at all, then emissions from the affected sources are to be assumed to have no control for purposes of calculating emissions. Emissions are calculated based upon 97.6% control of formaldehyde and 89.75 overall capture/control of VOCs from the incinerator as demonstrated in the June 30, 2004 stack test.

Parameter Monitored: TEMPERATURE
Lower Permit Limit: 1500 degrees Fahrenheit
Monitoring Frequency: CONTINUOUS
Averaging Method: Minimum-not to fall below average parameter value determined by stack test
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2015.
Subsequent reports are due every 6 calendar month(s).

Condition 29: Capping Monitoring Condition
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 29.1:

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

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the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-1

Item 29.2:

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

Item 29.3:

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 29.4:

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 29.5:

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 29.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 29.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Total VOC emissions (including Formaldehyde, which is formed in the curing of the coatings) for the facility are not to exceed 386 tons per year including fugitives.

Ball Metal Beverage Container Corp. will conduct an inventory of their coating, ink and solvent usage every week. Monthly summaries describing total coating, ink and solvent usage, their VOC contents, and estimated VOC

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emissions will be available for inspection by the 15th day of the following month.

Records must be kept of the time the incinerator is down due to maintenance, electrical outages or malfunctions, and the coatings, inks and solvents used, as well as their VOC contents, during these times.

An annual report describing total VOC emissions, coatings, ink and solvent usage (broken down as to periods when the incinerator is operating and when not operating), and must be submitted within thirty (30) days of the end of each calendar year. If the incinerator is operated at less than 1500 degrees Fahrenheit or not at all, then emissions from the affected sources are to be assumed to have no control for purposes of calculating emissions. Otherwise, emissions are calculated based upon 89.75% overall capture/control of VOCs from the coatings, (7.208 lb/hr Formaldehyde from curing the coatings) & 97.6% control of Formaldehyde from the incinerator as demonstrated in the June 30, 2004 stack test.

Process Material: COATING
Parameter Monitored: VOC
Upper Permit Limit: 386 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2016.
Subsequent reports are due every 12 calendar month(s).

Condition 30: Air pollution prohibited
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 211.1

Item 30.1:

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 31: Compliance Certification

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement: 6 NYCRR 228-1.3 (a)

Item 31.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-10001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at any time there are visible stack emission which have the potential to exceed 20%. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed 20% continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

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Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 32: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.3 (e) (2)

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A facility containing a coating line (other than a class A coating line) may use up to 55 gallons of coatings (facility wide) on a 12-month rolling total basis which does not comply with the VOC content limits set forth in section 228-1.4 ; provided such use is recorded on an as used basis and maintained at the facility for a period of five years.

Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2015.
Subsequent reports are due every 6 calendar month(s).

Condition 33: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.4 (d) (2)

Item 33.1:

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

Emission Unit: U-10001

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 33.2:

Compliance Certification shall include the following monitoring:



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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facilities applying coatings to metal cans may not use coatings with VOC contents, as applied, which exceed the limits specified in Table D-1 and copied below. The units in table D-a are in terms of pounds of VOC per gallon of coating (minus water and excluded compounds) at application.

Limit	VOC Content
	lb VOC/ gal
coating	
Sheet basecoat-exterior and interior over-varnish	2.8
Two-piece can exterior (basecoat and over-varnish)	2.8
Two-and three-piece can interior body spray	4.2
Two-piece can exterior end (spray or roll coat)	4.2
Three-piece can side-seam spray	5.5
End sealing compounds	3.7

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

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

**Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 34.1:

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

Emission Unit: U-10001

Emission Point: BCOE1

Height (ft.): 56

Diameter (in.): 14

NYTMN (km.): 4768.369

NYTME (km.): 595.776

Building: BDG1



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Emission Point: DECO4
Height (ft.): 56 Diameter (in.): 20
NYTMN (km.): 4768.351 NYTME (km.): 595.779 Building: BDG1

Emission Point: ICOE1
Height (ft.): 56 Diameter (in.): 20
NYTMN (km.): 4768.357 NYTME (km.): 595.771 Building: BDG1

Emission Point: ICOE3
Height (ft.): 56 Diameter (in.): 20
NYTMN (km.): 4768.367 NYTME (km.): 595.766 Building: BDG1

Emission Point: ICOE4
Height (ft.): 56 Diameter (in.): 16
NYTMN (km.): 4768.359 NYTME (km.): 595.761 Building: BDG1

Emission Point: INCIN
Height (ft.): 100 Diameter (in.): 48
NYTMN (km.): 4768.392 NYTME (km.): 595.722 Building: BDG1

Emission Point: ODEO1
Height (ft.): 56 Diameter (in.): 14
NYTMN (km.): 4768.351 NYTME (km.): 595.764 Building: BDG1

Emission Point: ODOE2
Height (ft.): 56 Diameter (in.): 14
NYTMN (km.): 4768.348 NYTME (km.): 595.771 Building: BDG1

Emission Point: ODOE3
Height (ft.): 56 Diameter (in.): 14
NYTMN (km.): 4768.365 NYTME (km.): 595.757 Building: BDG1

Emission Point: OICE1 Removal Date: 10/13/2017
Height (ft.): 56 Diameter (in.): 20
NYTMN (km.): 4768.344 NYTME (km.): 595.759 Building: BDG1

Item 34.2:

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

Emission Unit: U-10002

Emission Point: SDEO1
Height (ft.): 31 Diameter (in.): 8
NYTMN (km.): 4768.398 NYTME (km.): 595.801 Building: BDG1

Condition 35: Process Definition By Emission Unit
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 35.1:

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

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Emission Unit: U-10001

Process: 101

Source Classification Code: 4-02-888-21

Process Description:

White basecoat is applied to the can exterior when needed to provide a base color for further printing. The cans are then conveyed to the basecoater oven to dry the white basecoat and bottom rim coat. This process is comprised of basecoat and bottom rim coat application and curing line 1. This process vents to emission point BCOE1. Basecoater presently installed on Line 1 can produce basecoated cans from any of the existing four lines with final decoration completed on the respective lines.

Emission Source/Control: BASE1 - Process

Emission Source/Control: BOVN1 - Process

Emission Source/Control: BRIM5 - Process

Item 35.2:

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

Emission Unit: U-10001

Process: 102

Source Classification Code: 4-02-008-01

Process Description:

Labels are printed on the can exteriors, covered with an overvarnish and bottom rim coat, and then cured. This process is comprised of printing inks, overvarnish, and bottom rim coat application including bottom rim coat on basecoater and curing lines 1, 2, 3, 4 application & curing, incinerator and incinerator bypass. The emission points associated with this process are ODEO1, ODOE2, ODOE3, DECO4, and INCIN.

Emission Source/Control: BRIM1 - Process

Emission Source/Control: BRIM2 - Process

Emission Source/Control: BRIM3 - Process

Emission Source/Control: BRIM4 - Process

Emission Source/Control: BRIM5 - Process

Emission Source/Control: INKS1 - Process

Emission Source/Control: INKS2 - Process

Emission Source/Control: INKS3 - Process

Emission Source/Control: INKS4 - Process

Emission Source/Control: OVER1 - Process

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Emission Source/Control: OVER2 - Process

Emission Source/Control: OVER3 - Process

Emission Source/Control: OVER4 - Process

Emission Source/Control: POVN1 - Process

Emission Source/Control: POVN2 - Process

Emission Source/Control: POVN3 - Process

Emission Source/Control: POVN4 - Process

Item 35.3:

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

Emission Unit: U-10001

Process: 103

Source Classification Code: 4-02-004-01

Process Description:

A thin film of lacquer is applied to inside of the can and a dot matrix is applied to the outside bottom dome. This process is comprised of the four internal coat and can transfer emission lines, the incinerator by-pass lines, and incinerator lines. Lines 1 and 2 each have 6 spray machines which comprise sources ICOS1 (12 spray systems total) for the application of internal spray lacquer and 6 each for the application of a dot matrix spray can identification system source DOT01 (12 dot matrix systems total). Lines 3 and 4 each have 7 spray machines that comprise sources ICOS3 and ICOS4, respectively (14 spray systems total) and 7 each for the application of a dot matrix spray can identification system source DOT01 (14 dot matrix systems total). Mist emissions from these four lines are not cured during application (transfer emissions) and vented through a baghouse at emission point OICE1. Emission points for this process are the four by-pass lines ICOE1, ICOE3 & ICOE4, incinerator line INCIN, and the baghouse emission point OICE1.

Emission Source/Control: MIST1 - Control
Control Type: FABRIC FILTER

Emission Source/Control: DOT01 - Process

Emission Source/Control: INT03 - Process

Emission Source/Control: INT04 - Process

Emission Source/Control: INT12 - Process

Item 35.4:

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



New York State Department of Environmental Conservation

Permit ID: 5-4115-00002/00129

Facility DEC ID: 5411500002

Emission Unit: U-10002

Process: 104

Source Classification Code: 5-02-005-19

Process Description: Sludge dryer exhaust.

Emission Source/Control: SLDG1 - Process

Condition 36: Once in always in
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.1 (a) (3)

Item 36.1:

This Condition applies to Emission Unit: U-10001

Item 36.2:

Any coating line that is or becomes subject to the provisions of Subpart 228-1 will remain subject to these provisions even if the annual potential to emit or actual emissions of VOCs for the facility later falls below the thresholds set forth in Subdivision 228-1.1(a).

Condition 37: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.3 (b) (1)

Item 37.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an emission source subject to 6 NYCRR Part 228-1 must maintain the following records in a format acceptable to the department for a period of at least five years:

1. A certification from the coating supplier or manufacturer which lists the parameters used to determine the actual VOC content of each as applied coating used at the facility.
2. Purchase, usage and/or production records of each coating material, including solvents.
3. Records identifying each air cleaning device that has an overall



removal efficiency of at least 90 percent.

4. Records verifying each parameter used to calculate the overall removal efficiency, as described in Equation 2 of Section 228-1.5(c), if applicable.

5. Any additional information required to determine compliance with Part 228-1.

Upon request, the owner or operator of an emission source subject to 6 NYCRR Part 228-1 must submit a copy of the records kept in accordance with this condition to the department within 90 days of receipt of the request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 38: Surface Coating- Prohibitions
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.3 (c)

Item 38.1:

This Condition applies to Emission Unit: U-10001

Item 38.2:

(1) No person shall sell, supply, offer for sale, solicit, use, specify, or require for use, the application of a coating on a part or product at a facility with a coating line described in Subpart 228-1.1(a) if such sale, specification, or use is prohibited by any of the provisions of this Subpart. The prohibition shall apply to all written or oral contracts under the terms of which any coating is to be applied to any part or product at an affected facility. This prohibition shall not apply to the following:

(i) coatings utilized at surface coating lines where control equipment has been installed to meet the maximum permitted VOC content limitations specified in the tables of Subpart 228-1.4;

(ii) coatings utilized at surface coating lines where a coating system is used which meets the requirements specified in Subpart 228-1.5(d); and

(iii) coatings utilized at surface coating lines that have been granted variances pursuant to Subpart 228-1.5(e).

(2) Any person selling a coating for use in a coating line subject to Subpart 228-1 must, upon request, provide the user with certification of the VOC



content of the coating supplied.

Condition 39: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement: 6 NYCRR 228-1.3 (d)

Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within the work area(s) associated with a coating line, the owner or operator of a facility subject to this Subpart must:

(a) use closed, non-leaking containers to store or dispose of cloth or other absorbent applicators impregnated with VOC solvents that are

used for surface preparation, cleanup or coating removal;

(b) store in closed, non-leaking containers spent or fresh VOC

solvents to be used for surface preparation, cleanup or coating removal;

(c) not use VOC solvents to cleanup spray equipment unless equipment is used to collect the cleaning compounds and to minimize VOC evaporation;

(d) not use open containers to store or dispense surface coatings and/or inks unless production, sampling, maintenance or inspection

procedures require operational access. This provision does not apply

to the actual device or equipment designed for the purpose of applying a coating material to a substrate. These devices may include, but are not limited to: spray guns, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters;

(e) not use open containers to store or dispose of spent surface

coatings, or spent VOC solvents;

(f) minimize spills during the handling and transfer of coatings and

VOC solvents; and

(g) clean hand held spray guns by one of the following:

(1) an enclosed spray gun cleaning system that is kept closed when

not in use;

(2) non-atomized discharge of VOC solvent into a paint waste container



- that is kept closed when not in use;
- (3) disassembling and cleaning of the spray gun in a vat that is kept closed when not in use; or
- (4) atomized spray into a paint waste container that is fitted with a device designed to capture atomized VOC solvent emissions.

Open containers, if found, shall be covered and such deviations shall be noted in a log maintained in the operating area. The log shall include the following information:

- date and time of observation
- description of observed deviation from this permit condition
- corrective measures taken, if necessary.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 40: Surface Coating- application requirements
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.3 (e)

Item 40.1:

This Condition applies to Emission Unit: U-10001

Item 40.2:

Facilities operating coating lines must use one or more of the following application techniques to apply the coating:

- (i) flow/curtain coating;
- (ii) dip coating;
- (iii) cotton-tipped swab application;
- (iv) electro-deposition coating;
- (v) high volume low pressure spraying;
- (vi) electrostatic spray;
- (vii) airless spray, (including air assisted);
- (viii) airbrush application methods for stenciling, lettering, and other identification markings; or
- (ix) other coating application methods approved by the department which can demonstrate transfer efficiencies equivalent to or greater than high volume low pressure spray.

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Condition 41: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.6 (a)

Item 41.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Upon request by the Department, the owner or operator of an emission source subject to 6 NYCRR Part 228-1 must determine the actual VOC content of an as applied coating by measuring the volatile content, water content, density, volume of solids, and weight of solids in accordance with EPA Reference Test Method 311 or Method 24, included in Appendix A of 40 CFR parts 63 and 60 respectively, to demonstrate compliance with the requirements of Part 228-1.

An alternate sampling method that has been approved by both the Department and the Administrator may be used when Method 311 and/or Method 24 are not appropriate.

Reference Test Method: EPA Reference Test Method 311 or 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 42: Surface coating access for sampling
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.6 (c)

Item 42.1:

This Condition applies to Emission Unit: U-10001

Item 42.2:

Representatives of the department must be permitted on the facility owner's property, during reasonable business hours, to obtain coating samples for the purpose of determining compliance with the requirements of 6 NYCRR Part 228-1.

Condition 43: Compliance Certification

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Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:6 NYCRR 228-1.6 (h)

Item 43.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any information or record showing noncompliance with the requirements of 228-1 'Surface Coating Processes' must be reported to the department within 30 days following notice or generation of the information or record. All records required by this condition must be maintained at the facility for a period of five years.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 44: Compliance Certification

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:40 CFR Part 64

Item 44.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This emission unit is subject to the Compliance Assurance Monitoring Rule (CAM Rule). The owner or operator of this emission unit must submit a plan to the Department for its review and approval showing how they will comply with this rule. The plan must include the following:

- An indicator to be monitored to show compliance with the applicable emission limit or standard.
- The ranges or designated conditions for such indicators, or the process by which such indicators ranges or designated conditions will be established.
- the performance criteria for the monitoring stated above
- if applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS (if used).

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The owner or operator of this emission unit shall submit an annual report of the monitoring required above. The report shall include the following:

- summary of information on the number, duration and cause (including unknown cause) of excursions or exceedances, as applicable, and the corrective actions taken;
- summary information on the number, duration and cause (including unknown cause) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks if applicable); and
- a description of the actions taken to implement a Quality Improvement Plan (QIP) during the reporting period. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

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 1/30/2016.

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

Condition 45: Compliance Certification

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement: 40CFR 60.492(a), NSPS Subpart WW

Item 45.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Process: 101

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 45.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Exterior base coating must not exceed 0.29 kilograms of VOC per liter of coating solids as determined by formulation data supplied by the manufacturer of the coating or by an analysis of each coating as received using reference Method 24.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: COATING

Parameter Monitored: VOC

Upper Permit Limit: 0.29 kilograms VOC per liter of coating solids



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Reference Test Method: Method 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 46: Compliance Certification

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:40CFR 60.492(b), NSPS Subpart WW

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Process: 102

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Clear base coating and over varnish must not exceed 0.46 kilograms of VOC per liter of coating solids as determined by formulation data supplied by the manufacturer of the coating or by an analysis of each coating as received using reference Method 24.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: CLEAR COATINGS - MISCELLANEOUS METAL PARTS

Parameter Monitored: VOC

Upper Permit Limit: 0.46 kilograms VOC per liter of coating solids

Reference Test Method: METHOD 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 47: Compliance Certification

Effective between the dates of 06/13/2015 and 06/12/2020

Applicable Federal Requirement:40CFR 60.492(c), NSPS Subpart WW

Item 47.1:



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Permit ID: 5-4115-00002/00129

Facility DEC ID: 5411500002

The Compliance Certification activity will be performed for:

Emission Unit: U-10001

Process: 103

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Inside spray coating must not exceed 0.89 kilograms of VOC per liter of coating solids as determined by formulation data supplied by the manufacturer of the coating or by an analysis of each coating as received using reference Method 24.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: COATING

Parameter Monitored: VOC

Upper Permit Limit: 0.89 kilograms VOC per liter of coating solids

Reference Test Method: METHOD 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME

(INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

**Condition 48: Emissions from new emission sources and/or modifications
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement:6 NYCRR 212.4 (a)

Item 48.1:

This Condition applies to Emission Unit: U-10002

Item 48.2:

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 49: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020**

Applicable Federal Requirement:6 NYCRR 212.4 (c)

Item 49.1:

The Compliance Certification activity will be performed for:

New York State Department of Environmental Conservation

Permit ID: 5-4115-00002/00129

Facility DEC ID: 5411500002



Emission Unit: U-10002

Item 49.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Emissions of solid particulates are limited to less than 0.050 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. The Department reserves the right to perform or require the performance of a Method 5 emissions evaluation at any time.

The permittee will conduct compliance verifications at the monitoring frequency stated below. These verifications include review of pertinent information relating to particulate emissions of the source, including but not limited to production rate, process material, air flow rate, control equipment parameters, visible emissions, etc. The permittee will confirm that during source operation all pertinent parameters (whether used to directly calculate particulate emission rate, or as surrogates) are within ranges that ensure compliance with the particulate emission rate.

Additionally, the permittee will investigate, in a timely manner, any instance where there is cause to believe that particulate emissions above 0.050 gr/dscf are occurring or have occurred. These instances include but are not limited to process upsets, control device malfunctions or problems, abnormal visible emissions, complaints, etc. The permittee shall determine the cause of any exceedance, make the necessary correction, and verify that the excess emissions problem has been corrected.

Records of these verifications, investigations and corrective actions will be kept on-site.

Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 calendar month(s).

Condition 50: Compliance Certification
Effective between the dates of 06/13/2015 and 06/12/2020



Applicable Federal Requirement:6 NYCRR 212.6 (a)

Item 50.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-10002

Item 50.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Monitoring Frequency: WEEKLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2015.

Subsequent reports are due every 6 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: 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.

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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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 51: Contaminant List
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable State Requirement:ECL 19-0301

Item 51.1:

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

CAS No: 000050-00-0
Name: FORMALDEHYDE

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

CAS No: 0NY998-00-0
Name: VOC

Condition 52: Malfunctions and start-up/shutdown activities
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable State Requirement:6 NYCRR 201-1.4

Item 52.1:

(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

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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 53: Visible Emissions Limited
Effective between the dates of 06/13/2015 and 06/12/2020

Applicable State Requirement:6 NYCRR 211.2

Item 53.1:

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.





**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 5-4115-00002/00129

Renewal Number: 3

05/08/2018

Facility Identification Data

Name: BALL METAL BEVERAGE CONTAINER CORP

Address: 11 ADAMS RD|CADY HILL INDUSTRIAL PARK
SARATOGA SPRINGS, NY 12866

Owner/Firm

Name: BALL CORPORATION

Address: 9300 WEST 108TH CIRCLE
BROOMFIELD, CO 80021-3682, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: BETH A MAGEE

Address: NYSDEC - WARRENSBURG SUBOFFICE
232 GOLF COURSE RD

WARRENSBURG, NY 12885-1172

Phone:5186231281

Division of Air Resources:

Name: STEPHEN J BARLOW

Address: NYSDEC - WARRENSBURG SUBOFFICE
232 GOLF COURSE RD

WARRENSBURG, NY 12885

Phone:5186231212

Air Permitting Facility Owner Contact:

Name: ED PRUNIER

Address: BALL METAL BEVERAGE CONTAINER CORP
11 ADAMS RD

SARATOGA SPRINGS, NY 12866

Phone:5185815574

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

Application for renewal of Air Title V Facility. They have an existing annual cap of 386 tpy VOC established in 1992 to avoid NSR requirements at that time and is unchanged by this project/Renewal.



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They are also installing new equipment on Line #4 to deal with mechanical stamping, stretching, and forming of the aluminum to make a larger or sleeker can size. The potential increase in VOC emissions from this project is less than 33 tons per year. The projected actual increase in emissions is approximately 3.6 tons per year primarily due to the use of a thermal oxidizer to control this source.

Attainment Status

BALL METAL BEVERAGE CONTAINER CORP is located in the town of SARATOGA SPRINGS in the county of SARATOGA.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

The facility is a four-line can plant that forms, cleans, decorates and coats 2-piecs aluminum cans.

Permit Structure and Description of Operations

The Title V permit for BALL METAL BEVERAGE CONTAINER CORP is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:



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combustion - devices which burn fuel to generate heat, steam or power
incinerator - devices which burn waste material for disposal
control - emission control devices
process - any device or contrivance which may emit air contaminants
that is not included in the above categories.

BALL METAL BEVERAGE CONTAINER CORP is defined by the following emission unit(s):

Emission unit U10002 - This emission unit consists of the sludge dryer exhaust. The emission point is SDEO1.

Emission unit U10002 is associated with the following emission points (EP):
SDEO1

Process: 104 is located at Building BDG1 - Sludge dryer exhaust.

Emission unit U10001 - This emission unit consists of:

- (1) the basecoat/clearcoat application and curing line,
- (2) printing ink, bottom coat, and overvarnish. Application and curing lines 1, 2, 3, 4 and incinerator by-pass for lines 1, 2, 3 & 4,
- (3) 3 internal coat ovens incinerator by-pass (4 lines),
- (4) Internal coat overspray baghouse, and
- (5) the incinerator lines for 1, 2, 3, 4 internal coat lines, printing ink/overvarnish/bottom coat line 1, 2, 3, 4. The emission points associated with this unit are BCOE1, ODOE1, ODOE2, ODOE3, DECO4, OICE1, ICOE1, ICOE3, ICOE4 & INCIN.

Emission unit U10001 is associated with the following emission points (EP):

BCOE1, DECO4, ICOE1, ICOE3, ICOE4, INCIN, ODEO1, ODOE2, ODOE3, OICE1

Process: 101 is located at Building BDG1 - White basecoat is applied to the can exterior when needed to provide a base color for further printing. The cans are then conveyed to the basecoater oven to dry the white basecoat and bottom rim coat. This process is comprised of basecoat and bottom rim coat application and curing line 1. This process vents to emission point BCOE1. Basecoater presently installed on Line 1 can produce basecoated cans from any of the existing four lines with final decoration completed on the respective lines.

Process: 102 is located at Building BDG1 - Labels are printed on the can exteriors, covered with an overvarnish and bottom rim coat, and then cured. This process is comprised of printing inks, overvarnish, and bottom rim coat application including bottom rim coat on basecoater and curing lines 1, 2, 3, 4 application & curing, incinerator and incinerator bypass. The emission points associated with this process are ODEO1, ODOE2, ODOE3, DECO4, and INCIN.



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matrix is applied to the outside bottom dome. This process is comprised of the four internal coat and can transfer emission lines, the incinerator by-pass lines, and incinerator lines. Lines 1 and 2 each have 6 spray machines which comprise sources ICOS1 (12 spray systems total) for the application of internal spray lacquer and 6 each for the application of a dot matrix spray can identification system source DOT01 (12 dot matrix systems total). Lines 3 and 4 each have 7 spray machines that comprise sources ICOS3 and ICOS4, respectively (14 spray systems total) and 7 each for the application of a dot matrix spray can identification system source DOT01 (14 dot matrix systems total). Mist emissions from these four lines are not cured during application (transfer emissions) and vented through a baghouse at emission point OICE1. Emission points for this process are the four by-pass lines ICOE1, ICOE3 & ICOE4, incinerator line INCIN, and the baghouse emission point OICE1.

Title V/Major Source Status

BALL METAL BEVERAGE CONTAINER CORP is subject to Title V requirements. This determination is based on the following information:

BALL METAL BEVERAGE CONTAINER CORP is subject to Title V requirements. This facility is only major for emissions of VOC with its potential to emit limited to < or = 386 tons per year.

Program Applicability

The following chart summarizes the applicability of BALL METAL BEVERAGE CONTAINER CORP with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.



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NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.



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SIC Code	Description
3411	METAL CANS

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
4-02-004-01	SURFACE COATING OPERATIONS SURFACE COATING APPLICATION - GENERAL Lacquer
4-02-008-01	SURFACE COATING OPERATIONS COATING OVEN - GENERAL General
4-02-888-21	SURFACE COATING OPERATIONS SURFACE COATING OPERATIONS - FUGITIVE EMISSIONS
5-02-005-19	SURFACE COATING BASECOAT SOLID WASTE DISPOSAL - COMMERCIAL/ INSTITUTIONAL SOLID WASTE DISPOSAL: COMMERCIAL - INCINERATION: SPECIAL PURPOSE SEWAGE SLUDGE INCINERATOR: ROTARY KILN

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount of material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
0NY750-00-0	CARBON DIOXIDE EQUIVALENTS			42791732	
000630-08-0	CARBON MONOXIDE			15172	
000112-34-5	ETHANOL, 2-			37	



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	(2- BUTOXYETHOXY) -		
000112-25-4	ETHANOL, 2- (HEXYLOXY)		1542
000100-41-4	ETHYLBENZENE		12.3
000050-00-0	FORMALDEHYDE	19000	2025
0NY210-00-0	OXIDES OF NITROGEN		18062
0NY075-00-0	PARTICULATES		1373
0NY075-00-5	PM-10		1373
007446-09-5	SULFUR DIOXIDE		109
0NY100-00-0	TOTAL HAP		3678.3
0NY998-00-0	VOC	772000	111573
001330-20-7	XYLENE, M, O & P MLXT.		61.7

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)

Owners and/or operators of facilities having an issued Title V 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.

Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or



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termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable



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requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 2 01-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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)

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5



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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_02

**Item B: 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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
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FACILITY	ECL 19-0301	51		Powers and Duties of the Department with respect to air pollution control
U-10001/-/101	40CFR 60-WW.492(a)	45		Beverage Can Surface Coating - standards for VOC
U-10001/-/102	40CFR 60-WW.492(b)	46		Beverage Can Surface Coating - standards for VOC
U-10001/-/103	40CFR 60-WW.492(c)	47		Beverage Can Surface Coating - standards for VOC
U-10001	40CFR 64	44		COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	19		Chemical accident prevention provisions
FACILITY	40CFR 82-F	20		Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1		Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10		Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	52		Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11		Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12		Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13		Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14		Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 34, 35		Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15		General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2		General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16		General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3		Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4		Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5		Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22		Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6		Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17		Off Permit Changes



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FACILITY	6NYCRR 201-7	23	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	30	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	53	General Prohibitions - visible emissions limited.
U-10002	6NYCRR 212.4(a)	48	General Process Emission Sources - emissions from new sources and/or modifications
U-10002	6NYCRR 212.4(c)	49	General Process Emission Sources - emissions from new processes and/or modifications
U-10002	6NYCRR 212.6(a)	50	General Process Emission Sources - opacity of emissions limited
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
U-10001	6NYCRR 228-1.1(a)(3)	36	Once in always in
FACILITY	6NYCRR 228-1.3(a)	31	Surface Coating General Requirements- Opacity
U-10001	6NYCRR 228-1.3(b)(1)	37	General Requirements - Record Keeping
U-10001	6NYCRR 228-1.3(c)	38	Surface Coating General Requirements- Prohibitions
U-10001	6NYCRR 228-1.3(d)	39	Surface Coating General Requirements- Handling, storage and disposal
U-10001	6NYCRR 228-1.3(e)	40	Surface Coating - General control requirements (Class A & most B)
FACILITY	6NYCRR 228-1.3(e)(2)	32	Use of 55 gallons of non-compliant coating
FACILITY	6NYCRR 228-1.4(d)(2)	33	VOC limits for magnetic wire, metal can, coil, vinyl and fabric
U-10001	6NYCRR 228-1.6(a)	41	Surface coating VOC analysis.
U-10001	6NYCRR 228-1.6(c)	42	Surface coating access for sampling
U-10001	6NYCRR 228-1.6(h)	43	Records reporting and maintaining

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:



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ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.



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6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.



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6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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.

40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, BALL METAL BEVERAGE CONTAINER CORP has been determined to be subject to the following regulations:

40 CFR 60.492 (a)

Volatile Organic Compound (VOC) emissions to the atmosphere from the process of exterior base coating of two piece beverage cans (using other than clear base coat) may not exceed 0.29 kilograms of VOC per liter of coating solids, averaged over each calendar month.

40 CFR 60.492 (b)

Volatile Organic Compound (VOC) emissions to the atmosphere from the process of exterior base coating of two piece beverage cans using clear base coat may not exceed 0.46 kilograms of VOC per liter



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of coating solids, averaged over each calendar month.

40 CFR 60.492 (c)

Volatile Organic Compound (VOC) emissions to the atmosphere from the process of inside spray coating of two piece beverage cans may not exceed 0.89 kilograms of VOC per liter of coating solids, averaged over each calendar month.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 212.4 (a)

This rule requires compliance with the degree of control specified in Tables 2, 3 and 4 for new (after July 1, 1973) process emission sources.

6 NYCRR 212.4 (c)

This rule requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to an particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

6 NYCRR 212.6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6 NYCRR 228-1.1 (a) (3)

This citation dictates that any coating line, which is or becomes subject to the requirements of this regulation, will remain subject to its requirements even if the reason they were subject



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later falls below the applicability threshold.

6 NYCRR 228-1.3 (a)

This citation prohibits owners or operators of emission sources from allowing emissions to the outdoor atmosphere, which reduce the visibility through the atmosphere by 20 percent or greater for any consecutive six-minute period.

6 NYCRR 228-1.3 (b) (1)

This regulation requires the facility owner or operator to maintain a certification from the coating manufacturer that contains the information used to determine the as-applied volatile organic compound content of the coating. In addition, the facility owner or operator is required to maintain records of other information used to determine compliance with Part 228-1.

6 NYCRR 228-1.3 (c)

This citation prohibits anyone from facilitating in any way the use of a coating in violation of these regulations.

6 NYCRR 228-1.3 (d)

This citation directs the owners or operators of coating operations to minimize the emissions of volatile organic compounds to the atmosphere by properly handling, storing and disposing of coatings containing volatile organic compounds.

6 NYCRR 228-1.3 (e)

6 NYCRR 228-1.3 (e) (2)

This citation allows any facility to use up to 55 gallons of coatings (facility wide) on a 12-month rolling total basis which does not comply with the VOC content limits required by the regulation.



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6 NYCRR 228-1.4 (d) (2)

This citation specifies the applicable VOC limit requirements of the regulation.

6 NYCRR 228-1.6 (a)

This citation specifies the test methods to be used on samples of coatings collected during their application, to verify compliance with the VOC limit requirements of the regulation.

6 NYCRR 228-1.6 (c)

This citation permits Department personnel to enter a facility at reasonable hours for the purpose of collecting samples to verify compliance with VOC content limit requirements.

6 NYCRR 228-1.6 (h)

This citation requires the facility owner or operator to divulge any information or record showing noncompliance with the requirements of the regulation to the Department within 30 days and to maintain this information on the premises for a period of 5 years.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is

Compliance Certification

Summary of monitoring activities at BALL METAL BEVERAGE CONTAINER CORP:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
U-10001/-/101	45	work practice involving specific operations
U-10001/-/102	46	work practice involving specific operations
U-10001/-/103	47	work practice involving specific operations
U-10001	44	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures



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FACILITY	6	record keeping/maintenance procedures
FACILITY	24	intermittent emission testing
FACILITY	25	intermittent emission testing
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	7	record keeping/maintenance procedures
U-10002	49	monitoring of process or control device parameters as surrogate
U-10002	50	record keeping/maintenance procedures
FACILITY	31	intermittent emission testing
U-10001	37	record keeping/maintenance procedures
U-10001	39	record keeping/maintenance procedures
FACILITY	32	record keeping/maintenance procedures
FACILITY	33	record keeping/maintenance procedures
U-10001	41	record keeping/maintenance procedures
U-10001	43	record keeping/maintenance procedures

Basis for Monitoring

Conditions under 6 NYCRR 201-7 for capping from 6 NYCRR Part 231-1 and 40 CFR 63 Subpart KKKK

CAS No: 0NY998-00-0 VOC
CAS No: 000050-000-0 Formaldehyde
Capping: Yes

The annual cap of 386 tpy VOC is the cap established in 1992 to avoid NSR requirements at that time and is unchanged by this project/Renewal.

Maximum annual VOC emissions are calculated based upon VOCs as applied plus Formaldehyde formed during curing. When the incinerator is down, compliance is assured via compliance with State and Federally applicable VOC in coating requirements which Ball Metal meets at all times.

Formaldehyde is formed during the curing of the coatings at a rate of 7.208 lb/hr. The oxidizer controls the formaldehyde at 97.6% as demonstrated during the June 30, 2004 stack testing.

Formaldehyde is the only HAP for which Ball Metal is potentially Major. It is capped at 9.5 tpy to avoid 40 CFR 63 Subpart KKKK applicability. The potential to emit for all other HAPs combined is 8.3 tpy so it is not necessary to cap any of the other individual HAPs or Total HAPs.

VOCs during periods of incinerator operation are based upon the overall destruction efficiency of 89.75% at 1500 deg. F as demonstrated in the testing done June 30, 2004.

The incinerator temperature is set at 1535 in order to assure meeting the 1500 deg proposed limit.



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ATTACHMENT 4

NYSDEC Guidance on Content of the PRR, dated July 13, 2016

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Air Resources, Bureau of Stationary Sources
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Division of Air Resources Internal Guidance (DAIG) DAIG-10

Topic: Permit Review Reports

Author: Mark Lanzafame

Bureau/Region: Bureau of Stationary Sources

Date: July 13, 2016

The Permit Review Report (PRR) is a document that is intended to provide the public, EPA, and affected states with a plain language summary of the activities taking place at a Title V facility, the potential to emit (PTE) of all regulated air pollutants emitted from those activities in tons per year (tpy), the applicable requirements that apply to those activities, and the various work practices that the facility owner or operator will implement to demonstrate compliance with those requirements. The PTE of all regulated air pollutants is generated from the Application Facility Emissions Summary window of Air Facility System (AFS) Permit Builder module. A PRR must be written and included with all Title V permits and permit modifications. A PRR is not required for air state facility permits or air facility registrations.

40 CFR Section 70.7(a)(5) states that a statement of basis must provide “a legal and factual basis for the draft permit conditions” in a proposed Title V permit. Further, the statement of basis must be made available to all interested parties. For Title V permits issued in New York, the PRR serves as the statement of basis. Accordingly, each PRR should be written in such a way that the pertinent details regarding the facility’s operations and draft permit conditions are understandable to the uninformed, non-technical reader. The writer should keep the intended audience in mind and limit the use of jargon and other complex technical information only to the degree necessary to explain the permit’s content.

Each PRR should explain the rationale used when developing the permit, determining which requirements apply, and determining how compliance should be demonstrated. It should also explain why certain requirements were left out of the permit (e.g. non-applicable regulations), especially those that may have been included in a previous version of the permit that are now obsolete. If an adequate PRR is not provided with

each permit, the door is left open for questions to be posed by interveners on why certain requirements were included, why others were not, and what is being done to ensure compliance. This has resulted in findings against the Department related to objections raised by the public after the permit has been issued.

The PRR is made up of several sections which combine to form a complete document. These sections are: Proposed Project, Facility Description, Major Source Status, Compliance Discussion, Basis for Monitoring, Emission Unit and Process, and Facility Specific Requirements. This document is intended to provide guidance regarding the development of each of these sections in order to ensure that complete and consistent PRRs are being included with each Title V permit as required by 40 CFR Part 70.

Proposed Project:

This section should contain a summary description of the project for which the permit application has been submitted. The description is specific to the permit action being taken, and should indicate whether the project is for an initial permit, permit renewal, or permit modification (either proposed by the applicant or initiated by the Department). If the project is a permit modification, this section should briefly describe the changes that are being proposed. The following items should be included in Proposed Project descriptions:

1. Specify what type of permit action is being proposed. Permit actions include: initial Title V permits, renewals of issued Title V permits, or the modification of an issued Title V permit. If the permit action is a modification, the description should indicate whether the modification is minor or significant.
2. For permit modifications, a brief description of the regulatory, operational, and/or equipment changes that will result from this permit action should be included. This includes information on items such as the addition or replacement of equipment, changes to emissions caps, changes in the PTE of regulated air pollutants in tons per year for significant modifications, changes in recordkeeping and/or reporting requirements, changes in the monitoring requirements and other pertinent information, as applicable. Where equipment modifications are proposed, information sufficient to characterize the changes should be provided (e.g. changes in combustion source size, fuels to be fired, the description of a new process, control equipment being installed etc.).
3. A brief discussion of any major regulatory program (e.g. PSD, NSR, NSPS, NESHAP, RACT, etc.) that will be invoked by the action, along with the basic requirements that are being implemented because of their applicability. Any VOC or NO_x RACT variances should be described with the reason for the variance stated (e.g. economic or technical infeasibility). Further detail regarding the methods that will be used to demonstrate compliance with these items will be provided in the Basis for Monitoring section of the PRR.

4. Any additional information necessary to provide the reader with a basic idea of what is being proposed at the facility and what the regulatory consequences will be.

Example of Proposed Project text:

This project consists of the renewal of the Title V permit issued to United Riverhead Terminal. In addition to the continuation of the existing petroleum bulk storage and transfer operations occurring at the facility, this renewal will incorporate various applicable requirements related to the storage and handling of gasoline at the facility. United Riverhead Terminal was issued an air state facility permit to construct for the gasoline throughput project on June 11, 2014.

The facility has demonstrated to the Department's satisfaction that this project is able to net out of the Department's New Source Review (NSR) requirements. Accordingly, limitations on the projected emissions of volatile organic compounds and oxides of nitrogen have been placed in the permit to ensure compliance with the netting requirements of NSR.

In order to avoid being classified as a major source of hazardous air pollutants (HAP), the facility has agreed to accept a cap on emissions of total HAP. The facility will track its emissions of hazardous air pollutants on a rolling 12-month average basis to demonstrate compliance with this requirement.

The operations performed on the platform are a source of VOC emissions, and therefore must be evaluated for VOC RACT applicability. The analysis conducted by the facility demonstrates that the cost of installing an appropriate control device on the platform exceeds the cost effectiveness threshold established by the Department's DAR-20 guidance document. Accordingly, the Department has granted United Riverhead Terminal a variance from the VOC RACT requirements of 6 NYCRR Part 229 for the operations conducted on the offshore loading platform.

Finally, the facility will be modifying its three existing boilers to fire natural gas.

Note: AFS provides a prefill button for this section that draws information from the permit application, however it is often necessary to supplement this information with additional details as described above. To avoid the necessity of supplementing the proposed project description, the permit writer should explain the project, as outlined above, in the Project Description box of the Application Identification Information window of Permit Builder.

Facility Description:

This section should contain a description of the facility that the permit is being issued to. The description should contain an overview of the facility's function and/or business activity, the primary industrial or manufacturing processes taking place, and the primary product(s) being manufactured. Additionally, the facility description should briefly describe the other operations taking place at the facility that are regulated under the permit (e.g. boilers, generators, and other support activities). If the facility operates a significant exempt activity (i.e. an exempt activity that would otherwise be a public concern if it was not limited in operation or properly controlled, or that has been the subject of past discussions or problems), it should be included as well.

Example of Facility Description text:

Keymark is an aluminum extrusion facility located in Fonda, New York. The basic flow of operations at the facility is as follows: Scrap aluminum, sows, ingots, etc. are charged to a melter which is heated by a natural gas burner. A typical charge is 55,000 pounds. At specified times, the molten aluminum is transferred to a holder which is subsequently tapped in order to cast logs. The cast logs are transferred to a homogenizing furnace in order to obtain the proper alloy structure. The cast logs, which may be supplemented with purchased logs, are then transferred to one of four extrusion presses. In the presses, the logs are preheated and then rammed through preheated dies in order to form the selected extruded shapes. The dies are manufactured in house in the tool and die shop. Once the extrusion run has been completed, the dies are taken to the die shop where they are immersed in heated alkaline solutions in order to melt out any residual aluminum. The extruded aluminum shapes are cut to specified lengths and placed into aging ovens which serve to harden the parts. Following the aging ovens, the extruded shapes undergo one of the following steps: surface coating, anodizing, or direct shipment to customers.

Surface coating is performed in one of two conveyORIZED paint spray lines. Both lines include the following sequence of steps; pretreatment with alkaline and acid showers, drying in an oven, coating, flash off, and curing in an oven. Both lines use thermal oxidizers for volatile organic compound (VOC) control. Processes associated with the paint spray operations include mix rooms, a pyrolyzing furnace in which dried paint is burned off the hooks used to hang the aluminum parts from the conveyor, and equipment clean up using solvent.

Anodizing is performed in a series of solution tanks in a separate portion of the facility. Extruded parts are placed into racks which are then transferred from tank to tank in order to impart a protective coating. Several of the tanks have exhaust systems that vent emissions through roof top mounted scrubbers.

Other activities at the facility include maintenance shops, a fill and debridge area in which resin is injected into the extruded part which is then machined so that a thermal break is formed, waste water treatment facilities, non-contact cooling water towers, packaging, and shipping. All fuel fired equipment (heaters, ovens, solution tanks, etc.) use natural gas.

Note: AFS provides a prefill button for this section that draws information from the permit application, however it is often necessary to supplement this information with additional details as described above. To avoid the necessity of supplementing the facility description, the permit writer should describe the facility, as outlined above, in the Facility Description box of the Application Facility Information window of Permit Builder.

Major Source Status:

This section should provide an explanation as to why the facility is a major source and is subject to the requirements of Title V. Each of the regulated pollutants emitted by the facility should be compared to the threshold for Title V applicability to substantiate the major source status of the facility.

A facility need not be a major source of one or more regulated air contaminants to be subject to Title V. Certain New Source Performance Standards (NSPS) (e.g. 40 CFR 60 Subpart WWW) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) (e.g. 40 CFR 63 Subpart EEE) require that a facility conducting the regulated processes obtain a Title V permit regardless of its status as a major source. Where applicable, this requirement should be clearly stated, particularly if the facility is not otherwise a major source.

Examples of Major Source Status text:

Major source: Friesland Campina DOMO is subject to Title V requirements. This determination is based on the following information: The facility is major because the potential to emit (PTE) for several contaminants is greater than the Title V applicability thresholds. The PTE for sulfur dioxide (SO₂) from the facility is 203 tpy which is greater than the Title V applicability threshold of 100 tpy. The PTE for toluene is 18.4 tpy which is greater than the Title V threshold of 10 tpy. The PTE for total hazardous air pollutants (HAP) is 47.5 tpy which is greater than the Title V threshold of 25 tpy.

Non-major source with a Title V permit: Durez Niagara is not currently a major source of any regulated air contaminants. The facility has provided the Department with a series of emissions calculations that demonstrate that it is not major. The Department has reviewed those calculations in detail and agrees with their results. Durez Niagara is required to obtain a Title V permit pursuant to 40 CFR 63 Subpart EEE because the facility operates a hazardous waste incinerator.

Compliance Discussion:

The Title V program allows the Department to issue a permit to a facility that is not in compliance with one or more applicable regulations at the time of permit issuance. Such a permit must contain a compliance plan with enforceable milestones that describe the steps that the facility owner or operator will take to come into compliance in accordance with a predefined schedule.

This section of the PRR should be used to explain any noncompliance at the facility at the time of permit issuance. Such an explanation should specify the equipment and operations that are not in compliance, the applicable requirement(s) that have been violated (including the specific limit or requirement), the pollutants involved, the basis for the judgment that the facility is not in compliance, and what steps are being taken by the facility to return to compliance.

In many cases, there may already be an order on consent that has been executed to address the noncompliance. If so, this should be discussed in this section. In other cases, the noncompliance may be discovered during the permit review process or through some other means for which an order on consent has not been executed. This situation should be explained as well.

The following items should be included in the Compliance Discussion section of the PRR:

1. An outline of the compliance status of the facility. This summary should list all citations for which the facility is not currently in compliance, the equipment, processes, and/or emission units involved, and the specific limit or requirement that is not being met.
2. The means by which noncompliance was determined (e.g. opacity observations, stack testing, recordkeeping that demonstrates noncompliance, etc.)
3. The steps being taken by the facility owner or operator to return to compliance.
4. A general description of any milestones involved, including the dates by which the milestones must be completed.
5. The existence of any order on consent that is the basis of the compliance plan in the permit, including the date on which the order became effective.

Example of Compliance Discussion text:

A stack test performed by the facility on 3/31/2015 indicated that the particulate matter emissions from the pellet mill exceed the standard for particulate matter in 6 NYCRR Part 212 at exhaust fan speeds greater than 2400 RPM. The facility has entered into an order on consent with the Department that requires the variable speed drive for the exhaust fan to be set at a maximum of 2400 RPM. The exhaust fan speed is a surrogate parameter that is monitored to demonstrate compliance with the standard for particulate matter. In addition, the facility owner or operator is required to conduct a daily inspection of the variable speed drive to verify that the fan is operating at 2400 RPM or less.

Basis for Monitoring:

This section of the PRR should explain the basis for each monitoring strategy proposed in the Title V permit. The Basis for Monitoring should describe the purpose of each requirement, the applicable limits, work practices to be used to demonstrate compliance, and a description of how each method will ensure compliance with the requirement. This section should also include an explanation as to why little or no parametric monitoring is required in certain cases or why additional monitoring is required in other cases. Such monitoring strategies are known as alternative monitoring or gap-filling monitoring. The following information should be included in the Basis for Monitoring portion of the PRR for each gap-filling or alternative monitoring method discussed:

1. Rule citation and condition number.
2. Justification for the monitoring method that has been selected. This can include a discussion of the regulated emissions or process and how the regulation applies. The proposed emission limit, control efficiency, parametric limit (e.g. temperature limit, opacity), work practice, or other proposed monitoring should be mentioned.
3. An explanation of why the specific monitoring activity was chosen and how it will ensure compliance with the applicable requirement.
4. A discussion of any required recordkeeping and/or reporting requirements.
5. If no significant monitoring is proposed, an explanation as to why periodic monitoring, recordkeeping, and/or reporting is not required.

For projects subject to PSD, the basis for monitoring should address the control technologies established as BACT, the BACT numerical limit, netting analysis results (where applicable), and the air quality impact analysis results. For

projects subject to Non-Attainment NSR (NNSR), the basis for monitoring should address the control technologies established as LAER, the LAER numerical limits the amount of emission offsets, a brief description of the source(s) of the emission offsets, and the air impact analysis results. For projects that avoided applicability of PSD and/or NNSR, the basis for monitoring should include a brief discussion related to the PSD and or NNSR non-applicability analysis for the respective pollutants. Any caps being placed on emissions to avoid applicable requirements should also be mentioned and the non-applicability conclusion for each affected pollutant substantiated here.

Note: A monitoring method may be spread over several distinct permit conditions. In such a situation, the permit writer may describe the basis for the monitoring scheme as a whole. Such a description should include the above referenced information where appropriate.

Example of Basis for Monitoring text:

Condition 25 - 6 NYCRR Part 201-7.1 - This monitoring condition limits the facility to burning no more than 600,000 gallons of #6 fuel oil in any consecutive twelve (12) month period in order to not be subject to (cap out of) the requirements of 6 NYCRR Part 227-2. The facility is required to maintain monthly records and to submit an annual certification verifying compliance with the limit.

Bleaching Sources – 40 CFR 63.445 requires collection and control of exhaust gases from sources where chlorinated compounds are introduced. Continuous pressure monitors are installed at selected places in the collection system to ensure that the system is under negative pressure. The collection system is inspected monthly to ensure there are no leaks. The facility complies with the option of controlling the pollutant to 10 parts per million or less of chlorinated HAP emissions. The monitoring scheme to ensure compliance includes an initial stack test to demonstrate initial compliance and to establish pH and filtrate flow rate parameters for the scrubber. These parameters are continuously monitored. Once each permit term, a stack test is required to ensure that the scrubber still meets control requirements. A report is submitted semiannually addressing excess emissions and continuous monitoring system performance.

Emission Unit (EU) and Process:

This section of the PRR should provide a description of each emission unit and process in operation at the facility. The description should include enough detail to allow the reader to determine the type, function, and size of each emission source included in those activities. The following information should be included in the Emission Unit and Process section of the PRR:

1. Emission unit descriptions should include the type and number of operations and/or equipment they include, the size of the equipment, fuels burned,

capacities, and other general information. The type of information provided here should be limited to that which is most pertinent to the determination of applicable regulations, emission limits, operating requirements and compliance methods that apply to the emission unit.

2. Each process being carried out under each emission unit should be described. The process description should characterize what is going on with the various emission sources within the emission unit (e.g. the process of burning natural gas in a boiler, the process of coating a substrate with primer etc.). The type of information provided here should be limited to that which is most pertinent to the determination of applicable regulations, emission limits, operating requirements and compliance methods that apply to the process.

Example of Emission Unit text:

This emission unit includes the cast house melter for aluminum scrap, ingots, sows, etc. The furnace is heated with a natural gas burner. Emissions from melting and combustion are ducted through three stacks. A slipstream of air from the melter is ducted to a sow preheater for preheating the sows prior to putting them into the melter. The sow preheater has a separate stack. There is also a fume hood with a separate stack. The fume hood is located over the entrance to the melter. The operation is in the cast house area of the main plant.

Example of Process text:

This process involves the charging of the cast house melter with aluminum. A typical charge to the melter is 55,000 pounds of aluminum. Flux is typically added to each charge but the quantity of flux added is less than 0.5 percent of the total charge. Alloying elements, such as copper and manganese, may also be added.

Note: AFS provides a prefill button for this section that draws information from the permit application, however it is often necessary to supplement this information with additional details as described above. To avoid the necessity of supplementing the emission unit and process descriptions, the permit writer should describe all emission units and processes, as outlined above, in the Description box of the Application Emission Unit Detail and Application Process Detail windows of Permit Builder.

Facility Specific Requirements:

This section of the PRR addresses the non-mandatory regulations included in the permit. The mandatory regulations are described by permanent text that is added to the PRR automatically. Each Facility Specific Regulation description should describe how the requirement applies to the facility and how applicability was

determined. The following items should be included in the Facility Specific Requirements section of the PRR:

1. A simplified description of why each regulation is applicable to the facility. The explanation should address how the requirement applies and how applicability was determined.
2. Where “streamlining” (i.e. only including the most stringent requirement across multiple similar applicable regulations) occurs in the permit, explain each applicable requirement and how they will be met by demonstrating compliance with the most stringent requirement.
3. Identify each instance of capping and the relationship between the capping limit and the limit that the facility is capping out of (e.g. 24.5 tons per year of HAP vs. the 25 tons per year major source threshold).
4. Indicate whether there are any future requirements that will become effective during the term of the permit.
5. Discussion of any other pertinent applicability information.

Examples of Facility Specific Requirements text:

This regulation requires that on or after the date on which the initial performance test is completed or required to be completed under section 60.8 of 40 CFR 60 Subpart A, no owner or operator of an affected facility that combusts oil, shall combust oil with a sulfur content in excess of 0.5 percent by weight.

A facility applying miscellaneous metal parts coatings and using compliant coatings as a compliance technique may not use coatings with VOC contents, as applied, which exceed the limits specified in Table B4 of 6 NYCRR Part 228-1.

Note: AFS provides a prefill button for this section that draws information from the Applicable Regulations module. In some cases, there is no prefilled description available for an applicable regulation or the prefilled description may be inadequate. Accordingly, the permit writer must develop a description meeting the requirements listed above.


Steven E. Flint
Director
Division of Air Resources

ATTACHMENT 5

**NYSDEC Operating Permit Program - Cash Flow Reports
SFY 2014 through SFY 2018**

MONTHLY REPORT WORKSHEET
March 2015

OPERATING PERMIT PROGRAM ACCOUNT

Fringe Rates CAR

314-01 Variable B1	Fund	21451	Carryn	2013-14	0.5437	0.0355
	Program	24779	Current Year	2014-15	0.5686	0.0331

Normal for:	3/25/2015
Salaries	# of Positions
CSEA 02/03/04	
5,831	3.00
PEF 05	
112,427	38.00
MC 06	
0	0.00
Council B2	
UUP	
118,258	41.00

Cash Flow Check	
Beg Balance:	-17,084,689.85
Carry-in	905,618.87
Interest:	-21,132.68
Current Disb	7,350,495.64
Rev/Transfer	0.00
Revenue:	5,341,607.14
End Balance:	-19,996,629.91
Fines:	23,700.00

Revenue													YTD Total	Estimated Total
April	May	June	July	August	September	October	November	December	January	February	March			
Fees	3,909	2,599	-102,191	9,445	6,995	-63	415,289	2,330,032	84,035	0	0	2,591,557	5,341,607	
Fines	0	0	0	7,200	0	3,500	4,100	0	3,400	2,500	0	3,000	23,700	
Interest	-1,971	-2,315	-2,212	-1,310	-1,483	-1,533	-1,373	-1,310	-1,653	-1,774	-1,996	-2,223	(21,133)	
	1,937	284	-104,403	15,335	5,532	1,904.13	418,016	2,328,722	85,783	726	-1,996	2,692,334	5,344,174	

Allocation Segregation

Program	Current Allocation	YTD	Disbursements												YTD	Actual Thru 3/31	Allocation Departure					
			April	May	June	July	August	September	October	November	December	January	February	March								
Account PS																						
Regular - PR	3,408,000	3,408,000	37,270	0	0	37,270	266,417	255,310	255,310	382,965	255,310	255,310	261,775	247,122	384,615	245,814	238,353	236,806	3,302,376	3,302,376	105,624	
Temp - PT	72,000	72,000	3,102	0	0	3,102	3,543	11,451	10,029	11,857	13,931	12,231	12,589	8,224	8,509	9,135	9,053	11,124	124,778	124,778	-52,778	
OT/Hol. - PO	97,900	97,900	37	0	0	37	134	279	1,337	1,667	823	1,524	449	1,407	1,910	709	978	103	11,359	11,359	86,541	
PS TOTAL	3,577,900	3,577,900	40,409	0	0	40,409	270,094	267,039	266,676	396,489	270,063	269,066	274,813	266,764	376,034	256,659	248,365	248,032	3,438,813	3,438,813	139,387	
Program NPS																						
Sup & Matls - SM	235,000	235,000	34,729	7,763	22,379	64,871	0	0	399	11,707	32,258	51,938	15,423	5,967	-3,123	-14,944	68,988	19,861	253,345	253,345	-18,345	
Travel - TR	34,000	34,000	2,871	671	36	3,578	0	0	8,979	8,620	8,557	7,253	5,644	152	10,418	13,389	4,938	2,196	71,723	71,723	-37,723	
Contractual Serv - CS	250,200	250,200	5,232	1,910	2,236	9,378	0	0	2,156	6,038	13,803	9,385	7,239	7,104	4,748	9,518	9,874	4,612	83,855	83,855	168,345	
Equipment - EQ	74,000	74,000	279	298	290	867	0	0	2,004	636	0	0	25	20,914	0	0	6,686	5,420	13,490	50,044	50,044	23,956
Program NPS Total	593,200	593,200	43,111	10,642	24,941	78,694	0	0	11,638	27,000	84,618	68,602	49,221	13,223	12,043	14,850	89,219	40,189	458,967	458,967	134,233	
+ Support MBS	169,800	169,800	0	0	0	0	0	0	0	6,123	0	0	0	0	0	0	0	69,831	75,954	75,954	93,846	
+ Support DIS/Dept	20,200	20,200	0	0	5,200	5,200	0	0	0	0	0	0	14,860	0	0	0	0	3,813	23,873	23,873	-3,673	
+ Support Ops	1,400	1,400	0	0	0	0	0	0	0	42	1,358	0	0	0	0	0	0	0	1,400	1,400	0	
+ Support Reg Aff.	2,600	2,600	0	0	0	0	0	0	0	0	0	0	122	329	0	0	0	0	451	451	2,149	
+ Support OGC	6,100	6,100	0	0	130	130	0	0	0	280	0	0	0	0	0	0	0	2,202	2,611	2,611	3,489	
+ Support Permits	21,100	21,100	0	0	0	0	0	0	0	238	0	0	0	0	0	0	0	175	472	472	20,628	
+ EFC	446,400	446,400	293,602	33,230	0	326,831	0	0	23,982	23,765	72,294	0	0	47,957	0	26,093	52,972	0	573,894	573,894	-127,494	
+ CS Chargeback			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7,583	7,583	-7,583	
+ Leases/Centrex	1,063,250	1,063,250	0	1,164	0	1,164	0	0	32,307	269,097	50,723	80,901	76,095	80,363	34,272	59,948	69,683	0	754,552	754,552	308,698	
+ Support NPS Total	1,730,850	1,730,850	293,602	34,393	5,330	333,325	0	0	32,307	269,097	81,128	163,237	77,813	145,362	34,601	86,041	122,658	83,604	1,440,791.38	1,440,791.38	290,058.62	
NPS TOTAL	2,324,050	2,324,050	336,713	45,035	30,271	412,019	0	0	43,846	320,080	135,746	221,839	126,733	166,626	46,844	100,691	211,874	123,762				
Fringe -60	2,032,000	2,032,000	0	0	429,135	429,135	0	0	0	480,023	0	531,992	0	0	0	508,956	0	0	1,950,107	1,950,107	81,893	
Cost Alloc. - 58	119,000	119,000	0	24,056	0	24,056	0	0	0	23,638	0	26,197	0	0	0	25,063	0	0	98,955	98,955	20,045	
																			2,049,061	2,049,061	101,939	
Dept. of Health	773,600	773,600	0	0	0	0	27,275	74,629	26,681	42,666	72,439	27,761	33,584	80,424	41,924	83,482	77,677	34,399	622,939	622,939	150,661	
Empire State Dev.	385,000	385,000	0	0	0	0	40,300	11,562	79,946	9,522	4,761	5,781	6,801	42,384	10,202	20,981	6,801	6,801	245,843	245,843	139,157	
			0	0	0	0	67,574	86,192	106,627	52,188	77,200	33,542	40,386	122,808	52,126	104,462	84,478	41,200	868,782	868,782	289,818	
Total Disbursements	\$9,804,760	\$9,804,760	\$377,122	\$69,091	\$469,406	\$905,619	\$37,669	\$353,231	\$417,148	\$768,767	\$986,671	\$24,446	\$1,000,121	\$536,086	\$473,804	\$954,831	\$544,737	\$412,995	\$8,266,116	\$8,266,116	\$955,435	

OPERATING PERMIT PROGRAM ACCOUNT

Cash Flow for FY 2014-15

Actual/Projected Revenues and Disbursements

	April	May	June	July	August	September	October	November	December	January	February	March	Total
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Revenues / Disbursements
Opening Balance (4/1)	(17,084,690)	(17,797,543)	(18,219,582)	(19,200,539)	(19,953,961)	(20,935,099)	(21,457,641)	(22,039,746)	(20,247,110)	(20,635,131)	(21,629,237)	(22,175,969)	
Total Revenue	1,937	284	(104,403)	15,335	5,532	1,904	418,016	2,328,722	85,783	726	(1,996)	2,592,334	5,344,174
Disbursements													
Personal Service	310,504	267,039	266,676	396,489	270,063	269,065	274,813	256,754	375,034	255,659	248,385	248,032	3,438,513
Nonpersonal Service	336,713	45,035	74,117	320,080	135,746	221,838	126,733	156,525	46,644	100,681	211,874	123,762	1,899,758
Fringe Benefits	0	0	429,135	0	480,023	0	531,982	0	0	508,956	0	0	1,950,107
Cost Allocation Recovery	0	24,056	0	0	23,638	0	26,197	0	0	25,063	0	0	98,955
Suballocations (DOH/ESD)	67,574	86,192	106,627	52,188	77,200	33,542	40,366	122,808	52,126	104,462	84,478	41,200	868,782
Total Disbursements	714,791	422,322	876,555	768,757	986,671	524,446	1,000,121	536,086	473,804	994,831	544,737	412,995	8,256,115
Transfer to General Fund	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Balance (3/31)	(17,797,543)	(18,219,582)	(19,200,539)	(19,953,961)	(20,935,099)	(21,457,641)	(22,039,746)	(22,039,746)	(20,635,131)	(21,629,237)	(22,175,969)	(19,996,630)	

MONTHLY REPORT WORKSHEET

March

OPERATING PERMIT PROGRAM ACCOUNT

314-01 Variable S1	Fund	21451	Carry-in	2014-16	0.5886	0.0331
Program	24779	Current Year	2015-16	0.5886	0.033	

Salaries	# of Positions
CSEA 02/03/04	
5,963	3.00
PEF 05	
111,398	39.00

Cash Flow Check		Revenue	
Beg Balance	-19,996,628.91	Carry-in	595,063.04
Interest	-29,336.13	Current Disb	6,801,446.02
Rev/Transfer	0.00		
Revenue	8,176,487.56	EndBalance	-19,190,287.54
Fines	55,700.00		
117,551	42.00		

April	May	June	July	August	September	October	November	December	January	February	March	YTD Total	Estimated Total
4,274	212	3,049	0	186,500	203,713	6,853,715	812,885	53,677	50,220	4,718	3,525	8,176,488	8,176,488
22,200	10,000	12,000	700	0	7,100	1,500	1,500	0	500	0	200	55,700	55,700
-2,087	-1,862	-2,072	-2,279	-2,676	-2,885	-2,749	-3,445	-2,094	-3,398	-3,088	-703	(29,336)	(29,336)
24,387	8,350	12,977	-1,579	183,824	207,927.94	6,852,466.71	810,940.39	51,583.29	47,321.27	1,630.15	3,022.49	8,202,851.43	8,202,851.43

Account PS	Program Allocation		Carry-in				Disbursements												YTD	Actual Thru 3/31	Allocation Departure	
	Allocation	Current Segregation	April	May	June	YTD	April	May	June	July	August	September	October	November	December	January	February	March				
Regular - PR	3,485,000	3,408,000	47,486	0	0	47,486	240,285	243,113	248,404	359,004	239,511	243,287	240,388	237,320	357,018	238,428	245,081	256,317	3,195,641	3,195,641	289,359	
Temp - PT	73,500	56,000	4,830	0	0	4,830	11,411	10,478	10,637	10,986	10,431	9,059	12,126	7,505	7,581	7,295	7,302	10,803	120,446	120,446	-46,946	
OT/Hol. - PO	97,900	78,000	274	0	0	274	362	882	957	1,022	2,300	1,951	652	1,285	2,468	780	354	1,853	15,139	15,139	82,761	
PS TOTAL	3,656,400	3,542,000	52,590	0	0	52,590	252,058	254,473	268,998	371,011	252,243	254,298	263,168	246,110	367,067	246,802	252,737	268,973	3,331,226	3,331,226	325,174	
Program NPS																						
Sup & Mat's - SM	144,050	144,050	4,379	521	1,331	6,230	6	30	34,523	490	53,054	15,555	0	13,637.25	42,214	6,678	9,232	-12,452	169,198	169,198	-25,148	
Travel - TR	62,000	62,000	344	3,841	731	4,916	0	194	1,518	7,753	6,462	9,777	45	3,703.76	8,910	6,064	990	3,072	53,406	53,406	8,594	
Contractual Serv - CS	299,150	299,150	4,948	930	1,382	7,259	0	0	2,689	2,062	1,757	14,326	765	1,739.08	4,302	5,502	32,122	40,171	112,694	112,694	186,456	
Equipment - EQ	88,000	88,000	0	0	0	0	0	0	197	0	0	0	0	1,322	1,378.27	-1,018	0	2,420	4,299	4,299	83,701	
Program NPS Total	593,200	593,200	9,669	5,293	3,444	18,405	6	224	36,720	10,603	61,273	30,659	2,132	20,468	54,406	18,244	42,346	33,211	339,597	339,597	253,603	
+ Support MBS	169,800	169,800	0	0	0	0	0	0	0	0	2,708	140	960	0	2,260	570	3,146	9,784	9,784	160,016		
+ Support DIS/Dept	20,200	20,200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20,200		
+ Support Ops	1,400	1,400	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,400		
+ Support Reg Aff.	2,600	2,600	0	0	0	0	0	15	0	57	0	0	0	86	90	0	497	161	906	906		
+ Support OGC	6,100	6,100	0	373	0	373	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
+ Support Permits	21,100	21,100	0	0	0	0	0	0	483	0	453	206	0	0	0	0	0	0	0	0		
+ EFC	446,400	446,400	46,773	33,045	0	79,817	0	0	19,421	28,050	37,826	23,468	0	0	22,099	23,706	0	0	234,388	234,388	212,012	
+ CS Chargeback			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
+ Leases/Centrex	1,063,250	1,063,250	0	0	1,139	1,139	0	0	284,104	103,791	42,505	16,147	0	90,005	0	418,409	70,992	-242,390	784,702	784,702	278,548	
+ Support NPS Total	1,730,850	1,730,850	46,773	33,418	1,139	81,329	0	16	304,009	131,886	80,784	42,828	140	81,081	23,486	444,376	76,105	-232,028	1,042,696	1,042,696	688,154	
NPS TOTAL	2,324,050	2,324,050	56,441	38,711	4,583	99,735	6	239	342,738	142,401	142,057	82,187	2,272	111,600	76,896	482,819	118,450	-186,816				
Fringe - 60	2,113,000	1,584,750	0	421,959	0	421,959	0	0	0	0	453,978	0	0	490,376	0	0	484,112	0	1,850,425	1,850,425	262,575	
Cost Alloc. - 58	121,000	91,000	0	20,779	0	20,779	0	0	0	0	20,554	0	0	22,202	0	0	21,918	0	85,454	85,454	35,546	
																			1,935,879	1,935,879	298,121	
Dept. of Health	773,600	774,000	0	0	0	0	83,405	27,665	27,710	42,866	74,756	34,165	28,638	82,807	44,333	29,536	83,773	40,870	600,525	600,525	173,075	
Empire State Dev.	385,000	385,000	0	0	0	0	22,302	6,928	6,928	10,392	6,928	6,928	6,928	6,928	10,392	6,928	60,046	6,928	146,586	146,586	238,414	
			0	0	0	0	93,738	34,593	34,638	53,258	81,684	41,093	35,566	89,735	54,725	36,464	143,819	47,798	747,111	747,111	411,489	
Total Disbursements	\$9,966,250	\$9,294,000	\$109,031	\$481,449	\$4,583	\$595,063	\$345,802	\$289,305	\$637,375	\$666,670	\$950,515	\$377,578	\$291,004	\$959,932	\$498,688	\$745,585	\$1,021,037	\$117,956	\$7,396,509	\$7,396,509	\$1,976,541	

OPERATING PERMIT PROGRAM ACCOUNT

Cash Flow for FY 2015-16

Actual/Projected Revenues and Disbursements

	April Actual	May Actual	June Actual	July Actual	August Actual	September Actual	October Actual	November Actual	December Actual	January Actual	February Actual	March Actual	Total Revenues / Disbursements
Opening Balance (4/1)	(19,996,630)	(20,427,075)	(21,189,480)	(21,818,460)	(22,386,709)	(23,153,400)	(23,323,050)	(16,761,588)	(16,910,579)	(17,357,684)	(18,055,948)	(19,075,355)	
Total Revenue	24,387	8,350	12,977	(1,579)	183,824	207,928	6,852,467	810,940	51,583	47,321	1,630	3,022	8,202,851
Disbursements													0
Personal Service	304,648	254,473	259,998	371,011	252,243	254,298	253,166	246,110	367,067	246,502	252,737	268,973	3,331,226
Nonpersonal Service	56,447	38,950	347,322	142,401	142,057	82,187	2,272	111,509	76,896	462,619	118,450	(198,816)	1,382,293
Fringe Benefits	0	421,959	0	0	453,978	0	0	490,376	0	0	484,112	0	1,850,425
Cost Allocation Recovery	0	20,779	0	0	20,554	0	0	22,202	0	0	21,918	0	85,454
Suballocations (DOH/ESD)	93,738	34,593	34,638	53,258	81,684	41,093	35,566	89,735	54,725	36,464	143,819	47,798	747,111
Total Disbursements	454,833	770,754	641,958	566,670	950,515	377,578	291,004	959,932	498,688	745,585	1,021,037	117,956	7,396,509
Transfer to General Fund	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Balance (3/31)	(20,427,075)	(21,189,480)	(21,818,460)	(22,386,709)	(23,153,400)	(23,323,050)	(16,761,588)	(16,910,579)	(17,357,684)	(18,055,948)	(19,075,355)	(19,190,288)	

MONTHLY REPORT WORKSHEET
2017

OPERATING PERMIT PROGRAM ACCOUNT			
31401 Variable B1 Fund	21451	Carryn	2015-16
Program	28779	Current Year	2016-17
Fringe Rates	0.556	CAR	0.000
	0.971		0.000

Normal Inv	3229317
# of Positions	2.00
3278105	2.00
1182770	40.00

CASH FLOW CHANGES		CARRY-IN		CARRY-OUT	
Account PS	Program	Current	Current	Current	Current
Regul - PR	3,498,000	72,370	0	748,558.87	0
Temp - PT	75,000	371	0	7,071,831.16	0
PS 1071/101 - PO	105,000	167	0	0	0
PS 1071/101 - NPS	3,678,000	72,908	0	0	0
Sign & Mats - SM	141,050	42	11,043	452	11,436
Travel - TR	65,000	72,568	687	181	1,817
Contractual Serv - CS	304,150	301,837	211	770	1,352
Equipment - EQ	83,000	21,500	0	481	481
Program NPS Total	583,200	1,359	11,940	1,863	15,162
* Support MIS	169,800	28,854	0	28,854	28,854
* Support DisDept	2,800	0	0	0	0
* Support Ops	1,400	0	0	0	0
* Support Rang AF	2,600	0	0	0	0
* Support OGC	6,100	0	0	0	0
* Support Permits	21,100	0	0	0	0
* CS Changeback	9,000	0	0	0	0
* Lease/Centerx	1,063,250	1,063,250	28,458	34,118	62,568
* Support NPS Total	1,275,850	1,286,850	28,458	165,167	218,413
NPS TOTAL	1,869,050	27,213	40,398	167,024	234,636
Fringe - 60	2,139,000	0	422,870	0	422,870
Cont/Proc - 58	112,000	0	18,146	0	18,146
Dept of Health	774,000	0	0	0	0
Empire State Div	385,000	0	0	0	0
Total Disbursements	9,550,250	100,121	482,414	167,024	749,560

Revenue		Disbursements												YTD		Projected Thru 3/31	
Account PS	Program	April	May	June	July	August	September	October	November	December	January	February	March	YTD	Estm'd		
Regul - PR	3,498,000	211,504	241,295	369,683	348,883	339,888	290,345	290,454	372,232	247,324	248,861	248,824	313,888	3,384,409	3,384,409		
Temp - PT	75,000	7,146	8,506	10,074	14,403	12,546	7,146	6,027	11,327	6,774	5,484	6,822	1,286	16,425	16,425		
PS 1071/101 - PO	105,000	3,854	2,619	-1,433	246	874	3,486	1,231	1,137	0	0	887	0	15,428	15,428		
PS 1071/101 - NPS	3,678,000	3,854	2,619	-1,433	246	874	3,486	1,231	1,137	0	0	887	0	15,428	15,428		
Sign & Mats - SM	141,050	130	573	11,134	2,288	14,535	24,048	12,223	11,108	6,620	3,911	7,782	28,977	137,151	137,151		
Travel - TR	65,000	0	71	11,458	4,008	3,277	5,610	4,644	6,008	3,625	2,057	2,416	3,986	53,206	53,206		
Contractual Serv - CS	304,150	0	731	30,428	4,853	32,077	3,420	528	4,840	4,840	1,282	4,029	29,353	128,008	128,008		
Equipment - EQ	83,000	0	0	0	964	668	0	0	0	0	0	0	0	1,238	1,238		
Program NPS Total	583,200	130	1,303	54,228	14,239	53,729	33,279	21,892	21,773	17,109	9,658	15,014	64,788	322,314	322,314		
* Support MIS	169,800	0	0	705	0	1,142	0	100	0	300	1,080	7,146	3,732	40,072	40,072		
* Support DisDept	2,800	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
* Support Ops	1,400	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
* Support Rang AF	2,600	0	0	80	0	0	0	0	0	0	0	0	0	276	276		
* Support OGC	6,100	0	0	0	0	0	0	0	0	0	0	0	0	1,238	1,238		
* Support Permits	21,100	0	0	309	0	0	0	0	80	323	258	228	0	1,315	1,315		
* CS Changeback	9,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
* Lease/Centerx	1,063,250	0	1,458	252,240	78,659	48,158	47,728	48,023	16,933	62,140	14,417	105,613	70,592	608,497	608,497		
* Support NPS Total	1,275,850	0	1,458	252,240	78,659	48,158	47,728	48,023	16,933	62,140	14,417	105,613	70,592	608,497	608,497		
NPS TOTAL	1,869,050	130	2,799	307,415	90,899	103,827	81,017	70,015	38,109	80,489	27,884	128,034	139,124	1,304,252	1,304,252		
Fringe - 60	2,139,000	0	0	0	0	538,462	0	0	508,536	0	523,032	0	0	1,993,900	1,993,900		
Cont/Proc - 58	112,000	0	0	0	0	24,580	0	0	23,259	0	23,876	0	0	90,861	90,861		
Dept of Health	774,000	0	0	0	0	0	0	0	0	0	0	0	0	2,084,761	2,084,761		
Empire State Div	385,000	0	0	0	0	0	0	0	0	0	0	0	0	748,844	748,844		
Total Disbursements	9,550,250	279,940	348,983	791,882	394,515	1,072,051	391,398	370,794	1,011,221	382,997	1,008,439	424,074	626,877	7,821,381	7,821,381		

March

OPERATING PERMIT PROGRAM ACCOUNT
Cash Flow for FY 2016-17
Actual/Projected Revenues and Disbursements

	April	May	June	July	August	September	October	November	December	January	February	March	Total
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Revenues / Disbursements
Opening Balance (4/1)	(19,199,593)	(19,585,015)	(20,400,288)	(21,317,195)	(21,718,253)	(22,796,006)	(22,757,832)	(17,194,158)	(17,746,930)	(18,101,939)	(19,276,981)	(19,708,631)	
Total Revenue	(5,361)	14,124	2,000	(6,543)	(5,703)	429,572	5,934,429	458,448	27,989	(165,613)	(7,576)	(2,619)	6,673,147
Disbursements													
Personal Service	295,412	253,419	368,324	261,593	343,107	265,924	257,692	378,965	254,217	254,519	257,086	323,611	3,513,869
Nonpersonal Service	27,343	43,157	474,639	90,809	103,027	81,017	70,015	38,786	80,469	27,864	128,004	139,122	1,304,252
Fringe Benefits	0	422,870	0	0	538,462	0	0	509,536	0	523,032	0	0	1,993,900
Cost Allocation Recovery	0	19,146	0	0	24,580	0	0	23,259	0	23,876	0	0	90,861
Suballocations (DOH/ESD)	57,306	90,805	75,943	42,113	62,875	44,457	43,047	60,674	48,312	180,139	38,984	168,783	913,438
CS Chargebacks	0	0	0	0	0	0	0	0	0	0	0	5,061	5,061
Total Disbursements	380,061	829,397	918,906	394,515	1,072,051	391,398	370,754	1,011,221	382,997	1,009,429	424,074	636,577	7,821,381
Transfer to General Fund	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Balance (3/31)	(19,585,015)	(20,400,288)	(21,317,195)	(21,718,253)	(22,796,006)	(22,757,832)	(17,194,158)	(17,746,930)	(18,101,939)	(19,276,981)	(19,708,631)	(20,347,827)	

OPERATING PERMIT PROGRAM ACCOUNT

Cash Flow for FY 2017-18

Actual/Projected Revenues and Disbursements

	April	May	June	July	August	September	October	November	December	January	February	March	Total
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Revenues / Disbursements
Opening Balance (4/1)	(20,347,827)	(21,232,996)	(21,916,367)	(22,390,400)	(22,781,531)	(23,959,146)	(24,129,598)	(20,268,041)	(20,442,741)	(20,769,801)	(21,836,957)	(22,251,836)	
Total Revenue	(11,502)	(14,886)	(17,392)	27,936	(20,070)	222,568	4,844,813	399,606	31,337	(18,277)	(24,252)	(23,668)	5,396,214
Disbursements													
Personal Service	302,292	387,330	263,700	267,756	279,028	270,255	278,284	408,222	272,309	268,291	271,567	276,162	3,545,198
Nonpersonal Service	761	224,334	85,274	110,989	146,235	85,560	88,739	93,596	45,704	122,510	50,337	111,161	1,165,201
Fringe Benefits	490,327	0	0	0	586,103	0	502,316	0	0	588,599	0	0	2,167,344
Cost Allocation Recovery	22,383	0	0	0	25,168	0	21,570	0	0	25,275	0	0	94,395
CS Chargebacks	0	0	0	0	0	0	0	0	0	0	0	6,603	6,603
Suballocations (DOH/ESD)	57,905	56,821	107,668	40,321	121,011	37,204	92,348	72,488	40,384	44,205	68,723	133,900	872,978
Total Disbursements	873,668	668,485	456,641	419,067	1,157,544	393,019	983,257	574,306	358,397	1,048,879	390,627	527,827	7,851,718
Cash Balance (3/31)	(21,232,996)	(21,916,367)	(22,390,400)	(22,781,531)	(23,959,146)	(24,129,598)	(20,268,041)	(20,442,741)	(20,769,801)	(21,836,957)	(22,251,836)	(22,803,331)	

MONTHLY REPORT WORKSHEET
4/16

Operating Permit Program Account
 3.14.D1 Variable B1 Fund 2016-17 0.9571 0.0298
 24779 Current Year 2017-18 0.6146 0.0264

Normal for: 3/27/2018 Fringe Rates: DAR
 CSEA 02/03/24 2.89
 P/F 15 2.89
 M/C 06 40.00
 2.895 1.00
 Current 95
 U/P

Cash Flow Check
 20,347,826.86 Carry-in
 7,223,473.19 Current Deb
 5,616,297.81 EndBalance
 25,965,000.00 Revenue
 25,965,000.00 Fringe

Allocation Segregation
 43,000

Program	Current		Carry-in		YTD	Revenue												YTD Total	Estimated Total				
	Approp	Allocation	April	May		June	April	May	June	July	August	September	October	November	December	January	February			March	Carry Out		
Account PS	3,501,000	3,501,000	88,172	0	0	88,172	207,472	379,487	254,304	255,036	257,803	258,717	265,402	397,666	292,836	260,607	261,136	251,516	91,068	3,419,365	5,616,288	5,616,288	
Regular - FR	140,000	140,000	525	0	0	525	4,667	6,710	7,675	7,245	7,432	7,490	7,624	10,114	8,151	7,767	7,777	7,821	8,845	13,704	21,330	21,330	21,330
Temp - FT	2,000	2,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OT/Rel - PO	3,859,000	3,859,000	88,106	0	0	88,106	213,187	387,330	263,700	267,756	270,228	270,228	278,284	408,222	272,209	268,291	271,567	276,162	86,220	3,545,138	3,545,138	3,545,138	3,545,138
Program NPS	138,000	150,500	0	7,171	2,982	10,785	0	0	0	19,802	8,041	30,193	9,931	11,686	19,218	10,892	13,626	16,834	149,026	149,026	149,026	149,026	149,026
Sup & Mat's - SM	70,000	68,500	375	1,113	572	2,060	0	0	0	654	2,090	3,654	5,340	4,863	22,810	5,340	10,884	1,539	2,621	56,853	56,853	56,853	56,853
Travel - TR	280,000	282,000	238	0	0	238	0	0	27	27,640	53,289	27,343	1,893	22,810	5,340	10,884	1,539	2,621	157,652	157,652	157,652	157,652	157,652
Contractual Serv - CS	180,000	180,000	0	0	0	0	0	0	0	0	0	0	0	0	310	16,246	148	379	20,349	20,349	20,349	20,349	20,349
Program NPS Total	584,000	584,000	761	14,364	3,582	18,707	0	1,600	807	51,833	80,131	66,770	12,781	41,458	31,287	39,004	16,007	23,206	383,390	383,390	383,390	383,390	383,390
* Support MBRS	169,800	169,800	0	0	0	0	0	250	0	590	0	50	425	269	0	645	2,775	1,090	5,634	5,634	5,634	5,634	5,634
* Support Dis/Dept	1,400	1,400	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,399	0	1,399	1,399	1,399	1,399	1,399
* Support Ops	2,600	2,600	0	0	0	0	0	128	271	199	238	107	30	53	0	299	36	52	608	608	608	608	608
* Support AM	6,100	6,100	0	0	0	0	0	0	0	0	0	0	0	0	0	6,084	0	0	6,084	6,084	6,084	6,084	6,084
* Support O/C	21,100	21,100	0	0	0	0	0	0	0	0	0	0	1,035	1,400	0	302	0	0	2,737	2,737	2,737	2,737	2,737
* Support Permits	1,853,250	1,853,250	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
* EPC	1,853,250	1,853,250	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
* Support Centers	1,294,250	1,294,250	0	1,722	0	1,722	0	206,269	79,523	59,948	66,865	17,599	74,365	49,792	14,417	75,975	30,120	86,674	762,171	762,171	762,171	762,171	762,171
* Support NPS Total	1,848,250	1,848,250	0	1,722	3,882	18,791	0	206,647	80,885	59,157	66,104	18,791	76,959	52,139	14,417	83,206	34,330	87,886	781,311	781,311	781,311	781,311	781,311
NPS TOTAL (NO CS)	1,848,250	1,848,250	761	16,086	3,882	20,429	0	208,247	81,691	110,989	146,235	85,580	88,739	93,996	45,704	122,510	50,337	111,161	1,155,301	1,155,301	1,155,301	1,155,301	1,155,301
CS Chargeback	0	10,000	0	0	0	0	0	0	0	0	0	0	502,318	0	0	588,569	0	0	8,569	501,889	501,889	501,889	501,889
Fringe - 50	2,265,000	2,265,000	480,327	0	0	480,327	0	0	0	0	0	0	0	0	0	25,275	0	0	21,642.94	84,395	84,395	84,395	84,395
Cost Alloc - 58	109,000	109,000	22,363	0	0	22,363	0	0	0	0	0	0	0	0	0	25,275	0	0	21,642.94	2,261,739	2,261,739	2,261,739	2,261,739
Dept of Health	774,000	774,000	0	0	0	0	48,359	46,016	86,710	93,195	86,139	98,031	95,145	91,882	33,160	37,001	31,498	126,697	715,699	715,699	715,699	715,699	715,699
Empire State Dev	387,000	387,000	0	0	0	0	57,905	56,821	107,668	40,321	121,011	37,204	98,348	72,488	40,384	44,203	37,226	7,203	37,226	157,479	157,479	157,479	157,479
Total Disbursements	\$9,650,250	\$9,650,250	\$602,577	\$15,086	\$3,882	\$822,245	\$21,091	\$62,298	\$451,059	\$419,067	\$1,157,544	\$91,019	\$63,257	\$74,106	\$58,397	\$1,048,879	\$90,627	\$27,827	\$7,851,718	\$7,851,718	\$7,851,718	\$7,851,718	\$7,851,718

Updated Cash Flow Report for SFY 2015/2016

MONTHLY REPORT WORKSHEET

March 2016

OPERATING PERMIT PROGRAM ACCOUNT						Fringe Rates	CAR
314-01 Variable B1	Fund	21451	Carryin	2014-15	0.5686	0.0331	
	Program	24779	Current Year	2015-16	0.5588	0.033	

Normal for: 3/23/2016

Salaries # of Positions

CSEA 02/03/04

PEF 05

M/C 06

Cash Flow Check

Beg Balance:	-19,996,629.91	Carry-in	595,063.04
Interest:	-38,641.41	Current Disb	6,801,446.02
Rev/Transfer	0.00		
Revenue:	7,989,987.56	EndBalance:	-19,199,592.82
Fines:	242,200.00		
DOH Peard/Teard:	0.00		
DOH Peard/Teard:	42.00		

Revenue

April	May	June	July	August	September	October	November	December	January	February	March	YTD Total	Estimated Total
4,274	212	3,049	0	0	203,713	6,853,715	812,885	53,677	50,220	4,718	3,525	7,989,988	7,989,988
22,200	10,000	12,000	700	186,500	7,100	1,500	1,500	0	500	0	200	242,200	242,200
0	0	0	0	0	0	273	-273	0	251	-251	0	0	0
-2,087	-1,862	-2,072	-2,279	-2,676	-2,885	-3,021	-3,172	-2,094	-3,649	-6,097	-6,748	(38,641)	(38,641)
24,387	8,350	12,977	-1,579	183,824	207,927.94	6,852,466.71	810,940.39	51,583.29	47,321.27	-1,630.15	-3,022.49	8,193,546.15	8,193,546.15

Allocation Segregation

Account PS	Program Allocation	Current Segregation	Carry-in			YTD	Disbursements												YTD	Actual Thru 3/31	Allocation Departure	
			April	May	June		April	May	June	July	August	September	October	November	December	January	February	March				
Regular - PR	3,485,000	3,408,000	47,486	0	0	47,486	240,285	243,113	248,404	359,004	239,511	243,287	240,388	237,320	357,018	238,428	245,081	256,317	3,195,641	3,195,641	289,359	
Temp - PT	73,500	56,000	4,830	0	0	4,830	11,411	10,478	10,637	10,986	10,431	9,059	12,126	7,505	7,581	7,295	10,803	10,803	120,446	120,446	-46,946	
OT/Hol - PO	97,900	78,000	274	0	0	274	362	882	957	1,022	2,300	1,951	652	1,285	2,468	780	354	1,853	15,139	15,139	82,761	
PS TOTAL	3,656,400	3,542,000	52,590	0	0	52,590	252,058	254,473	259,998	371,011	252,243	254,298	253,166	246,110	367,067	246,502	252,737	268,973	3,331,226	3,331,226	325,174	
Program NPS																						
Sup & Mat'ls - SM	144,050	144,050	4,379	521	1,331	6,230	6	30	34,523	490	53,054	15,555	0	13,637.25	42,214	6,678	9,232	-12,452	169,198	169,198	-25,148	
Travel - TR	62,000	62,000	344	3,841	731	4,916	0	194	1,516	7,753	6,462	9,777	45	3,703.76	8,910	6,064	990	3,072	53,406	53,406	8,594	
Contractual Serv - CS	299,150	299,150	4,946	930	1,382	7,259	0	0	2,689	2,062	1,757	14,326	765	1,739.08	4,302	5,502	32,122	40,171	112,694	112,694	186,456	
Equipment - EQ	88,000	88,000	0	0	0	0	0	0	197	0	0	0	0	1,322	1,378.27	-1,018	0	2,420	4,299	4,299	83,701	
Program NPS Total	593,200	593,200	9,669	5,293	3,444	18,405	6	224	38,729	10,503	61,273	39,659	2,132	20,458	54,408	18,244	42,345	33,211	339,597	339,597	253,603	
+ Support MBS	169,800	169,800	0	0	0	0	0	0	0	0	2,708	140	960	0	2,260	570	3,146	9,784	9,784	160,016		
+ Support DIS/Dept	20,200	20,200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20,200		
+ Support Ops	1,400	1,400	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,400		
+ Support Reg Aff.	2,600	2,600	0	0	0	0	0	15	0	57	0	0	86	90	0	497	161	906	906	1,694		
+ Support OGC	6,100	6,100	0	373	0	373	0	0	0	0	0	0	0	0	0	4,046	0	4,419	4,419	1,681		
+ Support Permits	21,100	21,100	0	0	0	0	0	483	0	453	206	0	0	299	0	299	0	1,441	1,441	19,659		
+ EFC	446,400	446,400	46,773	33,045	0	79,817	0	0	19,421	28,050	37,826	23,468	0	0	22,099	23,706	0	234,388	234,388	212,012		
+ CS Chargeback	1,063,250	1,063,250	0	0	1,139	1,139	0	0	0	0	0	0	0	0	0	0	0	7,056	7,056	-7,056		
+ Leases/Centrex	1,063,250	1,063,250	0	0	1,139	1,139	0	284,104	103,791	42,505	16,147	0	90,005	0	418,409	70,992	-242,390	784,702	784,702	278,548		
+ Support NPS Total	1,730,850	1,730,850	46,773	33,418	1,139	81,329	0	15	304,009	131,898	80,784	42,528	140	91,051	22,488	444,375	76,105	-232,026	1,042,696	1,042,696	688,154	
NPS TOTAL	2,324,050	2,324,050	56,441	38,711	4,583	99,735	6	239	342,738	142,401	142,057	82,187	2,272	111,509	76,896	462,619	118,450	-198,816				
Fringe - 60	2,113,000	1,584,750	0	421,959	0	421,959	0	0	0	0	453,978	0	0	490,376	0	0	484,112	0	1,850,425	1,850,425	262,575	
Cost Alloc. - 58	121,000	91,000	0	20,779	0	20,779	0	0	0	0	20,554	0	0	22,202	0	0	21,918	0	85,454	85,454	35,546	
																			1,935,879	1,935,879	298,121	
Dept. of Health	773,600	774,000	0	0	0	0	83,405	27,665	27,710	42,866	74,756	34,165	28,638	82,807	44,333	29,536	83,773	40,870	600,525	600,525	173,075	
Empire State Dev.	385,000	385,000	0	0	0	0	10,332	6,928	6,928	10,392	6,928	6,928	6,928	6,928	10,392	6,928	60,046	6,928	146,586	146,586	238,414	
							93,738	34,593	34,638	53,258	81,684	41,093	35,566	89,735	54,725	36,464	143,819	47,798	747,111	747,111	411,489	
Total Disbursements	\$9,966,250	\$9,294,000	\$109,031	\$481,449	\$4,583	\$595,063	345,802	289,305	637,375	566,670	950,515	377,578	291,004	959,932	498,688	745,585	1,021,037	117,956	7,396,509	7,396,509	1,976,541	

OPERATING PERMIT PROGRAM ACCOUNT

Cash Flow for FY 2015-16

Actual/Projected Revenues and Disbursements

	April Actual	May Actual	June Actual	July Actual	August Actual	September Actual	October Actual	November Actual	December Actual	January Actual	February Actual	March Actual	Total Revenues / Disbursements
Opening Balance (4/1)	(19,996,630)	(20,427,075)	(21,189,480)	(21,818,460)	(22,386,709)	(23,153,400)	(23,323,050)	(16,761,588)	(16,910,579)	(17,357,684)	(18,055,948)	(19,078,615)	
Total Revenue	24,387	8,350	12,977	(1,579)	183,824	207,928	6,852,467	810,940	51,583	47,321	(1,630)	(3,022)	8,193,546
Disbursements													0
Personal Service	304,648	254,473	259,998	371,011	252,243	254,298	253,166	246,110	367,067	246,502	252,737	268,973	3,331,226
Nonpersonal Service	56,447	38,950	347,322	142,401	142,057	82,187	2,272	111,509	76,896	462,619	118,450	(198,816)	1,382,293
Fringe Benefits	0	421,959	0	0	453,978	0	0	490,376	0	0	484,112	0	1,850,425
Cost Allocation Recovery	0	20,779	0	0	20,554	0	0	22,202	0	0	21,918	0	85,454
Suballocations (DOH/ESD)	93,738	34,593	34,638	53,258	81,684	41,093	35,566	89,735	54,725	36,464	143,819	47,798	747,111
Total Disbursements	454,833	770,754	641,958	566,670	950,515	377,578	291,004	959,932	498,688	745,585	1,021,037	117,956	7,396,509
Transfer to General Fund	0	0	0	0	0	0	0	0	0	0	0	0	0
Cash Balance (3/31)	(20,427,075)	(21,189,480)	(21,818,460)	(22,386,709)	(23,153,400)	(23,323,050)	(16,761,588)	(16,910,579)	(17,357,684)	(18,055,948)	(19,078,615)	(19,199,593)	

ATTACHMENT 6

**NYSDEC Operating Permit Information from Cash Flow Reports
in EPA's table**

**Responses from NYSDEC on NYSDEC Operating Permit Program
Account and Operating Permit Level of Effort**

Table 3 - Fees Information for State Fiscal Years 2014/2015 through 2017/2018: Extracted from Operating Permit Program (OPP) Account Cash Flow Reports

Sate Fiscal Year	SFY 2014/2015	SFY 2015/2016	SFY 2016/2017	SFY 2017/2018	Comments
Total number of title V Sources which paid fees	398	402	390	384	<i>Provided by DEC</i>
Annual Emissions (tons) for which fees were paid	99,745	94,984	80,779	66,619	<i>Provided by DEC</i>
No. of FT Employees	41	42	42	43	<i>Provided by DEC</i>
Total Annual Fees Revenue Collected from title V Sources "R"	\$5,341,607	\$7,989,988	\$6,749,640	\$5,616,288	<i>Provided by DEC</i>
	(\$5,344,174)	(\$8,202,851)	(\$6,673,147)	(\$5,396,214)	<i>Extracted from Cash Flow Reports</i>
Expenses (or Disbursements) OPP <i>Extracted from Cash Flow Reports provided by NSDEC</i>					
Direct Costs/ DEC Personal Service or "PS"	\$3,438,513	\$3,331,226	\$3,513,869	\$3,545,198	
Direct Costs/ DEC Fringe Benefits	\$1,950,107	\$1,850,452	\$1,993,900	\$2,167,344	
Other Direct Costs DEC ("Program NPS" Total)	\$458,967	\$339,597	\$322,314	\$383,990	
Indirect Costs DEC [(Nonpersonal Service or "NPS" Total) + ("Cost Allocation Recovery") + (CS Chargebacks) - "Program NPS" Total) = (Indirect Costs DEC)]	\$1,539,746.38	\$1,128,150	\$1,072,799	\$875,606	
Total Expenses DEC or "TE DEC" [Direct Costs + Other Direct Costs + Indirect Costs]	\$7,387,333	\$6,649,425	\$6,821,021	\$6,978,740	
Indirect Costs DOH or "DOH"	\$622,939	\$600,525	\$749,844	\$715,499	
Indirect Costs SBP or "SBP"	\$254,843	\$146,586	\$163,594	\$157,479	
OPP Total Expenses (or Disbursements) or "TE" TE = TE DEC + DOH + SBP	\$8,256,115	\$7,396,509	\$7,821,381	\$7,851,718	
Difference Between "R" and "TE" or "B" [B= R - TE]	-\$2,911,941	\$806,342	-\$1,148,234	-\$2,455,504	
SFY Appropriations (General Fund) or "A"	\$9,326,600	\$9,559,000	\$9,598,000	\$9,751,000	
Difference Between "A" and "B" or what was left from Appropriations after covering for entire OPP "TE"	\$6,414,659	\$9,559,000	\$8,410,766	\$7,295,496	

Note/Question: Based on Table 3 “OPP Account”, for the following three SFYs: 2014/2015, 2016/2017 and 2017/2018, the Total Annual Fees Revenue or “R” collected from title V sources **did not cover** for the entire OPP Total Expenses or “TE” for the respective SFYs, which supported **41, 42 and 43** FTEs, and addressed 398, 390 and 384 title V subject sources. For SFY 2015/2016 the “R” covered for the entire “TE”.

- **To cover for the entire “TE” for the SFY 2014/2015, 2016/2017 and 2017/2018, the NYSDEC used funds from the SFY Appropriations. Please confirm if this assumption is correct.**

Response: This assumption is not entirely accurate. Appropriations are statutory authorizations against which expenditures may be made during a specific fiscal year. Disbursements for expenditures can be made up to the amount of the appropriation. They do not represent cash. DEC does not use funds from an appropriation. The funds are used from the Operating Permit Program Account (OPP). The appropriation is the statutory authorization for the OPP account.

- **Are the collected fee revenues deposited into the General Fund or a designated Title V Fee Account for future use?**

Response: All Title V fee revenue is deposited in the Operating Permit Program Account and used solely for Operating Permit Program expenses. The Operating Permit Program Account is designated for Title V purposes only.

Table 4 - Fees Information for State Fiscal Years 2014/2015 through 2017/2018: OPP Level of Effort Reports

Sate Fiscal Year	SFY 2014/2015	SFY 2015/2016	SFY 2016/2017	SFY 2017/2018	Comments
Total number of title V Sources which paid fees	398	402	390	384	<i>Provided by DEC</i>
Annual Emissions (tons) for which fees were paid	99,745	94,984	80,779	66,619	<i>Provided by DEC</i>
No. of FT Employees	96	97	95	90	<i>Provided by DEC</i>
Total Annual Fees Revenue Collected from title V Sources "R"	\$5,341,607	\$7,989,988	\$6,749,640	\$5,616,288	<i>Provided by DEC</i>
	(\$5,344,174)	(\$8,202,851)	(\$6,673,147)	(\$5,396,214)	<i>Extracted from Cash Flow Reports</i>
Expenses (or Disbursements) OPP					
Direct Costs/ DEC Personal Service "PS"	\$7,471,000	\$7,799,000	\$7,624,000	\$7,471,000	<i>Provided by DEC</i>
Direct Costs/ DEC Fringe Benefits	\$4,248,000	\$4,358,000	\$4,476,000	\$4,593,000	<i>Provided by DEC</i>
Indirect Costs DEC (Includes Indirect Costs + Nonpersonal Services) ("Program NPS" Total)	\$2,705,000	\$2,433,000	\$3,335,000	\$4,184,000	<i>[No details were provided on the components of Indirect Costs and Nonpersonal Services Costs to allow for refined separation of these costs into indirect or direct costs]</i>
Total Expenses DEC or "TE DEC" [Direct Costs + Other Direct Costs + Indirect Costs]	\$14,424,000	\$14,590,000	\$15,435,000	\$16,248,000	<i>Provided by DEC</i>
Indirect Costs DOH or "DOH"	\$622,000	\$600,000	\$750,000	\$715,000	<i>Provided by DEC</i>
Indirect Costs SBP or "SBP"	\$820,000	\$382,000	\$295,000	\$417,000	<i>Provided by DEC</i>
OPP Total Expenses (or Disbursements) or "TE" TE = TE DEC + DOH + SBP	\$15,866,000	\$15,572,000	\$16,480,000	\$17,380,000	<i>Provided by DEC</i>
Difference Between "R" and "TE" or "B"	-\$10,521,826	-\$7,549,149	-\$9,806,853	[To Insert]	
SFY Appropriations (General Fund) or "A"	\$9,326,600	\$9,559,000	\$9,598,000	\$9,751,000	
SUM ("R" + "A")	\$14,670,774	\$17,761,851	\$16,271,147	\$15,147,214	
Difference Between SUM ("R" + "A") and "TE"	-\$ 1,195,226	\$2,189,851	-\$208,853	[To Insert]	

Notes/Questions:

1. Based on Table 4 “OPP Level of Effort”, for the three SFY for which information was provided, SFY 2014/2015, 2015/2016 and 2016/2017, the Total Annual Fees Revenue collected from title V sources or “R” for which of the respective SFY **did not cover** the OPP Total Expenses or “TE” (for the Level of Effort), which supported **96, 97** and **95** FTEs, and addressed 398, 402 and 390 title V subject sources. For SFY 2015/2016 the OPP “TE” **could be covered** by using funds from the “R” and SFY Appropriations or “A”, combined.
 - **Please confirm whether the OPP “TE” (for the Level of Effort) for SFY 2015/2016 were covered by using a combination of “R” and “A” funds.**

Response: Appropriations are statutory authorizations against which expenditures can be made for the purposes designated. The Operating Permit Program Appropriation is the statutory authorization to disburse money from the Operating Permit Program Account. The appropriation number should not be added to revenue. The total expenses for SFY 2015/16 were not covered by the SFY 2015/16 revenue.

2. However, for SFY 2014/2015 and 2016/2017 the OPP “TE” (for the Level Effort) **could not be covered** by using funds from “R” and “A”, combined. From Table 4, the difference between the SUM of “R” and “A”, and “TE” (for the OPP Level of Effort) was: **negative \$ 1,195,226** for SFY 2014/2015, and **negative \$208,853** for SFY 2016/2017.
 - **Please confirm if the OPP “TE” (for the Level of Effort) for SFY 2014/2015 and 2016/2017 were covered, in part, by using a combination of “R” and “A” funds.**

Response: The total expenses for SFY 2014/15 and 2016/17 were covered by the combination of Title V fee revenue and General funds. There is not an appropriation for Title V from the General Fund, but rather there is loan language in Article VII (S7509-C/A9509-C) that allows the Operating Permit Program Account to maintain a negative cash balance in order to meet its expenses.

- **Please explain what funds have been used by NYSDEC (besides “R” and “A” funds) to cover for the entire OPP “TE” (for the OPP Level of Effort)?**

Response: Operating Permit Program Account funds and General Funds are used to cover the total expenses of the Operating Permit Program Level of Effort.

3. So far, it’s my understanding that the NSYDEC appears to allocate **55** more FTEs for SFYs 2014/2015 and 2015/2016, and **53** more FTEs for SFY 2016/2017 than the number of FTEs which are used to calculate the OPP Total Expenses paid from the OPP Account (Cash Flow Reports), while calculating the OPP Total Expenses or “TE” (for the OPP Level of Effort)

- **Please confirm that the additional number of FTEs, which are mentioned above, or the number of FTEs which appear in Table 4 above, which are: 96, 97 and 95, are indeed FTEs (or calculated equivalent FTEs).**

Response: The FTEs supporting the level of effort for SFY 2014/15 were 96, for SFY 2015/16 were 97 and for SFY 2016/17 were 95.

4. **Please explain the difference between the FTEs in the Cash Flow Reports and the FTEs in the Level of Effort. What is the purpose of reporting 2 different sets of FTEs? Which set reflects the total number of full time staff (at Albany and all 9 regions) that work under the OPP.**

Response: The FTEs that are paid by the Operating Permit Program Account were 41, 42, 42 and 43 for their respective years. The FTEs calculated for the Level of Effort represent the actual amount of Title V work performed. There are staff who perform Title V work and are paid by the General Fund. The Title V Level of Effort is calculated using the Time Distribution System data. Staff working on Title V activities code their time to Title V task codes regardless of what fund is used to pay their salary.

5. Based on 6 NYCRR Part 482-2.4 Annual fee and fee calculation, and, also, confirmed by the NYSDEC, for the SFY 2017/2017 the actual OPP account balance is **negative \$20,347,827**.

- **Was this deficit calculated based on the OPP Total Expenses or “TE” for the OPP Level of Effort?**

Response: The deficit represents the cash expenses against the Operating Permit Program Account, and not the Level of Effort costs.

6. **Please explain why isn’t the OPP Account (which is associated with the Cash Flow Reports) the solely account for administering the Total Annual Fees Revenue collected from title V sources or “R”, and, also, for all corresponding OPP “TE”?**

Response: Fees collected from Title V facilities are deposited only in the Operating Permit Program account. The General Fund covers a portion of the Level of Effort costs.

7. **If, the assumptions made in Table 4 regarding the way the NYSDEC covered the OPP “TE” (for OPP Level of Effort) are not correct, please provide a detailed explanation on how does NYSDEC cover the OPP “TE” (OPP Level of Effort).**

Response: Both the Operating Permit Program Account, which is the depository for all Title V fee revenue, and the General Fund pay for Level of Effort costs.

8. **Please confirm if the following statement from the 2014 EPA’s Audit Report is still valid, or provide an explanation why the statement is not entirely valid or accurate.**

“All fees collected are deposited into the Operating Permit Program Account of the New York State Clean Air Fund, established by the State Finance Law. However, money from this account is not directly disbursed to pay for the costs of administering the title V program. At the beginning of each fiscal year, money appropriated from the General Fund account is used to pay for title V expenses. This account is reimbursed with title V money as the fee revenue is received. Without the title V appropriation, expenses cannot be paid until a sufficient amount of title V fees are collected. In essence, the title V appropriation is needed to bridge funding gaps that occur before the fee revenue is received and to pay for title V expenses when the title V fee revenue for the fiscal year runs out.”

Response: This explanation is still partially true. The general fund covers all costs from the start of the state fiscal year in April until Title V fee revenue is received in September. Revenues are deposited in the Operating Permit Program account and thereby decrease some of the deficit in that account. However, since 2014 the negative balance in the OPP account is large enough that revenue collected from Title V fees will no longer bring the account into balance. Consequently, the general fund continually subsidizes the OPP Account.

9. **Please confirm whether or not the following statement is correct:**

“The Annual Appropriations from the General Fund, which is allocated to the NYSDEC each year for title V program expenses, do not have to be paid back. This is because the NY State decided to cover the additional costs of title V program, which cannot be covered by the title V revenues. Also, the law does not allow to repay the money from the General Fund as there is no mechanism set up in the current NY State law for repaying the title V Appropriations from the General Fund.”

Response: This statement is correct. Loan language is included as part of the Enacted Budget each fiscal year which allows expenditures from the OPP account even when there is an insufficient cash balance. As an example, 2018-19 loan language is in the Revenue Article VII bill (S7509-C/A9509-C) Part BBB Section 1:

“The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:”

Then there is a list of eligible funds/accounts including:

“20. Operating permit program account (21451).”

Table 1- Fees Information for State Fiscal Years 2013 through 2017/2018 and Cash Flow Reports Information

Sate Fiscal Year	Total number of title V Sources which pay fees	Annual Emissions (tons) for which fees were paid	Annual Fees Revenue Collected from title V Sources "R"	Actual Title V Permit Program Expenses "E" [E= DEC + SBP*+DOH**]	Operating Permit Program Account Cash Flow Tables Total Disbursements "TD" *** (OR Actual Title V Permit Program Expenses "E") [TD = DEC (or PS+NPS+FB+CAR) **** + SPB+DOH]	State Fiscal Year Appropriation Amount	Beginning of State Fiscal Year title V Account Balance
2013/2014	403	107,455	\$6,079,140	E \$15,366,000 DEC \$14,329,000 SPB \$327,000 DOH \$710,000	No data	\$8,989,600	Negative \$15,184,879
2014/2015	398	99,745	\$5,341,607 \$5,344,174*****	<u>E \$15,866,000</u> DEC \$14,424,000 SPB \$820,000 DOH \$622,000	<u>TD \$8,256,115</u> DEC \$7,387,333 SPB \$245,843 DOH \$622,939	\$9,326,600	Negative \$17,084,690
2015/2016	402	94,984	\$7,989,988 \$8,202,851*****	<u>E \$15,572,000</u> DEC \$14,590,000 SPB \$382,000 DOH \$600,000	<u>TD \$7,396,509</u> DEC \$6,649,398 SPB \$146,586 DOH \$600,525	\$9,559,000	Negative \$19,996,630
2016/2017	390	80,779	\$6,749,640 \$6,673,147*****	<u>E \$16,480,000</u> DEC \$15,435,000 SPB \$295,000 DOH \$750,000	<u>TD \$7,821,381</u> DEC \$6,907,943 SPB \$163,594 DOH \$749,844	\$9,598,000	Negative \$19,199,593
2017/2018	384	66,619	\$5,616,288 \$5,396,214***** R = [Fees collected for actual emissions] + [annual base fee of \$2,500 per each facility]	E \$17,380,000 DEC \$16,248,000 SPB \$417,000 DOH \$715,000	<u>TD \$7,851,718</u> DEC \$6,978,740 SPB \$157,479 DOH \$715,499	\$9,751,000	Negative \$20,347,827

*SBP: Small Business Program. In Cash Flow Tables, SBP is identified as Empire State Development or ESD

**DOH: Department of Health

*** TD = Total Disbursements has the same meaning as Program Expenses "E";

****DEC = PS+NPS+FB+CAR, where PS = Personal Service; NPS = Nonpersonal Service; FB = Fringe Benefits; CAR = Cost Allocation Recovery

***** Annual Total Fees Revenue from Cash Flow Tables

ATTACHMENT 7

**NYSDEC Operating Permit Program – Operating Permit
Program Level of Effort SFY 2014 through SFY 2018**

TABLE 1

ACTUAL SFY 2014/15 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,471,000	4,248,000	2,239,000	466,000	14,424,000
EFC	0	0	0	574,000	574,000
DOH	349,000	200,000	0	73,000	622,000
ESD	104,000	133,000	9,000	0	246,000
Total:	\$7,924,000	\$4,581,000	\$2,248,000	\$1,113,000	\$15,866,000

PROJECTED SFY 2015/16 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,065,000	3,830,000	3,605,000	456,000	14,956,000
EFC	0	0	0	446,000	446,000
DOH	365,000	204,000	0	78,000	647,000
ESD	200,000	87,000	12,000	85,000	384,000
Total:	\$7,630,000	\$4,121,000	\$3,617,000	\$1,065,000	\$16,433,000

PROJECTED SFY 2016/17 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,065,000	3,830,000	3,605,000	456,000	14,956,000
EFC	150,000	0	0	0	150,000
DOH	379,000	212,000	0	78,000	669,000
ESD	200,000	87,000	12,000	85,000	384,000
Total:	\$7,794,000	\$4,129,000	\$3,617,000	\$619,000	\$16,159,000

TABLE 1

ACTUAL SFY 2015/16 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,799,000	4,358,000	2,086,000	347,000	14,590,000
EFC	0	0	0	234,000	234,000
DOH	366,000	202,000	0	32,000	600,000
ESD	93,000	54,000	1,000	0	148,000
Total:	\$8,258,000	\$4,614,000	\$2,087,000	\$613,000	\$15,572,000

PROJECTED SFY 2016/17 OPP LEVEL OF EFFORT

	Personal Services	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	6,807,000	3,758,000	3,412,000	524,000	14,501,000
EFC	0	0	0	131,000	131,000
DOH	419,000	246,000	0	122,000	787,000
ESD	180,000	100,000	10,000	95,000	385,000
Total:	\$7,406,000	\$4,104,000	\$3,422,000	\$872,000	\$15,804,000

PROJECTED SFY 2017/18 OPP LEVEL OF EFFORT

	Personal Services	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	6,875,000	3,795,000	3,414,000	524,000	14,608,000
EFC	0	0	0	0	0
DOH	436,000	256,000	0	122,000	814,000
ESD	184,000	100,000	6,000	95,000	385,000
Total:	\$7,495,000	\$4,151,000	\$3,420,000	\$741,000	\$15,807,000

TABLE 1

ACTUAL SFY 2016/17 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,624,000	4,476,000	3,012,000	323,000	15,435,000
EFC	0	0	0	131,000	131,000
DOH	436,000	246,000	0	68,000	750,000
ESD	97,000	55,000	3,000	9,000	164,000
Total:	\$8,157,000	\$4,777,000	\$3,015,000	\$531,000	\$16,480,000

PROJECTED SFY 2017/18 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,322,000	4,502,000	3,725,000	536,000	16,085,000
EFC	175,000	88,000	66,000	60,000	389,000
DOH	445,000	273,000	0	56,000	774,000
ESD	215,000	110,000	12,000	50,000	387,000
Total:	\$8,157,000	\$4,973,000	\$3,803,000	\$702,000	\$17,635,000

PROJECTED SFY 2018/19 OPP LEVEL OF EFFORT

	Personal Service	Fringe Benefits	Indirect Costs	Nonpersonal Services	Total
DEC	7,542,000	4,637,000	3,836,000	536,000	16,551,000
EFC	175,000	88,000	66,000	60,000	389,000
DOH	453,000	279,000	0	71,000	803,000
ESD	215,000	110,000	12,000	50,000	387,000
Total:	\$8,385,000	\$5,114,000	\$3,914,000	\$717,000	\$18,130,000

ATTACHMENT 8

**Semi-Annual Title V Permit Data Report New York State
January 1st, 2018 – June 30th, 2018**

Semi-Annual Title V Permit Data Report
New York State
January 1st, 2018 – June 30th, 2018

1. *Outstanding Permit Issuance*
 - a. number of final actions: **0**.
 - b. total commitment universe: **0**.
 - c. Date commitment complete: **n/a**

2. *Total Current Part 70 Source Universe and Permit Universe*
 - a. number of active part 70 sources with permits and number of part 70 sources that have not yet obtained part 70 permits: **371**.

 - b. number of part 70 sources that have applied to obtain a synthetic minor restriction in lieu of a part 70 permit, and the part 70 programs permit application due dates for those sources have passed: **0**.

 - c. Total number of current part 70 sources: **371**.

 - d. Total number of active part 70 sources with more than one Title V permit: **four facilities with two Title V permits and one facility with three Title V permits**.

3. *Total number of active (i.e., issued) part 70 permits: 364.*

4. *Timeliness of Initial Permits (PART element)*
 - a. Total number of initial part 70 permits issued during the 6 month reporting period: **0**.
 - b. Number of initial part 70 permits finalized during the 6 month reporting period that were issued within 18 months: **0**.

5. *Total Outstanding Initial Part 70 Applications*

The number of active initial part 70 applications older than 18 months: **4**.

6. *Outstanding Renewal Permit Actions*
 - a. Total number of expired permits for active part 70 sources: **7**.
 - b. Total number of active permits with terms extended past 5 years: **80**.

7. *Timeliness of Significant Modifications (PART element a and b only)*

a. Total number of significant modifications issued during 6 month reporting period: **4**.

b. Number of significant modifications finalized during 6 month reporting period that were issued within 18 months: **3**.

c. Number of significant modifications finalized during 6 month reporting period that were issued within 9 months: **1**

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8 *Outstanding Significant Permit Modifications*

Total number of active significant modification applications older than 18 months: **5**.

ATTACHMENT 9

July 16, 2018 Meeting Agenda

July 16, 2018 Meeting Attendees List

New York Title V Program Audit Meeting

July 18, 2018; 8:00 am – 2:00 pm

Agenda

1. Fees

- FTE (Total FTE, FTE by Regional Offices/HQ) FY18 or FY15-18
- State FY Annual Appropriations (How is the annual appropriation amount determined?)
- Loan from General Fund (What is the loan repayment schedule?)
- Actual Expense Reports FY 2014/2015 through FY 2017/2018 (Activities that count as direct labor costs, other direct costs, indirect costs)
- Title V Backlog (Types of permits mostly affected by backlog, main reason for backlog)
- DOH Activities (Confirmation - all DOH activities funded from title V funds are related to title V activities)
- Additional Fee Revenues Ideas

2. Public Notice

- Document changes made in the draft permit

3. Permit Review Report

- Document changes made in draft permit
- Emissions summary
- Section for “Non-applicable state and federal regulations”
- Document applicable regulations
- Emission sources description

4. Permit Application

- Provide Timely Permit Applications to EPA
- Application Content

5. Draft Permit

- Web Version of Draft Permit
- Include Non-Delegated Federal Standards
- Emission Caps

6. Respond to EPA Comments

7. Case By-Case RACT Determinations

8. EPA’s ACB-Comments on the Enforceability of Permit Conditions

9. Exempt Activities

10. Delegation of Federal Regulations

11. Synchronized 30-day Public Review/EPA 45-day Review of Title V Permits

- Effect on reducing permit review times
- Discussion on potential implementation agreement

New York Title V Program Audit Meeting

July 18, 2018; 8:00 am – 2:00 pm

List of Attendees

Name	Organization	Phone/E-mail address
Bob Stanton	NYSDEC	robert.stanton@dec.ny.gov
Rich McAuley	NYSDEC	richard.mcauley@dec.ny.gov
Kris Kelly	NYSDEC	Kristine.Kelly@dec.ny.gov
Mark Lanzafame	NYSDEC	mark.lanzafame@dec.ny.gov
Viorica Petriman	EPA	petriman.viorica@epa.gov
Cathy Jo Rogers	NYSDEC	cathyjo.rogers@dec.ny.gov
Jim Coustant	NYSDEC	james.coustant@dec.ny.gov
KENNETH NEWKIRK	NYSDEC	kenneth.newkirk@dec.ny.gov
James E. Hogan III	NYSDEC - BQA	james.hogan@dec.ny.gov
Mike Cronin	NYSDEC - BQSS	Michael.Cronin@dec.ny.gov

ATTACHMENT 10

NYSDEC Title V Program Cumulative Deficit as of April 1, 2018

**Email and attachment, dated February 12, 2019 from NYSDEC to
EPA**

Petriman, Viorica

From: Rogers, CathyJo (DEC) <cathyjo.rogers@dec.ny.gov>
Sent: Tuesday, February 12, 2019 10:47 AM
To: Petriman, Viorica; Stanton, Robert J (DEC)
Cc: Kelly, Kristine (DEC)
Subject: RE: Cumulative deficit as of April 1, 2018?
Attachments: NYGL0428 for April 30 2018.JPG

Viorica – do you mean the cash balance of the Operating Permit Program Account as of April 1, 2018? It is negative \$22,803,330.98. See attached screen shot of the NYGL0428. Let us know if you need anything else.

Cathy Jo Rogers
NYSDEC Division of Air Resources
625 Broadway
Albany NY 12233-3258
518-402-8401
cathyjo.rogers@dec.ny.gov

From: Petriman, Viorica <Petriman.Viorica@epa.gov>
Sent: Tuesday, February 12, 2019 9:37 AM
To: Stanton, Robert J (DEC) <robert.stanton@dec.ny.gov>
Cc: Rogers, CathyJo (DEC) <cathyjo.rogers@dec.ny.gov>; Kelly, Kristine (DEC) <kristine.kelly@dec.ny.gov>
Subject: Cumulative deficit as of April 1, 2018?

Hello Bob,

Do you have the cumulative deficit info as of April 1, 2018?

Thanks, Viorica

State of New York
 Statewide Financial Systems
 Fund Ledger (Cash Basis)

Journal Date	Business Unit	Journal Id	Revenue	Disbursements	Transfers	Liabilities	Assets	Cash Balance
04/07/2018	NYS01	CSH3404297	(7,631.43)	0.00	0.00	0.00	0.00	5,671,990.53
04/30/2018	Ending Balance							5,671,990.53
Total for Fund: 21451			(7,631.43)	0.00	0.00	0.00	0.00	
Total for Major Fund: CHRT_SCHOOL_STIMULUS			(7,631.43)	0.00	0.00	0.00	0.00	

Major Fund: CLEAN_AIR Fund: 21451 OPERATING PERMIT PROGRAM

04/01/2018	Beginning Balance		0.00	0.00	0.00	0.00	0.00	(22,803,330.98)
04/04/2018	DEC01	PAY3401219	0.00	131,700.71	(131,700.71)	0.00	0.00	(22,803,330.98)
04/04/2018	DED01	PAY3401221	0.00	3,601.71	(3,601.71)	0.00	0.00	(22,803,330.98)
04/04/2018	DOH01	PAY3401237	0.00	11,064.79	(11,064.79)	0.00	0.00	(22,803,330.98)
04/04/2018	NYS01	PAY3401295	0.00	0.00	131,700.71	0.00	0.00	(22,935,031.69)
04/04/2018	NYS01	PAY3401296	0.00	0.00	3,601.71	0.00	0.00	(22,938,633.40)
04/04/2018	NYS01	PAY3401304	0.00	0.00	11,064.79	0.00	0.00	(22,949,698.19)
04/07/2018	NYS01	CSH3404297	30,413.24	0.00	0.00	0.00	0.00	(22,980,111.43)
04/10/2018	DEC01	CSH3405959	(4,339.20)	0.00	0.00	0.00	0.00	(22,975,772.23)
04/10/2018	DEC01	CSH3407036	0.00	0.00	4,339.20	0.00	0.00	(22,980,111.43)
04/10/2018	NYS01	CSH3407052	0.00	0.00	(4,339.20)	0.00	0.00	(22,975,772.23)
04/11/2018	DEC01	CSH3407672	0.00	1,243.97	0.00	0.00	0.00	(22,977,016.20)
04/11/2018	DEC01	CSH3408571	0.00	0.00	(1,243.97)	0.00	0.00	(22,975,772.23)
04/11/2018	NYS01	CSH3408586	0.00	0.00	1,243.97	0.00	0.00	(22,977,016.20)
04/12/2018	DEC01	CSH3410111	0.00	143.53	(143.53)	0.00	0.00	(22,977,016.20)
04/12/2018	DEC01	PAY3409534	0.00	3,784.89	(3,784.89)	0.00	0.00	(22,977,016.20)
04/12/2018	NYS01	CSH3410121	0.00	0.00	143.53	0.00	0.00	(22,977,159.73)
04/12/2018	NYS01	PAY3409613	0.00	0.00	3,784.89	0.00	0.00	(22,980,944.62)
04/17/2018	DEC01	CSH3414951	0.00	168.00	(168.00)	0.00	0.00	(22,980,944.62)
04/17/2018	NYS01	CSH3415059	0.00	0.00	168.00	0.00	0.00	(22,981,112.62)
04/18/2018	DEC01	CSH3416925	0.00	2,024.09	(2,024.09)	0.00	0.00	(22,981,112.62)
04/18/2018	DEC01	PAY3416166	0.00	179,670.13	(179,670.13)	0.00	0.00	(22,981,112.62)
04/18/2018	DED01	PAY3416168	0.00	6,101.71	(6,101.71)	0.00	0.00	(22,981,112.62)
04/18/2018	DOH01	PAY3416210	0.00	9,296.25	(9,296.25)	0.00	0.00	(22,981,112.62)
04/18/2018	NYS01	CSH3416932	0.00	0.00	2,024.09	0.00	0.00	(22,983,136.71)
04/18/2018	NYS01	PAY3416408	0.00	0.00	179,670.13	0.00	0.00	(23,162,806.84)
04/18/2018	NYS01	PAY3416409	0.00	0.00	6,101.71	0.00	0.00	(23,168,908.55)
04/18/2018	NYS01	PAY3416417	0.00	0.00	9,296.25	0.00	0.00	(23,178,204.80)
04/19/2018	DEC01	CSH3418738	0.00	367.31	(367.31)	0.00	0.00	(23,178,204.80)
04/19/2018	NYS01	CSH3418751	0.00	0.00	367.31	0.00	0.00	(23,178,572.11)

Attachment 11

6 NYCRR Part 201-3, Filed June 7, 1996

6 NYCRR Part 201-6, Filed June 7, 1996

SUBPART 201-3

EXEMPTIONS AND TRIVIAL ACTIVITIES

Sec.	
201-3.1	Applicability
201-3.2	Exempt activities
201-3.3	Trivial activities

Historical Note

Subpart (§§ 201-3.1 — 201-3.3) filed June 7, 1996 eff. 30 days after filing.

§ 201-3.1 Applicability.

(a) *State regulated sources exempt from permit.* An owner and/or operator of any of the exempt or trivial activities listed in this Subpart is exempt from the registration and permitting provisions of Subparts 201-4 and 201-5 of this Part respectively, but not from other Parts of this Title, or from applicable registration and/or permitting requirements of local air pollution control agencies.

(b) *Exempt and trivial activities at title V sources.* Owners and/or operators of stationary sources subject to Subpart 201-6 of this Part may consider the activities listed under section 201-3.2 of this Subpart to be exempt activities unless such activities are subject to an applicable requirement. Exempt activities must be listed in the title V permit application but are exempt from the provisions of this Part. Trivial activities listed under section 201-3.3 of this Subpart are exempt from the provisions of this Part and do not have to be listed in the title V permit application. Exempt and trivial activities may be subject to other Parts of this Title. Trivial activities that are subject to an applicable requirement are not exempt from this Part.

(c) *Prohibition on exempting sources subject to title V and new source review.* Except as provided under such air program requirements, no source owner and/or operator may omit emissions from exempt or trivial activities from emission calculations to determine if a stationary source is subject to:

- (1) title V facility permitting; and/or
- (2) new source review pursuant to Subpart 231-2 of this Title; and/or
- (3) prevention of significant deterioration as incorporated by reference in Part 200 of this Title.

(d) *Currently permitted emission units.* Owners and/or operators of emission sources or units operating pursuant to valid certificates to operate that are eligible for exemption pursuant to this Subpart will be exempted as of the effective date of this Part.

(e) *Permits for previously exempted emission units.* The owner and/or operator of a source or unit that was exempt under a repealed version of this Part but that is no longer exempt must submit an application for a permit, or register within 12 months of the promulgation of this Part, or in accordance with specific deadlines which may be established in other regulations under this Title for previously exempted sources.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-3.2 Exempt activities.

(a) *Proof of eligibility.* 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 this Subpart. 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 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.

(b) *Maintenance of control equipment.* The owner and/or operator of any emission source or unit that is eligible to be exempt on the basis of the use of appropriate emission control devices shall operate and maintain such devices in a manner consistent with good engineering practices. Failure to do so constitutes a violation of this Part.

(c) The category headings used in the following listing of exemptions are strictly for organizational purposes and are not intended to be definitive. The following activities are exempt from permitting requirements at non-title V facilities, but must be included in title V facility permit applications:

Combustion

(1) Stationary or portable combustion installations where the furnace has a maximum rated heat input capacity less than 10 million Btu/hr burning fossil fuels, other than coal, and coal and wood fired stationary combustion units with a maximum heat input less than 1 million Btu/hr. This exemption includes unit space heaters, which burn waste oil as defined in 6 NYCRR Subpart 225-2 and generated on-site, alone or in conjunction with used oil generated by a do-it-yourself oil changer as defined in 6 NYCRR Subpart 374-2.

(2) Stationary or portable combustion installations located outside of any severe ozone nonattainment areas, where the furnace has a maximum rated heat input capacity less than 20 million Btu/hr burning fossil fuels other than coal, where the construction of the combustion installation commenced before June 9, 1989.

(3) Stationary or portable internal combustion engines which meet the following criteria:

(i) are diesel or natural gas powered, and located within any severe ozone nonattainment area, and have maximum mechanical power rating of less than 225 brake horsepower; or

(ii) are diesel or natural gas powered, and located outside of any severe ozone nonattainment areas, and have maximum mechanical power rating of less than 400 brake horsepower; or

(iii) are gasoline powered and have a maximum mechanical power rating of less than 50 brake horsepower.

(4) Stationary or portable internal combustion engines which are temporarily located at a facility for a period not to exceed 30 days per calendar year, where the total combined maximum mechanical power rating for all affected units is less than 1,000 brake horsepower.

(5) Gas turbines with a heat input at peak load less than 10 million Btu per hour.

→ (6) Emergency power generating units installed for use when the usual sources of heat, power, water and lighting are temporarily unobtainable, or which are installed to provide power to fire-fighting equipment, where each individual unit operates less than 500 hours per year, and excluding those units under contract with a utility to provide peak shaving generation to the grid.

Combustion-Related

(7) Non-contact water cooling towers and water treatment systems for process cooling water and other water containers designed to cool, store or otherwise handle water that has not been in direct contact with gaseous or liquid process streams.

Agricultural

(8) Feed and grain milling, cleaning, conveying, drying and storage operations including grain storage silos, where such silos exhaust to an appropriate emission control device, excluding grain terminal elevators with permanent storage capacities over 2.5 million U.S. bushels, and grain storage elevators with capacities above one million bushels.

(9) Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

Commercial - Food Service Industries

(10) Flour silos at bakeries, provided all such silos are exhausted through an appropriate emission control device.

(11) Emissions from flavorings added to a food product where such flavors are manually added to the product.

Commercial - Graphic Arts

(12) Screen printing inks/coatings or adhesives which are applied by a hand-held squeegee. A *hand-held squeegee* is one that is not propelled through the use of mechanical conveyance and is not an integral part of the screen printing process.

(13) Graphic arts processes at facilities located outside the New York City metropolitan area whose facility-wide total emissions of volatile organic compounds from inks, coatings, adhesives, fountain solutions and cleaning solutions does not exceed 20 pounds per day.

(14) Graphic label and/or box labeling operations where the inks are applied by stamping or rolling.

(15) Graphic arts processes which are specifically exempted from regulation under Part 234 of this Title, with respect to emissions of volatile organic compounds which are not given an A rating.

Commercial - Other

(16) Gasoline dispensing sites with an annual throughput less than 120,000 gallons located outside any severe ozone nonattainment areas.

(17) Surface coating and related operations which use less than 25 gallons per month of coating materials (paints) and cleaning solvents, combined, subject to the following:

(i) the facility is located outside of any severe ozone nonattainment area; and

(ii) all abrasive cleaning and surface coating operations are performed in an enclosed building where such operations are exhausted into appropriate emission control devices.

(18) Abrasive cleaning operations which exhaust to an appropriate emission control device.

(19) Ultraviolet curing operations.

Municipal/Public Health Related

(20) Ventilating systems for landfill gases, where the systems are vented directly to the atmosphere, and the ventilating system has been required by, and is operating under, the conditions of a valid Part 360 permit, or order on consent.

Storage Vessels

(21) Distillate and residual fuel oil storage tanks with storage capacities below 300,000 barrels.

(22) Pressurized fixed roof tanks which are capable of maintaining a working pressure at all times to prevent emissions of volatile organic compound to the outdoor atmosphere.

(23) External floating roof tanks which are of welded construction and are equipped with a metallic-type shoe primary seal and a secondary seal from the top of the shoe seal to the tank wall.

(24) External floating roof tanks which are used for the storage of a petroleum or volatile organic liquid with a true vapor pressure less than 4.0 psi (27.6 kPa), are of welded construction and are equipped with one of the following:

(i) a metallic-type shoe seal;

(ii) a liquid-mounted foam seal;

(iii) a liquid-mounted liquid-filled type seal; or

(iv) equivalent control equipment or device;

(25) Storage tanks, with capacities under 10,000 gallons, except those subject to either Part 229 or Part 233 of this Title.

(26) Horizontal petroleum storage tanks.

(27) Storage silos storing solid materials, provided all such silos are exhausted through an appropriate emission control device.

Industrial

(28) Processing equipment at existing sand and gravel and stone crushing plants which were installed or constructed before August 31, 1983, where water is used other than for dust suppression, such as wet conveying, separating and washing.

(29) all processing equipment at sand and gravel mines or quarries that:

(i) are permanent or fixed installations with a maximum rated processing capacity of 25 tons of minerals per hour or less; or

(ii) are mobile (portable) installations with a maximum rated processing capacity of 150 tons of minerals per hour or less.

(30) Mobile (portable) stone crushers with maximum rated capacities below 150 tons of minerals per hour which are located at non-metallic mineral processing operations.

(31) Surface coating operations which are specifically exempted from regulation under Part 228 of this Title, with respect to emissions of volatile organic compounds which are not given an A rating.

(32) Pharmaceutical tablet branding operations.

(33) Thermal packaging operations, including but not limited to, thermage labeling, blister packing, shrink wrapping, shrink banding, and carton gluing.

(34) Powder coating operations.

(35) All tumblers used for the cleaning and/or deburring of metal products without abrasive blasting.

(36) Presses used exclusively for molding or extruding plastics except where halogenated carbon compounds or hydrocarbon solvents are used as foaming agents.

(37) Concrete batch plants where the cement weigh hopper and all bulk storage silos are exhausted through fabric filters, and the batch drop point is controlled by a shroud or other emission control device.

(38) Cement storage operations where materials are transported by screw or bucket conveyors.

(39) Non-vapor phase cleaning equipment:

(i) with an open surface area of 11 square feet or less and an internal volume of 93 gallons or less or, having an organic solvent loss of 3 gallons per day or less; or

(ii) using only organic solvents with an initial boiling point of 300°F or greater at atmospheric pressure; or

(iii) using materials with a volatile organic compound content of two percent or less, by volume.

Miscellaneous

(40) Ventilating and exhaust systems for laboratory operations.

(41) Exhaust or ventilating systems for the melting of gold, silver, platinum and other precious metals.

(42) Exhaust systems for paint mixing, transfer, filling or sampling and/or paint storage rooms or cabinets, provided the paints stored within these locations are stored in closed containers when not in use.

(43) Exhaust systems for solvent transfer, filling or sampling, and/or solvent storage rooms provided the solvent stored within these locations are stored in closed containers when not in use.

(44) Research and development activities, including both stand-alone and activities within a major stationary source, until such time as the administrator completes a rule making to determine how the permitting program should be structured for these activities.

(45) The application of odor counteractants and/or neutralizers.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-3.3 Trivial activities.

(a) *Proof of eligibility.* The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. 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 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.

(b) *Maintenance of control equipment.* The owner and/or operator of any emission source or unit that is listed as being trivial in this Part, on the basis of the use of appropriate emission control devices, shall operate and maintain such devices in a manner consistent with good engineering practices. Failure to do so constitutes a violation of this Part.

(c) The category headings used in the following listing of trivial activities are strictly for organizational purposes and are not intended to be definitive. The following activities are trivial and are exempt from permitting requirements and do not need to be included in the title V facility permit application:

Combustion

(1) Boiler water treatment operations.

Domestic / Work Station Comfort and Related

(2) Any emission source or process constructed or operated at a domestic residence for domestic use.

(3) Vacuum cleaning systems used exclusively for office type areas at industrial facilities, or commercial or residential housekeeping.

(4) Ventilating systems used exclusively for temperature and humidity control of buildings for the comfort of people living or working within the building except those systems which have applicable requirements under title VI of the act.

(5) Exhaust systems for the storage of portable containers, drums, and bags of chemicals in rooms, buildings and warehouses, subject to the following:

(i) the rooms, buildings and warehouses subject to this exemption are solely for the purpose of chemical storage, and no mixing, transfer or filling operations with the exception of sampling for quality assurance/quality control purposes, take place within such areas; and

(ii) the chemicals stored in such areas are maintained in sealed containers.

(6) Smoking rooms and areas.

(7) Bathroom/toilet vents.

(8) Beauty salons and barber shops.

(9) Laundry dryers, extractors, or tumblers used to clean fabrics with water solutions of bleach and detergents, where the emissions of such operations are controlled by appropriate emission control devices.

Mobile Sources and Mobile Source Related

(10) Engine exhaust emissions and/or refueling emissions generated from mobile and portable powered vehicles and equipment used for the propulsion or operation of passengers and/or freight transportation vehicles, marine vehicles and equipment, construction and off-

road vehicles and equipment, farm vehicles and equipment, competition and entertainment vehicles and equipment, and/or any other type of mobile or portable engine powered vehicles or equipment when these vehicles or equipment are operated anywhere outside of an enclosed facility for the purpose of their design and intended use or for compliance assessment with any safety or emission control or inspection programs sanctioned by New York State, the Federal government or any governmental entity empowered to carry out such activities.

(11) Engine exhaust emissions and/or refueling emissions generated from mobile and portable powered vehicles and equipment such as competition and entertainment vehicles and equipment, farm vehicles and equipment, construction and off-road vehicles and equipment, automobiles, motorcycles, trucks, buses, marine vehicles and equipment, small engine powered tools and equipment, or any other type of mobile or portable engine powered vehicles or equipment which are collected and/or vented in any manner through any opening in a facility when these vehicles and equipment are operated in the facility for the purposes of their design and intended use, public safety, comfort or entertainment, facility maintenance, vehicle or equipment repair, adjustment or testing, or compliance assessment with any safety or emission control or inspection programs sanctioned by New York State, the Federal government, or any governmental entity empowered to carry out such activities.

(12) The use of products such as antifreeze and fuel additives for the purpose of maintaining motor vehicles.

(13) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

Agricultural

(14) Ventilating systems used in buildings to house animals.

Commercial - Food Service Industries

(15) Emissions from process, exhaust or ventilating systems in bakeries and restaurants which derive over 50 percent of their revenues from retail sales on premises.

(16) Non-conveyorized bakery ovens (this includes batch ovens, which are defined as a non-conveyor belt oven operating a single baking cycle in which a determinate amount of product is cooked at one baking).

(17) Bakery ovens used exclusively to produce baked goods leavened chemically in the absence of yeast.

(18) Process or exhaust or ventilating systems involved in the preparation of food, food blanching or cooking in water.

(19) Process, exhaust or ventilating systems or stationary combustion installations exclusively involved in the production of maple syrup.

Commercial - Graphic Arts

(20) Lead melting pots used in printing establishments.

(21) Blueprint machines.

(22) Photocopying, photographic processing or related equipment.

(23) Letter press operations.

(24) Heat sealing operations which are used to seal and separate polyethylene and polypropylene bags.

Commercial - Other

(25) Batch process kilns used for firing ceramic ware, subject to the following:

(i) the exhaust stream does not contain emissions of fluorides, lead, and/or beryllium; and

(ii) the total heat input is less than one million Btu/hr.

Municipal/Public Health Related

- (26) Equipment used exclusively to generate ozone for water treatment processes.
- (27) Air stripping processes utilized on public drinking water supplies.
- (28) Air strippers and soil vents used to remediate gasoline spills, where the air stripper or soil vent is located at a State-funded site, or required under the provisions of an order on consent or stipulation agreement, and the operation of the air strippers or soil vents are conducted under the supervision of the department and are properly controlled as required by the department.
- (29) Air strippers and soil vents required under the provisions of an order on consent or stipulation agreement, or in operation at a superfund site.
- (30) Air strippers and soil vents operating for test purposes to qualify and quantify air emissions for remediation projects and for a time period acceptable to the regional air pollution control engineer.
- (31) Emissions from the storage and application of road salt (calcium chloride or sodium chloride).
- (32) All process emission sources which are located at private, public, or vocational education institutions, where the emissions are the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale in commerce, except in a *de minimis* manner.
- (33) Emergency relief vents, stacks and ventilating systems except any with the potential to emit vinyl chloride located at a facility where ethylene dichloride, vinyl chloride and/or polyvinyl chloride are produced.
- (34) Snow plowing, street sweeping, sanding and ashing of streets and roads to abate traffic hazards.
- (35) Emergency road flares.
- (36) Road and lot paving and striping operations.
- (37) Public or private roadways, parking lots.
- (38) Manhole covers.
- (39) Sewers.
- (40) Storm drains and vents.
- (41) Solid waste dumpsters, including handling equipment and associated activities.
- (42) Excavation for the repair of underground utility lines such as water, electric, or natural gas.
- (43) Asbestos demolition and removal work subject to 40 CFR part 61, subpart M and/or 12 NYCRR Part 56.

Storage Vessels

- (44) Storage vessels, tanks and containers with a capacity of less than 750 gallons.

Maintenance and Construction Related Activities

(45) The following activities are considered trivial when they occur strictly for maintenance or construction activities: plastic pipe welding, soldering, brazing, cutting torches, janitorial activities, steam cleaning, water washing, acid and caustic washing activities, miscellaneous use of solvents, adhesives and caulking, miscellaneous sandblasting, non-asbestos insulation removal, application of refractory and insulation, the periodic use of air for clean-up, and, the process of demolition and rebricking boilers, smelters, furnaces and kilns (this does not include the subsequent operation of such equipment), the surface coating of equipment and buildings as is related to maintenance and construction, and activities which occur for maintenance of grounds such as lawn care, weed control and pest control.

- (46) Excavation for new construction.

Industrial

- (47) Degreasing units which exclusively use non-hazardous air pollutant acids.

(48) Degreasing units which exclusively use caustics (*e.g.*, potassium hydroxide and sodium hydroxide).

(49) Remote reservoir parts cleaners whose use of solvent is contained to the immediate cleaning of the part, after which time the solvent is drained through a drain opening, not to exceed 16 square inches, and is returned to a remote reservoir containing the solvent.

(50) Equipment used exclusively for surface preparation and cleaning which uses water-based cleaners containing two percent or less of volatile organic compounds by volume.

(51) Solvent cleaning of parts and equipment performed exclusively by hand wiping or hand cleaning.

(52) Hand-held or manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning ceramic art work, ceramic precision parts, leather, metal parts, plastics, fiberboard, fiberglass, masonry, carbon, glass, graphite, wood or rubber.

(53) Manual surface coating/painting processes which exclusively use brushes, rollers, or aerosol cans.

(54) Hand-held or manually operated welding, brazing and soldering equipment.

(55) Acetylene, butane, and propane torches.

(56) Equipment used for hydraulic or hydrostatic testing.

(57) Equipment lubricating systems, including metal cutting coolants and oils.

(58) Pneumatic starters used to start reciprocating engines, turbines, and other equipment.

(59) Instrument air systems, excluding fuel-fired compressors.

(60) Air vents from air compressors and pneumatically operated equipment emitting ambient air.

(61) Drum washing operations, where such operations are necessary to meet Resource Conservation and Recovery Act (RCRA) standards.

(62) Vacuum producing devices where only ambient air and the oil emissions from the vacuum producing mechanism itself are exhausted.

(63) Woodworking operations where no surface coating takes place, provided such operations exhaust to a sawdust collection system controlled by an appropriate emission control device.

(64) Sawmills, provided all processes are located at least 500 feet from any recreational area, school, or private residence and all residues from debarking, planing, sawing, etc., are contained in such a manner as to minimize fugitive emissions.

(65) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

(66) Drop hammers or hydraulic presses for forging or metalworking.

(67) Transportable chemical containers including rail cars, portable tanks, totes and trailers.

Miscellaneous

(68) Open fires.

(69) Fire training activities.

(70) Fire suppression systems.

(71) Fecal incinerators with a charging rate not exceeding 10 pounds per hour, such as those used on certain vehicles or other special cases.

(72) Paint mixing operations located at retail paint, hardware or department stores where the paint is sold in five gallon or smaller containers.

(73) Rifle and pistol ranges.

(74) Aircraft de-icing operations.

- (75) Contaminant detectors, sampling devices and recorders.
- (76) Emissions from natural gas odoring activities.
- (77) Battery charging areas except those located at battery manufacturing plants.
- (78) Incubators.
- (79) The venting of compressed natural gas, butane or propane gas cylinders.
- (80) Coal car thaw-pit burners.
- (81) Consumer use of office equipment and products, not including printers or businesses primarily involved in photographic reproductions.
- (82) Consumer use of paper trimmers/binders.
- (83) Blacksmith forges.
- (84) Carbon dioxide lasers, used only on metals and other materials which do not emit hazardous air pollutants in the process.
- (85) Laser trimmers using appropriate emission control devices.
- (86) Environmental chambers not using hazardous air pollutant gases.
- (87) Shock chambers.
- (88) Humidity chambers.
- (89) Solar simulators.
- (90) Process water filtration systems and demineralizers.
- (91) Demineralized water tanks and demineralizer vents.
- (92) Steam leaks.
- (93) Steam vents.
- (94) Emissions of the following pollutants: water vapor, oxygen, carbon dioxide, nitrogen, inert gases such as argon, helium, neon, krypton and xenon, hydrogen, simple asphyxiants including methane and propane, and trace constituents included in raw materials or byproducts, where the constituents are less than 1 percent by weight for any regulated air pollutant, or 0.1 percent by weight for any carcinogen listed by the United States Department of Health and Human Services' Seventh Annual Report on Carcinogens (1994).

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

SUBPART 201-6

TITLE V FACILITY PERMITS

Sec.	
201-6.1	Applicability
201-6.2	Transition plan
201-6.3	Permit applications
201-6.4	Application and permit review by EPA and affected states
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201-6.6	Special provisions
201-6.7	Permit renewal and modification
201-6.8	Appendix A — Sources Deferred from Title V Permitting in Accordance with Section 201-6.2(c)(2) of this Subpart
201-6.9	Appendix B — Transition Plan Application Schedule

Historical Note

Subpart (§§ 201-6.1 — 201-6.7) filed June 7, 1996 eff. 30 days after filing.

§ 201-6.1 Applicability.

- (a) *Requirement for a title V facility permit.* Except as otherwise set forth herein, no person shall operate any of the following stationary sources without obtaining a title V permit.
- (1) Any major stationary source (as defined under Subpart 201-2 of this Part).
 - (2) Any stationary source subject to a standard or limitation, or other requirement under the Federal New Source Performance Standards (NSPS) in 40 CFR part 60, *et seq.*
 - (3) Any stationary source including an area source, subject to a standard or other requirement regulating hazardous air pollutants under section 112 of the act, except that a source is not required to obtain a title V permit solely because it is subject to regulations or requirements promulgated for the control of accidental releases of substances regulated under section 112(r) of the act.
 - (4) Any affected source.
 - (5) Any stationary source in a category designated by the administrator and added by the department pursuant to rule making.
- (b) *Preconstruction permits for stationary sources.* No person shall construct any new stationary source which will be required to obtain a title V facility permit as described in subdivision (a) of this section before obtaining a permit from the department. Such permits shall authorize both construction and operation in accordance with all applicable State and Federal requirements.
- (1) The department may allow operation to continue indefinitely under the terms and conditions of preconstruction permits without requiring a permit extension or renewal provided the permittee files a timely and complete application for a title V facility permit in accordance with section 201-6.3 of this Subpart.
 - (2) Applicants may elect to apply for issuance of a title V facility permit prior to construction of a new stationary source in combination with the preconstruction permit requirements under this paragraph.
 - (3) Applications for preconstruction permits for major stationary sources must include the information required under section 201-6.3 of the Subpart and any additional information required by the department to demonstrate that the emission source will comply with all applicable State and Federal regulations under this Title.
 - (4) Applications for preconstruction permits for non-major stationary sources will be subject to State facility permitting requirements under Subpart 201-5 of this Title.

(c) *Stationary source categories exempted or deferred from permitting.* The following stationary sources are deferred or exempt from the requirement to obtain a title V facility permit under this section but may be subject to the requirements of Subparts 201-4 or 201-5 of this Part.

(1) Except as set forth in paragraph (2) of this subdivision, any stationary sources that are not major stationary sources, affected sources, or municipal solid waste incineration units required to obtain a permit pursuant to the New Source Performance Standards for municipal solid waste incineration units, will be exempted from the requirement to obtain a title V facility permit under this section, until such time as the administrator completes a rule making to determine how the program should be structured for non-major stationary sources and the appropriateness of any permanent exemptions. Such stationary sources shall include those subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants promulgated prior to July 21, 1992.

(2) (i) In the case of non-major stationary sources subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants promulgated after July 21, 1992, the administrator will determine whether to exempt or defer any or all such stationary sources from the requirement to obtain a title V facility permit at the time a new standard is promulgated. Stationary sources in these categories that qualify for permit deferrals shall not be required to apply for a title V facility permit until the administrator promulgates standards specifying a due date for applications and these standards are adopted by the department pursuant to rule making.

(ii) The administrator has amended certain Federal National Emission Standards for Hazardous Air Pollutants to allow states to defer non-major sources subject to those standards from title V permitting. The department is deferring the title V permitting requirements for the non-major sources subject to those standards as listed in Appendix A (section 201-6.8 of this Subpart) of this Subpart.

(iii) Non-major sources subject to the standards listed in Appendix A (section 201-6.8 of this Subpart) are deferred from title V permitting requirements until December 9, 1999. The owner or operators of such sources must submit title V applications before December 9, 2000.

(3) The following source categories are exempt from the obligation to obtain a title V facility permit under this section:

(i) all emission sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 60, subpart AAA - Standards of Performance for New Residential Wood Heaters;

(ii) all emission sources and source categories that would be required to obtain a permit under this section solely because they are subject to 40 CFR part 61, subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standards for Demolition and Renovation; and

(iii) stationary sources that have accepted federally enforceable emission caps pursuant to Subpart 201-7 of this Part that restrict a facility's emissions to a level that is below the applicability threshold for having to obtain a title V facility permit.

(d) *Option to apply for a title V facility permit.* Any stationary source not required to obtain a permit pursuant to subdivision (a) of this section may opt to apply for a title V facility permit.

(e) *Single permit.* A single title V facility permit will be issued for a facility with multiple stationary sources, except upon the request from an owner and/or operator for more than a single permit. In no case shall the determination of whether a facility is subject to the requirement to obtain an operating permit according to this section be affected by the application for or issuance of more than one title V facility permit.

Historical Note

Sec. filed June 7, 1996; amd. filed Oct. 14, 1997 eff. 30 days after filing. Amended (c)(2).

§ 201-6.2 Transition plan.

All title V facility permit applications for existing subject facilities shall be acted upon by the department within three years of approval of the department's operating permit program by the administrator. The provisions of this section shall apply to existing facilities with regard to filing such applications during this transition period.

(a) *Phase I application submittals.* Within one year of the administrator's approval of the operating permit program, the owners or operators of certain existing stationary sources subject to title V permitting requirements shall submit a phase I permit application containing information sufficient to allow the department to commence review of the permit application. This phase I

SUBPART 201-6

TITLE V FACILITY PERMITS

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201-6.9	Appendix B — Transition Plan Application Schedule

Historical Note

Subpart (§§ 201-6.1 — 201-6.7) filed June 7, 1996 eff. 30 days after filing.

§ 201-6.1 Applicability.

- (a) *Requirement for a title V facility permit.* Except as otherwise set forth herein, no person shall operate any of the following stationary sources without obtaining a title V permit.
- (1) Any major stationary source (as defined under Subpart 201-2 of this Part).
 - (2) Any stationary source subject to a standard or limitation, or other requirement under the Federal New Source Performance Standards (NSPS) in 40 CFR part 60, *et seq.*
 - (3) Any stationary source including an area source, subject to a standard or other requirement regulating hazardous air pollutants under section 112 of the act, except that a source is not required to obtain a title V permit solely because it is subject to regulations or requirements promulgated for the control of accidental releases of substances regulated under section 112(r) of the act.
 - (4) Any affected source.
 - (5) Any stationary source in a category designated by the administrator and added by the department pursuant to rule making.
- (b) *Preconstruction permits for stationary sources.* No person shall construct any new stationary source which will be required to obtain a title V facility permit as described in subdivision (a) of this section before obtaining a permit from the department. Such permits shall authorize both construction and operation in accordance with all applicable State and Federal requirements.
- (1) The department may allow operation to continue indefinitely under the terms and conditions of preconstruction permits without requiring a permit extension or renewal provided the permittee files a timely and complete application for a title V facility permit in accordance with section 201-6.3 of this Subpart.
 - (2) Applicants may elect to apply for issuance of a title V facility permit prior to construction of a new stationary source in combination with the preconstruction permit requirements under this paragraph.
 - (3) Applications for preconstruction permits for major stationary sources must include the information required under section 201-6.3 of the Subpart and any additional information required by the department to demonstrate that the emission source will comply with all applicable State and Federal regulations under this Title.
 - (4) Applications for preconstruction permits for non-major stationary sources will be subject to State facility permitting requirements under Subpart 201-5 of this Title.

(c) *Stationary source categories exempted or deferred from permitting.* The following stationary sources are deferred or exempt from the requirement to obtain a title V facility permit under this section but may be subject to the requirements of Subparts 201-4 or 201-5 of this Part.

(1) Except as set forth in paragraph (2) of this subdivision, any stationary sources that are not major stationary sources, affected sources, or municipal solid waste incineration units required to obtain a permit pursuant to the New Source Performance Standards for municipal solid waste incineration units, will be exempted from the requirement to obtain a title V facility permit under this section, until such time as the administrator completes a rule making to determine how the program should be structured for non-major stationary sources and the appropriateness of any permanent exemptions. Such stationary sources shall include those subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants promulgated prior to July 21, 1992.

(2) (i) In the case of non-major stationary sources subject to a Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants promulgated after July 21, 1992, the administrator will determine whether to exempt or defer any or all such stationary sources from the requirement to obtain a title V facility permit at the time a new standard is promulgated. Stationary sources in these categories that qualify for permit deferrals shall not be required to apply for a title V facility permit until the administrator promulgates standards specifying a due date for applications and these standards are adopted by the department pursuant to rule making.

(ii) The administrator has amended certain Federal National Emission Standards for Hazardous Air Pollutants to allow states to defer non-major sources subject to those standards from title V permitting. The department is deferring the title V permitting requirements for the non-major sources subject to those standards as listed in Appendix A (section 201-6.8 of this Subpart) of this Subpart.

(iii) Non-major sources subject to the standards listed in Appendix A (section 201-6.8 of this Subpart) are deferred from title V permitting requirements until December 9, 1999. The owner or operators of such sources must submit title V applications before December 9, 2000.

(3) The following source categories are exempt from the obligation to obtain a title V facility permit under this section:

(i) all emission sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 60, subpart AAA - Standards of Performance for New Residential Wood Heaters;

(ii) all emission sources and source categories that would be required to obtain a permit under this section solely because they are subject to 40 CFR part 61, subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standards for Demolition and Renovation; and

(iii) stationary sources that have accepted federally enforceable emission caps pursuant to Subpart 201-7 of this Part that restrict a facility's emissions to a level that is below the applicability threshold for having to obtain a title V facility permit.

(d) *Option to apply for a title V facility permit.* Any stationary source not required to obtain a permit pursuant to subdivision (a) of this section may opt to apply for a title V facility permit.

(e) *Single permit.* A single title V facility permit will be issued for a facility with multiple stationary sources, except upon the request from an owner and/or operator for more than a single permit. In no case shall the determination of whether a facility is subject to the requirement to obtain an operating permit according to this section be affected by the application for or issuance of more than one title V facility permit.

Historical Note

Sec. filed June 7, 1996; amd. filed Oct. 14, 1997 eff. 30 days after filing. Amended (c)(2).

§ 201-6.2 Transition plan.

All title V facility permit applications for existing subject facilities shall be acted upon by the department within three years of approval of the department's operating permit program by the administrator. The provisions of this section shall apply to existing facilities with regard to filing such applications during this transition period.

(a) *Phase I application submittals.* Within one year of the administrator's approval of the operating permit program, the owners or operators of certain existing stationary sources subject to title V permitting requirements shall submit a phase I permit application containing information sufficient to allow the department to commence review of the permit application. This phase I

application is only required from those existing facilities that are required to submit a permit application within 24 months of the date that the operating permit program is approved in accordance with subdivision (b) of this section.

(1) To be complete, the information contained in the first phase submittal shall include the following:

- (i) name and phone number of the responsible official;
- (ii) facility identification and location (including topographical maps with the site marked);
- (iii) description of facility activities (including SIC codes);
- (iv) identification of major/minor status with respect to regulated air pollutants;
- (v) identification of applicable requirements;
- (vi) definition of compliance status with respect to applicable requirements (to include compliance schedule as necessary); and
- (vii) certification of compliance status with respect to applicable requirements.

(2) During this transition period, the protection afforded in section 201-6.3(b) of this Subpart shall apply upon the submission of a complete phase I application. The completeness determination timeframe and notification requirements established under Part 621 of this Title for permit applications shall not apply to the phase I application. However, phase I applications will be deemed complete by default after 30 days from the date received by the department, unless the department determines that the application is incomplete and notifies the applicant before the 30 days expire.

(3) The second phase of the title V facility permit application submittal from facilities subject to the provisions of this subdivision shall comply with the form and information requirements established under section 201-6.3(d) of this Subpart.

(b) *Applications and permitting schedule.* (1) Title V facility permit applications must in all cases be filed with the department on or before the deadlines established in the transition plan application schedule found in Appendix B (see section 201-6.9) of this Subpart. This application schedule lists those Standards Industrial Classification (SIC) Codes which cover the existing major stationary sources in the department's emission inventory anticipated to be subject to title V facility permitting on the basis of past actual emissions data and provides a date by which applications must be submitted. However, in no case shall the department be obligated to begin review of an application submitted earlier than 180 days in advance of such deadlines.

(2) Such applications shall comply with the form and information requirements established in section 201-6.3(d) of this Subpart.

(3) The department will provide written notification to facility owners at least 180 days in advance of the application filing deadlines in Appendix B (see section 201-6.9) of this Subpart.

(4) The department shall promptly provide notice to the applicant of whether the permit application is complete. A complete application means an application for a permit which is in an approved form and is determined by the department to be complete for the purpose of commencing review of the application but which may need to be supplemented during the course of review in order to enable the department to make the findings and determinations required by law. During the transition period such notices are not required to include a tentative determination of approval or disapproval and the availability of a draft permit. Unless the permitting authority notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. Such notice shall include a proposed schedule with target dates for preparation of a draft permit, and issuance of a public notice of complete application in accordance with requirements and procedures for major permit projects under Part 621 of this Title.

(5) The additional provisions established under section 201-6.3(b) of this Subpart regarding completeness determinations shall also apply to permit applications subject to the requirements of this section.

(6) During this transition period the department shall take final action on at least one third of permit applications annually over a period not to exceed three years from the date that the title V permit program is approved by the administrator.

(c) *Emission caps.* Existing stationary sources that are subject to this Subpart based on potential to emit regulated air pollutants may opt to avoid being subject to title V permitting by voluntarily accepting an emission cap established in permit conditions, pursuant to Subpart 201-7 of this Part. This option is also available to stationary sources which are subject to this Subpart based on actual emissions. The following actions shall be taken by those stationary source owners and/or operators who may choose to accept such an emission cap:

(1) The facility owner and/or operator must notify the department in writing within one year of the EPA administrator's approval of the program that they intend to accept an emissions cap to avoid being subject to title V permitting. Such notification is not required of facilities that must submit an application for a permit modification to establish an emission cap within the six months or one year timeframe in accordance with the transition plan in Appendix B (see section 201-6.9) of this Subpart. The facility owner and/or operator shall indicate in the written notification that he/she agrees to keep records sufficient to demonstrate that actual emissions are below all major stationary source thresholds during the time period before obtaining the emission cap through permitting procedures under section 201-7.2 of this Subpart. The facility owner and/or operator shall also describe the limitations in effect that make the facility eligible to cap, such as normal operating hours, throughput limitations, or emission control equipment.

(2) The facility owner and/or operator must then submit an application for a permit modification to establish the requested emission cap in accordance with the same timeframes established in subdivision (b) of this section for title V facility permit applications.

(3) Such applications shall be reviewed and issued in accordance with the information and procedural requirements contained in section 201-7.2 of this Subpart.

(4) Facility owners and/or operators who accept the capping by rule limitations established under section 201-7.3 of this Subpart will be required to notify the department and register in accordance with section 201-4.3(e) of this Part.

(d) *Interim authorizations.* (1) The provisions of section 201-5.4 of this Subpart regarding department approval of modifications shall apply to all existing stationary sources required to obtain a permit under this Subpart until the title V facility permit is issued. The department will act on applications for modifications and new emission units in accordance with applicable preconstruction review and permitting requirements under this Chapter and applicable timeframes and procedures under Part 621 of this Title for the type of project involved.

(2) Owners and/or operators of stationary sources that propose modifications after the effective date of this regulation that, in turn, makes the source(s) subject to title V facility permitting shall submit an application for the title V facility permit within 12 months of the commencement of operation of this modification, or within the time specified under Appendix B (see section 201-6.9) of this Subpart, whichever is later.

(3) Stationary source owners and/or operators requesting permit modifications or applying to modify or construct new emission units at an existing facility after the title V facility permit application has been submitted, but before the permit is issued, will be subject to the provisions of section 201-5.4 of this Subpart. The department will consider the effect of such changes on any title V facility permit application under review at the time and may revise any draft permit, or require the applicant to revise the facility permit application, where a new emission unit or modifications to an existing unit affects any applicable requirements. However, in no event shall the department's decision to revise the draft facility permit or application delay issuance of any permit or permit modification required under section 201-5.4 of this Subpart for the requested change except where the delay is agreed upon by mutual consent of the department and the applicant.

(4) Applications for permits to construct and/or certificates to operate submitted prior to the effective date of this regulation will be accepted and acted upon by the department in accordance with the requirements of this Part in effect at the time of submittal. The transition

provisions of section 201-5. 1(c)(5) and (6) of this Part shall also apply to such permit applications for review and permits to construct issued by the department prior to the effective date of this regulation. This shall not affect the owner's or operator's obligation to submit an application for a title V facility permit within one year of commencing operation.

(e) *Extension of existing permits.* (1) Expiration dates for all certificates to operate that are valid on the effective date of this Part are extended until such time as the title V facility permit is issued, provided a timely and complete application for a title V permit is submitted in accordance with requirements established in this section and section 201-6.3 of this Subpart. All permits to construct valid on the effective date of this Subpart shall expire according to the terms of their issuance.

(2) Title V facility owners and/or operators have the option of maintaining certificates to operate on existing emission sources or emission units that are solely subject to State enforceable requirements in lieu of obtaining a comprehensive title V facility permit covering both State and Federally enforceable requirements. In such cases the facility owner and/or operator must submit a proposed schedule for incorporating any requirements and/or permit conditions associated with these units into the title V facility permit. This schedule must be submitted on or before the date that phase II of the title V permit application is due.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-6.3 Permit Applications.

(a) *Timely application.* Owners and/or operators of facilities subject to this Subpart shall submit a complete application, as defined in Part 621 of this Title and this Subpart, for initial issuance of a title V permit, or renewal, in accordance with the timeframes established under paragraphs (1) through (9) of this subdivision. Facility owners and/or operators may also elect to accept an emission cap in accordance with Subpart 201-7 of this Part in order to avoid the title V facility permit requirements of this Subpart. Owners and/or operators of existing facilities subject to title V facility permitting on the effective date of this regulation must submit information indicating whether they will obtain an emission cap or a title V permit in accordance with the transition provisions of section 201-6.2 of this Subpart. Owners and/or operators of facilities subject to this Subpart shall submit a complete application as follows:

(1) Within the timeframe specified in the transition application schedule in Appendix B (see section 201-6.9) of this Subpart for existing major stationary sources. This application schedule is explained in greater detail in section 201-6.2 of this Subpart.

(2) Within one year of the commencement of operation of a new stationary source subject to permitting under this Subpart that is constructed on or after the date EPA approves New York's operating permit program.

(3) Within one year of the commencement of operation of new emission unit(s) or modified emission units at an existing stationary source which makes the source subject to title V permitting.

(4) At least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

(5) January 1, 1996 for initial phase II acid rain permits for sulfur dioxide control.

(6) By January 1, 1998 for initial phase II acid rain permits for nitrogen oxides control.

(7) For existing sources required to meet the requirements under section 112(g) of the act, prior to construction.

(8) For existing facilities with any emission source operation designated by EPA as requiring a title V facility permit, within 12 months after the effective date of EPA's designation, or by a later deadline specified by EPA in its designation.

(9) In the event the administrator fails to promulgate a standard for a category or a subcategory of major sources by the date established pursuant to section 112(e) of the act, the application must be submitted within 18 months after such date for any major source in such

category or subcategory. The complete permit application shall be submitted in accordance with the requirements specified in the "Regulations Governing Equivalent Emission Limitations By Permit," as published in the *Federal Register* on May 20, 1994, and set forth in 40 CFR part 63, subpart B (see section 200.9 of this Title).

(b) *Completeness determinations.* (1) Except for phase I applications under section 201-6.2(a) of this Subpart, applications submitted for title V facility permits must be reviewed for completeness by the department in accordance with subdivision (d) of this section and Part 621 of this Title, and notice of the completeness determination shall be provided to the applicant within 60 days of receipt of the application. Upon determining that an application is complete the department shall promptly issue a public notice of this determination in addition to notifying the applicant in accordance with Part 621 of this Title, except where special transition provisions apply for permit applications under section 201-6.2 of this Subpart. In the event that the department does not make such determination within this time period, the application shall be deemed complete by default. If the department determines that the application is incomplete, the department must provide the applicant with a written explanation of any deficiencies found in the application.

(2) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the facility after the date it filed a complete application but prior to release of a draft permit.

(3) If a facility owner and/or operator submits a timely and complete application for permit issuance and/or renewal, the failure to have a title V facility permit is not a violation of this Part because the department has not taken final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by a reasonable deadline specified in writing by the department, any additional information identified as being needed to review and act on the application. The department will reinstate this protection upon receipt of the additional information in the event that an applicant is unable to provide it within the specified timeframe.

(4) During the three year transition period such protection described under paragraph (3) of this subdivision shall apply upon submittal of a complete phase I application in accordance with the requirements established in section 201-6.2 of this Subpart.

(c) *Final decisions.* The department shall act on title V facility permit applications in accordance with the timeframes and procedures established in Part 621 of this Title. Failure to act on new title V facility permit applications within 18 months of receipt of a complete application shall be grounds for judicial review in State court. This 18-month timeframe does not apply to title V facility permit applications for existing subject facilities which are afforded special expedited review and decision timeframes during the initial three year transition period provided under section 201-6.2(b) of this Subpart.

(d) *Standard application form and required information.* All title V facility permit applications submitted to the department shall be provided in a format acceptable to the department. The information described below shall be included in the title V facility permit application by the owner and/or operator of the facility. Applications for title V facility permit modifications and revisions generally need only supply information related to the proposed change, provided such information includes a complete set of data on any emission units affected by the modification and any facility level information required in forms developed by the department to properly ascertain the nature and extent of a modification. An owner and/or operator may not omit information in an application that is needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the permit fee amount required by the department. The forms and attachments to be submitted by the owner and/or operator of the major stationary source shall include the following information at a minimum:

- (1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.
- (2) A description of the stationary source's processes and products (by Standard Industrial Classification Code[s]) including any associated with each alternate operating scenario identified by the owner and/or operator.
- (3) The following emissions-related information:
 - (i) All emissions of pollutants for which the facility is major, and all emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are trivial under Subpart 201-3 of this Part. Emission units emitting insignificant emission levels, as defined in this section shall be listed in the application. The applicant shall submit additional information related to the emissions of regulated air pollutants sufficient to verify which Federal requirements are applicable to the facility.
 - (ii) Fugitive emissions from a major stationary source shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the definition of "major stationary sources." Source categories that must include fugitive emissions in the applicability determination for title V facility permits are identified within the definition of "major stationary sources."
 - (iii) Identification and description of all emission units described in the above paragraph in sufficient detail to establish the applicability of Federal requirements.
 - (iv) Emissions rates of all regulated air pollutants in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
 - (v) The following information to the extent it is needed to determine or regulate emissions in accordance with applicable requirements: fuels, fuel use, raw materials, production rates, and operating schedules.
 - (vi) Identification and description of air pollution control equipment and compliance monitoring devices or activities required under the Clean Air Act.
 - (vii) Enforceable limitations on facility operation restricting emissions, including federally enforceable emission caps, or any work practice standards, where applicable, for all regulated air pollutants at a facility subject to this section.
 - (viii) Other information required by any applicable requirement.
 - (ix) Sample or actual calculations on which the information in subparagraphs (i) through (viii) of this paragraph is based.
- (4) The following air pollution control requirements:
 - (i) Citation and description of all applicable requirements.
 - (ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
- (5) Other specific information that may be necessary to implement and enforce other requirements of the act or to determine the applicability of such requirements.
- (6) An explanation of any proposed exemptions from otherwise applicable Federal requirements and a description of any proposed exempted or insignificant activities and/or emission units.
- (7) Insignificant emission levels. Emissions from units at major stationary sources, meeting the criteria below, shall be considered insignificant and will be subject to State enforceable requirements only, as long as they are not subject to any applicable requirements. Emissions that are determined insignificant based on these criteria shall be included in the determination of title V facility permit applicability and in all quantification of emissions for inventory and billing purposes.

(i) Criteria contaminant emissions that do not exceed 2.5 tpy, based on actual emissions, provided on-site records are maintained to verify these emissions, or 2.5 tpy based on potential to emit.

(ii) Emissions that do not exceed 1,000 lbs/yr for any individual hazardous air pollutant and/or 5,000 lbs/yr for any combination of hazardous air pollutant except where the administrator has established lower thresholds for a specific hazardous air pollutant or major source threshold, in which case the lower thresholds shall apply. These emissions shall be actual emissions, provided on-site records are maintained to verify these emissions, or on potential to emit if records are not kept.

(iii) The emission unit does not utilize air pollution control device(s) or is not limited by an emission cap to meet the criteria in subparagraphs (i) and (ii) of this paragraph.

(8) Information necessary to define operational flexibility proposed in accordance with section 201-6.5 of this Subpart.

(9) A compliance plan for all emission sources subject to applicable requirements that contains the following:

(i) A description of the compliance status of the emission source with respect to all applicable requirements.

(ii) A description of applicable requirements as follows:

(a) For applicable requirements with which the major stationary source is in compliance, a statement that the facility will continue to comply with such requirements.

(b) For applicable requirements that will become effective during the permit term, a statement that the major stationary source will meet such requirements on a timely basis.

(c) For applicable requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(iii) A compliance schedule as follows:

(a) For applicable requirements that will become effective during the permit term, a statement that the major stationary source will meet such requirements on a timely basis, consistent with section 201-6.5 (a)(1)(i)-(iii) of this Subpart. A statement that the major stationary source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(b) A schedule of compliance for major stationary sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the major stationary source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements or standards on which it is based.

(iv) A schedule for submission of certified progress reports no less frequently than every six months for major stationary sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan, as defined in 40 CFR part 72, for an "affected source," except as specifically superseded by regulations promulgated under the acid rain program with regard to the schedule and method(s) the "affected source" will use to achieve compliance with the acid rain emissions limitations.

(10) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with this section.

(ii) An identification of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods.

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department in the permit.

(iv) A statement indicating the major stationary source's compliance status with applicable compliance assurance monitoring and compliance certification requirements of the act.

(11) The use of nationally standardized forms for acid rain portions of permit applications and compliance plans, as required by title IV of the act.

(12) Certification by a responsible official. Any application form, report, or compliance certification submitted pursuant to the Federal title V permitting requirements under this Subpart shall contain certification of truth, accuracy, and completeness by a responsible official. This certification and any other certification required under this Subpart shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) *Confidentiality.* A responsible official can request that certain information in a title V facility permit application be kept from public disclosure if it can be demonstrated to the department that the information is a trade secret. Such requests must be made in accordance with Part 616 of this Title. Information submitted to the department pursuant to Part 616 of this Title may be submitted directly to the administrator by the facility owner to determine if it is confidential pursuant to 40 CFR part 2.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-6.4 Application and permit review by EPA and affected states.

(a) *Transmission of information to the administrator.* (1) The department shall provide the administrator a copy of each permit application, including any application for permit modification, each proposed permit, and each final title V facility permit. Such transmission shall not include information related to the State-enforceable section. Accessibility to the administrator of the application, proposed permit, or final permit on the department's computer system shall be considered equivalent to the submission of these documents to the administrator by the department. The applicant may be required by the department to provide a copy of the permit application (including the compliance plan) directly to the administrator. Upon agreement with the administrator, the department may submit to the administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in computer-readable format compatible with the EPA national database management system.

(2) The administrator may waive the requirements of subdivisions (a)(1) and (b)(1) of this section for any category of emission sources (including any class, type, or size within such category) other than major sources according to the following:

(i) by regulation for a category of emission sources nationwide; or

(ii) at the time of approval of the State program for a category of sources covered by an individual permitting program.

(3) The department shall keep for five years such records and submit to the administrator such information as the administrator may reasonably require to ascertain whether the State program complies with the requirements of the act or of 40 CFR part 70.

(b) *Review by affected states.* (1) The department shall give notice of each draft permit to any affected state on or before the time that the department provides this notice to the public under the requirements of this Part or Part 621 of this Title.

(2) The department, as part of the submittal of the proposed permit to the administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under section 201-6.7 of this Subpart), shall notify the administrator and affected states in writing of any refusal by the department to accept all recommendations for the proposed permit that the affected state submitted during the public or affected state review period. The notice shall include the department's reasons for not accepting any such recommendation. The department is not required to accept recommendations that are not based on applicable requirements or the requirements of this Part.

(3) Within five working days of receipt of a complete permit modification application, the department shall meet its obligation to notify the administrator and affected states of the requested permit modification. The department promptly shall send any required notice to the administrator.

(c) *EPA objection.* (1) The administrator may object to the issuance of any proposed permit determined by the administrator not to be in compliance with applicable requirements or requirements under this Part. No permit for which an application must be transmitted to the administrator shall be issued if the administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

(2) Any EPA objection shall include a statement of the administrator's reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections. The administrator will provide the permit applicant a copy of the objection.

(3) Failure of the department to do any of the following also shall constitute grounds for an objection:

- (i) comply with subdivisions (a) or (b) of this section;
- (ii) submit any information necessary to review adequately the proposed permit; or
- (iii) process the permit under the procedures approved to meet the public participation requirements of Part 621 of this Title except for minor permit modifications.

(4) If the department fails, within 90 days after the date of an objection to revise and submit a proposed permit in response to the objection, the administrator may issue or deny the permit in accordance with the requirements of the Federal program promulgated under title V of the act.

(d) *Public petitions to the administrator.* If the administrator does not object in writing under subdivision (c) of this section, any person may petition the administrator within 60 days after the expiration of the administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the administrator objects to the permit as a result of a petition filed under this paragraph, the department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the department has issued a permit prior to receipt of an EPA objection under this paragraph, the administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in section 201-6.7(e) of this Subpart, except in unusual circumstances, and the department may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the facility owner and/or operator will not be in violation of the requirement to have submitted a timely and complete application.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-6.5 Standard permit requirements.

(a) *General conditions.* With the exception of subdivision (f) of this section the provisions contained in this Subpart are considered standard solely for the Federal portion of the title V facility permit. The operational flexibility provisions under subdivision (f) of this section shall be

available under both State and Federal portions of the title V facility permit. Each title V facility permit issued under this Part shall include the following standard provisions:

(1) All Federal emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

(i) The origin of and authority for each term or condition, and any difference in form as compared to the applicable requirement upon which the term or condition is based.

(ii) Any permit containing the department's determination that an alternative emission limit constitutes compliance with a regulation in the State implementation plan shall contain provisions to ensure that the resulting emission limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures. The department's determination that an emission source is eligible for an alternative emission limit can be made in the permit issuance, renewal or significant modification process.

(iii) If an existing stationary source has installed best available control technology (as defined in section 169[3] of the act), or technology required to meet a lowest achievable emission rate (as defined in section 171[3] of the act), prior to the promulgation of an applicable MACT or GACT standard to such stationary source, per section 112(d) and (j) of the act, for the same hazardous air pollutant (or stream of hazardous air pollutants) it shall not be required to comply with such standard until the date five years after the date on which installation or reduction has been achieved, as determined by the department.

(2) The permittee must comply with all conditions of the title V facility permit. Any permit non-compliance constitutes a violation of the act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(3) The permit may be modified, revoked, suspended, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(4) The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

(5) It is not a defense for an owner and/or operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(6) The permit does not convey any property rights of any sort, or any exclusive privilege.

(7) The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by Subpart 482-2 of this Title.

(8) The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9) A severability clause to insure the continued validity of the remaining various permit requirements in the event of a challenge to any portions of the permit.

(b) *Permit conditions for monitoring.* Each title V facility permit issued under this Part shall include the following provisions pertaining to monitoring:

7a.6(a)(3)(B)

(1) all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods for compliance assurance monitoring as required by the act shall be specified in the permit;

(2) where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), the permit shall specify the periodic monitoring sufficient to yield reliable data from the relevant time periods that are representative of the major stationary source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirements; and

(3) as necessary, requirements concerning the use, maintenance, and installation of monitoring equipment or methods.

(c) *Permit conditions for recordkeeping and reporting of compliance monitoring.* (1) The following information must be included in records and reports:

- (i) the date, place as defined in the permit, and time of sampling or measurements;
- (ii) the date(s) analyses were performed;
- (iii) the company or entity that performed the analyses;
- (iv) the analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) the results of such analyses including quality assurance data where required;
- (vi) the operating conditions as existing at the time of sampling or measurement;
- (vii) any deviation from permit requirements must be clearly identified; and
- (viii) reports must be certified by a responsible official, consistent with section 201-6.3 of this Subpart.

(2) Records of all monitoring data and support information must be retained for a period of at least five years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, all quality assurance information and copies of all reports required by the permit.

(3) The permit shall incorporate all applicable Federal reporting requirements which must include the following:

- (i) submittal of reports of any required monitoring at least every six months; and
- (ii) notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. If the permittee seeks to have a violation excused as provided in section 201-1.4 of this Part, the permittee shall report such violations as required under section 201-1.4(b) of this Part. All other permit deviations shall only be reported as required under subparagraph (i) of this paragraph, unless the department specifies a difference reporting requirement within the permit.

(d) *Compliance schedules.* Each title V facility permit issued shall contain the following provisions for compliance:

(1) The permit shall include a provision requiring compliance with the schedule proposed pursuant to section 201-6.3 of this Subpart.

(2) Where any performance or emission standard or other requirement is established for a facility prior to the issuance of a permit, the permit may contain a compliance schedule requiring the facility to achieve compliance as soon as practicable but not later than the time required by the act or an applicable requirement.

(3) The applicant shall propose as permit conditions, compliance certification, testing, monitoring (including any enhanced monitoring requirements), reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

(4) Any document (including reports) required by a title V permit shall contain a certification by a responsible official as set forth in section 201-6.3 of this Subpart that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

(5) Progress reports consistent with an applicable schedule of compliance and are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

70.6(c)(5) (e) Compliance certification. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

70.6(c)(5)(i) (1) the frequency, not less than annually or more frequent periods as specified in the applicable requirement or by the department, of submissions of compliance certifications;

70.6(c)(5)(ii) (2) a means for assessing or monitoring the compliance of the stationary source with its emission limitations, standards, and work practices;

70.6(c)(5)(iii) (3) a requirement that the compliance certification include the following:

(i) the identification of each term or condition of the permit that is the basis of the certification;

(ii) the compliance status;

(iii) whether compliance was continuous or intermittent;

(iv) the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with subdivision (b) of this section;

(v) such other facts as the department shall require to determine the compliance status of the facility; and

(vi) all compliance certifications shall be submitted to the department and to the administrator and shall contain such other provisions as the department may require to ensure compliance with all applicable requirements.

(f) Operational flexibility. Each title V facility permit shall contain a provision that states that no permit modifications will be required, under any approved emissions trading, economic incentives, marketable permits, or other similar programs or processes for changes that are provided for in the permit.

(1) Alternate operating scenarios. The owner and/or operator of the major stationary source may propose a range of operating conditions that will allow flexibility to operate under more than one operating scenario. Upon issuance of the permit, operation under each proposed alternate operating scenario is authorized without requiring a permit revision. The owner and/or operator must track and report the scenarios that the major stationary source operates under according to the requirements of this section, and contemporaneously with making a change from one operating scenario to another, the facility owner and/or operator must record the scenarios in a log at the source. The alternate operating scenarios shall be specified by terms and conditions stated in the permit and shall not contravene any applicable requirement. Alternative operating scenarios may include but are not limited to:

(i) specifying, as maximum permissible operating conditions, alternative operational scenarios that can be expected to occur during the term of the permit;

(ii) the specification of the maximum permissible emission rate as the enforceable limit unless the operational capacity of the emission source or emission unit is limited as a result of applicable or other requirements;

(iii) the aggregation of emissions from emission units to be detailed under an approved operational flexibility plan, describing the manner in which emissions may be varied in quantity and nature among such emission units. Applications must describe the location and characteristics of emission units involved, and the corresponding emissions; and

(iv) other bases for the facilitation of operational flexibility not in violation of Federal or State law or regulation as approved by the department and the administrator.

(2) Protocol. In the operational flexibility plan the owner and/or operator may propose to incorporate a protocol component by which the permittee will evaluate proposed changes for compliance with applicable requirements. Compliance with an approved protocol shall serve as compliance with Part 212 of this Title except that it shall not undo previous section 212.10 RACT determinations or otherwise absolve the permittee from section 212.10 RACT compliance obligations. The protocol shall include provisions for notifying the department of changes. Detail must be sufficient to allow for the assessment of control requirements, to determine compliance with applicable requirements and to maintain the department's source inventory. Changes made pursuant to an approved protocol are not subject to the provisions of section 201-6.7 of this Subpart.

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(3) Emissions trading under the SIP without requiring a permit revision. Owners and/or operators of title V facilities may trade increases and decreases in emissions in the permitted facility, where the applicable implementation plan provides for such emissions trades and the changes do not exceed the emissions allowable under the permit, without requiring a permit revision. Notice of such trade must be given to the department and the administrator seven days prior to making the trade. This provision is available in those cases where the permit does not specifically provide for such emissions trading.

(i) The seven day written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the facility will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the facility will comply in the applicable implementation plan and that provide for the emissions trade.

(ii) Compliance with the permit requirements that the facility will meet in conducting the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.

(iii) The permit shield described in section 201-6.6 of this Subpart shall not extend to terms and conditions that allow such increases and decreases in emissions.

(4) Emissions trading under a cap without requiring a permit revision. If a permit applicant requests it, the department shall issue permits that contain terms and conditions, including all terms required under this Subpart, to determine compliance, allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include, in the application, proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department shall not include in the emissions trading provisions any emission units for which emissions are not quantifiable or for which there are no replicable procedures to determine the compliance of the trade. Trading of emissions between contiguous facilities with more than one title V facility permit and owned and/or operated by the same

facility owner and/or operator is permitted according to a procedure approved in the permits. The permit(s) shall also require compliance with all applicable requirements.

(i) For emissions trading pursuant to this paragraph, seven day written advance notification shall be provided to the administrator and to the department, and shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(ii) The permit shield described in this section shall extend to terms and conditions that allow such increases and decreases in emissions.

(5) For emissions trading under this section, the owner and/or operator of the permitted facility, the department and the administrator shall attach the seven day advance notice of each trade to their copy of the relevant permit.

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(g) *Permit shield.* Except as otherwise provided in this Subpart, the department shall expressly include in a facility permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance. This permit shield applies provided all applicable requirements are included and are specifically identified in the permit or the department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the department from revising or revoking the permit pursuant to Part 621 of this Title or from exercising its summary abatement authority. Nothing in this paragraph or in any title V facility permit shall alter or affect the following:

(1) the ability of the department to seek to bring suit on behalf of the State of New York, or the administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

(2) the liability of an owner or operator of a title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

(3) the applicable requirements of title IV of the act; and

(4) the ability of the department or the administrator to obtain information from a facility owner and/or operator concerning the ability to enter, inspect and monitor the facility.

(h) *Term of permits.* The following time periods shall apply to the term of title V facility permits:

(1) Periods of up to five years for title V facility permits, temporary sources and general permits for facilities subject to this Subpart.

(2) A fixed term of five years for "affected sources." Title V permits for "affected sources" will be issued in such a manner as to eliminate inconsistencies between the expiration of the title V permit and the effective dates of applicable requirements under title IV of the act.

(i) *Reopening for cause.* (1) A title V permit shall be reopened and revised under any of the following circumstances:

(i) When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201-6.7 of this Subpart.

(ii) The department or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iii) The department or the administrator determines that the title V permit must be revised or reopened to assure compliance with applicable requirements.

(iv) Additional requirements (including excess emissions requirements) become applicable to an "affected source" under the Acid Rain Program. Upon approval by the administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(2) Proceedings to reopen and issue a title V facility permit shall be required to follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

(3) Reopenings shall not be initiated before a notice of such intent is provided to the facility by the department at least 30 days in advance of the date that the permit is to be reopened, except that the department may provide a shorter time period in the case of an emergency.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-6.6 Special provisions.

(a) *State enforceable requirements.* (1) The department shall specifically designate as not being federally enforceable, any terms and conditions included in the permit that are not required under the act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of section 201-6.4 of this Subpart.

(2) When a facility is issued a title V permit, existing state requirements shall be incorporated into the state enforceable section, and the existing permits shall expire except where the facility owner and/or operator requests to delay this merging of State and Federal requirements as allowed under section 201-6.2 of this Subpart. Incorporation of existing requirements will not be subject to section 201-6.4 of this Subpart.

(b) *Additional permit conditions for facilities subject to the Acid Rain Program of title IV of the act.* (1) Where an applicable requirement of the act is more stringent than regulations promulgated under title IV of the act, both requirements shall be incorporated into the permit, and shall be enforceable by the department and the administrator.

(2) Emissions exceeding any allowances that the facility owner/operator lawfully holds under title IV of the act or the regulations promulgated thereunder shall be prohibited by the permit. However, the facility owner and/or operator is not required to cover its emissions at all times. Rather, the facility owner and/or operator need only have sufficient sulfur dioxide allowances to cover emissions at the end of the true-up period in each year.

(3) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to title IV, provided that such increases do not require a permit revision under any other applicable requirement.

(4) No limit shall be placed on the number of allowances held by the facility. The facility owner and/or operator may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(5) Any allowance shall be accounted for according to the procedures established in regulations promulgated under the acid rain provisions of title IV.

(c) *Emergency defense provision.* Each title V facility permit shall contain a condition that requires reporting of noncompliance due to an emergency. In the event that emissions of contaminants in excess of any emission standard of this Chapter occur due to an emergency (as defined in this Part), the facility owner shall report such event to the department's representative as soon as possible during normal working hours, but in any case not later than two working days after the event occurs which describes the emergency, any steps taken to mitigate emissions, and corrective actions taken. Facilities desiring an affirmative defense for non-compliance with any applicable requirement due to an emergency shall follow the requirements established under the general provisions in this Part.

(d) *Portable sources and portable operations.* The department may issue a permit authorizing emissions from similar operations by the same stationary source owner and/or operator at

multiple temporary locations. The operation must be temporary in nature and can involve more than one change of location during the term of the permit.

(1) No "affected source" shall be permitted as a portable source. Permits for portable sources may be issued pursuant to conceptual approvals by the department based on a description of the proposed operation and control equipment with site-specific review requirements incorporated into the conceptual approval. All permits issued shall contain:

(i) conditions that will assure compliance with all applicable requirements at all authorized locations unless site-specific reviews are required prior to relocation or start-up as determined by the department;

(ii) requirements that the owner or operator notify the department at least 10 days in advance of each change in location; and

(iii) conditions that assure compliance with all other provisions of this section.

(2) The department may issue written authorization to a facility owner to operate a portable source for a period of time not to exceed 30 days in any calendar year where an environmental or public health emergency situation exists due to spills or other causes, and there is an environmental benefit to such portable operation.

(e) *Temporary operations.* The department may issue authorization for temporary operations. These operations must comply with any applicable requirements and all Parts of this Chapter. Temporary operations, for purposes of title V facility permitting, would be treated as trivial activities.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-6.7 Permit renewal and modification.

(a) *Expiration and renewal.* The following procedures shall apply when title V facility permits are renewed or expire:

(1) Permits that are being renewed are subject to the same procedural and review requirements, including those for public participation and affected State and EPA review, that apply to initial permit issuance. Renewal applications must include any revisions or modifications enacted during the previous permit term.

(2) Permit expiration terminates the major stationary source's right to operate unless a timely and complete renewal application has been submitted consistent with section 201-6.3(a) of this Subpart.

(3) If the department fails to act in a timely way in the renewal of a permit, the administrator may invoke the authority under section 505(e) of the act to terminate, modify or revoke and reissue a permit.

(4) The department shall take final action upon permit renewal within 18 months of receipt of a complete application. If the department fails to take final action on a renewal application within 18 months of the receipt of a complete application, such failure to act shall be treated as a final agency action solely for the purposes of judicial review for failure to take final action.

(5) All the terms and conditions of a permit shall be automatically continued pending final determination by the department on a request for renewal application for a permit provided a permittee has made a timely and complete application and paid the required fees.

(b) *Administrative permit amendments.* (1) Administrative amendments to title V facility permits include the following changes:

(i) correction of typographical errors;

(ii) identification of a change in the name, address, or phone number of any person identified in the permit or a similar minor administrative change at the source;

(iii) those requiring more frequent monitoring or reporting by the permittee;

(iv) those allowing for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the department; or

(v) incorporation into the permit of the requirements from a preconstruction review permit issued by the department provided that public participation pursuant to Part 621 of this Title, and the EPA and affected State review process for the preconstruction permit were equivalent to the review process and compliance requirements necessary for issuance of a title V facility permit.

(2) the request for an administrative permit amendment shall be reviewed and acted upon by the department in accordance with the time frames and procedures established under section 621.13 of this Title and subparagraph (i) of this paragraph. Administrative permit amendments for the purposes of the acid rain portion of the permit shall be governed by regulations promulgated under title IV of the act. The department may incorporate such changes into the permit without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this paragraph.

(i) Within 15 days of receipt of a request for an administrative permit amendment, the department shall take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this section.

(ii) The department shall make a copy of the revised permit available to the administrator.

(iii) The owner and/or operator of a facility may implement the changes addressed in the request for an administrative amendment after 15 days from receipt of the request by the department.

(3) The department shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in section 201-6.5 of this Subpart. The department shall also allow such coverage for administrative permit amendments made pursuant to paragraph (1)(v) of this subdivision, provided the preconstruction permit met the relevant requirements of this Part for significant permit modifications.

(c) *Minor permit modifications.* (1) Minor permit modification procedures may be used only for those permit modifications that do not exceed the criteria under subparagraphs (i) - (v) of this paragraph. In no case will a facility that has been issued multiple permits be allowed to make minor permit modifications which, in the aggregate, would be a significant permit modification if the facility had been issued a single permit, unless such facility complies with all the requirements for a significant modification.

(i) Do not violate any applicable requirement.

(ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit and are not otherwise a significant change in the permit.

(iii) Do not require or change a case-by-case determination of a Federal emission limitation or other Federal standard, or a specific determination for portable sources causing adverse ambient impacts, or a visibility or increment analysis.

(iv) Do not seek to establish or change a permit term or condition that the facility has assumed to avoid an applicable requirement to which the emission source would otherwise be subject. Such terms and conditions include:

(a) a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the act, including Part 231 of this Title; or

(b) an alternative emissions limit approved pursuant to the early reduction program under section 112 of the act.

(v) Are not modifications under any provision of title I of the act, including modifications resulting in significant net emission increases as defined and regulated under Part 231

of this Title or the Federal Prevention of Significant Deterioration Program regulations at 40 CFR 52.21.

(2) Notwithstanding paragraphs (1) and (9) of this subdivision, minor permit modification procedures may be used for permit modifications involving the use of economic incentives and marketable permits.

(3) An application for a minor permit modification shall meet the requirements of section 201-6.3(d) of this Subpart, and shall provide the following information:

(i) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) certification by a responsible official, consistent with this Subpart, that the proposed modification meets the criteria contained herein for use of minor permit modification procedures and a request that such procedures be used;

(iii) completed forms for use in notifying the administrator and affected states; and

(iv) the major stationary source's suggested draft permit in a format acceptable to the department.

(4) The department will review and act on applications for minor permit modifications in accordance with timeframes and procedures established for minor projects under Part 621 of this Title. Upon application by an owner and/or operator for a minor permit modification, the department shall determine whether or not such application is complete within 15 days after receipt of such application and notify the applicant as required under Part 621 of this Title.

(5) The facility may proceed with the requested modification upon receipt of a notice of complete application from the department confirming that the modification is minor. If, however, the department fails to issue such notice, the application shall be deemed complete by default on the 15th day after receipt of the application and the permittee may proceed with the requested modification on the 25th day after the date that the department received the application. After the facility owner and/or operator makes the change and until the department takes final action, or notifies the permittee that the requested modification does not meet the minor modification criteria, or that EPA objects to the modification requested, the facility must comply with both the applicable requirements governing the change and any proposed permit terms and conditions. During this time period, the facility need not comply with the existing permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(6) The department shall provide the notice of complete application, or provide an alternate form of notification approved by the administrator, to the administrator and affected states on or before the date that the applicant is notified. Such notification is not required if the modification involves only emission units or permit terms and conditions that are not subject to any applicable requirement.

(7) The department must issue a final decision on a modification request not later than 45 days after the date that the application was complete. However, the department may not issue a final permit modification until 45 days have elapsed from the date that the department notified the administrator under paragraph (6) of this subdivision or until the administrator has notified the department that they will not object to issuance of the permit modification, whichever occurs first.

(8) The permit shield described in section 201-6.5 of this Subpart does not extend to minor permit modifications.

(9) Group processing of minor permit modifications. The department may process groups of a stationary source's applications for certain modifications eligible for minor permit modification processing.

(i) Group processing of modifications may be used only for those permit modifications:

(a) that meet the criteria for minor permit modification procedures of this section; and

(b) whose potential emissions collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major stationary source, or five tons per year, whichever is least.

(ii) An application requesting the use of group processing procedures shall meet the requirements for a complete application in section 201-6.3 of this Subpart and shall include the following:

(a) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) the stationary source's proposed draft permit;

(c) certification by a responsible official, consistent with section 201-6.3 of this Subpart, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;

(d) a list of the stationary source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under this paragraph; and

(e) certification by a responsible official, consistent with section 201-6.3 of this Subpart, that the facility owner and/or operator has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification; and

(f) completed forms for notifying the administrator and affected states as required under section 201-6.4 of this Subpart.

(iii) On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a stationary source's pending applications equals or exceeds the threshold level set under this paragraph, whichever is earlier, the department shall notify the administrator and affected states of the requested permit modifications. The department shall send any required notice to the administrator. In addition, the department may require the facility owner and/or operator to submit a notice to be used in notifying the administrator and affected states.

(iv) The provisions of paragraph (5) of this subdivision shall apply to modifications eligible for group processing, except that the department shall take the action specified in paragraph (7) of this subdivision within 180 days of receipt of the application or 15 days after the end of the administrator's 45-day review period, whichever is later.

(v) The permit shield described in section 201-6.5 of this Subpart does not extend to minor permit modifications eligible for group processing.

(vi) The provisions of this section shall apply to group processing for minor permit modifications.

(d) *Significant permit modifications.* Significant permit modifications are those that are not minor permit modifications or administrative permit amendments. Every significant change in existing monitoring permit terms or conditions, and every relaxation of reporting or recordkeeping permit terms or conditions at a stationary source subject to this Subpart shall be considered significant. An application for permit modification should be submitted by the owner and/or operator, and shall be subject to the provisions of this Subpart for new applications for a permit.

(e) *Reopenings for cause by EPA.* (1) If the administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to section 201-6.5 of this Subpart, the administrator will notify the department and the permittee of such finding in writing.

(2) The department shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The administrator may extend this 90-day period for an additional 90 days if she/he finds that a new or revised permit application is necessary or that the department must require the permittee to submit additional information.

(3) The administrator will review the proposed determination from the department within 90 days of receipt.

(4) The department shall have 90 days from receipt of an EPA objection to resolve any objection that EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with the administrator's objection.

(5) If the department fails to submit a proposed determination pursuant to paragraph (2) of this subdivision or fails to resolve any objection pursuant to paragraph (4) of this subdivision, the administrator will terminate, modify, or revoke and reissue the permit after taking the following actions:

(i) providing at least 30 days' notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in paragraphs (1) through (4) of this subdivision;

(ii) providing the permittee an opportunity for comment on the administrator's proposed action and an opportunity for a hearing.

(f) *Surrender of title V facility permits.* A source owner or operator may close down operations and surrender title V permit(s) to the department.

Historical Note

Sec. filed June 7, 1996 eff. 30 days after filing.

§ 201-6.8 Appendix A—Sources Deferred from Title V Permitting in Accordance with Section 201-6.2(c)(2) of this Subpart.

Sources Regulated by National Emission Standards for Hazardous Air Pollutants:

40 CFR 63.320 Subpart M: Perchloroethylene Dry Cleaning Facilities

40 CFR 63.340 Subpart N: Chromium Electroplating

40 CFR 63.360 Subpart O: Ethylene Oxide Commercial Sterilization

40 CFR 63.460 Subpart T: Halogenated Solvent Metal Cleaning

40 CFR 63.541 Subpart X: Secondary Lead Smelting

Historical Note

Sec. filed Oct. 14, 1997 eff. 30 days after filing.

§ 201-6.9 Appendix B—Transition Plan Application Schedule.

(a) (1) The following schedule establishes the deadlines by which existing major stationary sources must submit Title V facility permit applications under the transition provisions of Subpart 201-6 of this Chapter. The schedule lists those Standard Industrial Classification (SIC) Codes which cover the existing major stationary sources in the department's emission inventory based on past actual emissions data, and assigns a submittal deadline of 6, 12 or 24 months from the date that the EPA Administrator approves the Department's program.

(b) Within 24 months of EPA's approval of New York's operating permit program, owners and/or operators of major facilities in all remaining SIC categories and other categories as determined by the Department shall submit a Phase II application for their Title V facility permit.

(c) In the event of uncertainty as to which SIC code applies to a facility, the Department will determine which SIC category a facility belongs to based on inspection of the facility and similarity of the subject facility to other facilities in specific SIC categories.

(2) The Transition Plan is as follows:

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
0100-0199		Agricultural Production - Crops		24 months
0200-0299		Agricultural Production Livestock and Animal Specialties		24 months
0700-0799		Agricultural Services		24 months
0800-0899		Forestry		24 months
0900-0999		Fishing, Hunting, and Trapping		24 months
1000-1999		Metal Mining		24 months
1200-1299		Coal Mining		24 months
1300-1399		Oil and Gas Extraction		24 months
1400-1499		Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1420	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Crushed and Broken Stone, including riprap	12 months
1400-1499	1421	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1422	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Crushed and Broken Limestone	12 months
1400-1499	1427	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1429	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Crushed and Broken Stone, Not Elsewhere Classified	12 months
1400-1499	1442	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Construction Sand and Gravel	12 months
1400-1499	1444	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1446	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Industrial Sand	12 months
1400-1499	1447	Mining & Quarrying of Nonmetallic Minerals, Except Fuels		12 months
1400-1499	1479	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Chemical/Fertilizer Mineral Mining Not Elsewhere Classified	12 months
1400-1499	1492	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Gypsum	12 months
1400-1499	1496	Mining & Quarrying of Nonmetallic Minerals, Except Fuels	Talc, Soapstone, and Pyrophyllite	12 months
1500-1599		Building Construction-General Contractors/ Operative Builders		24 months
1600-1629		Heavy Construction, except Highway and Street Construction		24 months
1600-1629	1629	Heavy Construction, except Highway and Street Construction	Heavy Construction, Not Elsewhere Classified	24 months
1700-1799		Construction - Special Trade Contractors		24 months
2000-2099		Food and Kindred Products		24 months
2000-2099	2013	Food and Kindred Products	Sausage and Other Prepared Meat Products	24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
2000-2099	2020	Food and Kindred Products	Dairy Products	24 months
2000-2099	2022	Food and Kindred Products	Cheese, Natural and Processed	24 months
2000-2099	2023	Food and Kindred Products	Condensed and Evaporated Milk	24 months
2000-2099	2026	Food and Kindred Products	Fluid Milk	24 months
2000-2099	2032	Food and Kindred Products	Canned Specialties	24 months
2000-2099	2033	Food and Kindred Products	Canned Fruits, Vegetables, Preserves, Jams and Jellies	24 months
2000-2099	2040	Food and Kindred Products	Grain Mill Products	24 months
2000-2099	2041	Food and Kindred Products	Flour and Other Grain Mill Products	24 months
2000-2099	2043	Food and Kindred Products	Cereal Breakfast Products	24 months
2000-2099	2046	Food and Kindred Products	Wet Corn Milling	24 months
2000-2099	2048	Food and Kindred Products	Prepared Feeds/Feed Ingredients Animal/Fowls Not Cats/Dogs	24 months
2000-2099	2051	Food and Kindred Products	Bread & Bakery Products, Except Cookies and Crackers	24 months
2000-2099	2062	Food and Kindred Products	Cane Sugar Refining	24 months
2000-2099	2076	Food and Kindred Products	Vegetable Oil Mills, Except Corn, Cottonseed and Soybean	24 months
2000-2099	2082	Food and Kindred Products	Malt Beverages	24 months
2000-2099	2094	Food and Kindred Products	Miscellaneous Food Preparations and Kindred Products	24 months
2100-2199		Tobacco Manufacturers		24 months
2100-2199	211	Tobacco Manufacturers	Cigars	24 months
2200-2299		Textile Mill Products		24 months
2200-2299	2231	Textile Mill Products	Broad Woven Fabric Mills, Wool Including Dyeing & Finishing	24 months
2200-2299	2259	Textile Mill Products	Knitting Mills, Not Elsewhere Classified	24 months
2200-2299	2262	Textile Mill Products	Finishers of Textiles, Not Elsewhere Classified	24 months
2200-2299	2281	Textile Mill Products	Yarn Spinning Mills	24 months
2200-2299	2295	Textile Mill Products	Coated Fabrics, Not Rubberized	24 months
2200-2299	2297	Textile Mill Products	Nonwoven Fabrics	24 months
2300-2399		Apparel/Finished Products From Fabric & Similar Material		24 months
2300-2399	2396	Apparel/Finished Products From Fabric & Similar Material	Automotive Trimmings, Apparel Findings & Related Products	24 months
2400-2499		Lumber & Wood Products, Except Furniture		24 months
2400-2499	2426	Lumber & Wood Products, Except Furniture	Hardwood Dimension and Flooring Mills	24 months
2400-2499	2431	Lumber & Wood Products, Except Furniture	Millwork	24 months
2400-2499	2432	Lumber & Wood Products, Except Furniture		24 months
2400-2499	2434	Lumber & Wood Products, Except Furniture	Wood Kitchen Cabinets	24 months
2400-2499	2490	Lumber & Wood Products, Except Furniture	Miscellaneous Wood Products	24 months
2400-2499	2492	Lumber & Wood Products, Except Furniture		24 months
2400-2499	2499	Lumber & Wood Products, Except Furniture	Wood Products, Not Elsewhere Classified	24 months
2500-2599		Furniture and Fixtures		12 months
2500-2599	2511	Furniture and Fixtures	Wood Household Furniture, Except Upholstered	12 months
2500-2599	2514	Furniture and Fixtures	Metal Household Furniture	12 months
2500-2599	2521	Furniture and Fixtures	Wood Household Furniture	12 months
2500-2599	2522	Furniture and Fixtures	Office Furniture, Except Wood	12 months
2500-2599	2531	Furniture and Fixtures	Public Building and Related Furniture	12 months
2500-2599	2541	Furniture and Fixtures	Wood Partitions, Shelving, Lockers, & Office and Store Fixtures	12 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
2500-2599	2542	Furniture and Fixtures	Metal Partitions, Shelving, Lockers, & Office and Store Fixtures	12 months
2500-2599	2591	Furniture and Fixtures	Drapery Hardware and Window Blinds and Shades	12 months
2500-2599	2599	Furniture and Fixtures	Hospital, Restaurant, Cafeteria, and Factory Furniture	12 months
2600-2629		Paper and Allied Products		6 months.
2600-2629	2611	Paper and Allied Products	Pulp Mills	24 months
2600-2629	2621	Paper and Allied Products	Paper Mills, Except Building Paper Mills	24 months
2600-2629	2625	Paper and Allied Products	Paper Mills, Except Building Paper Mills	24 months
2630-2699		Paper and Allied Products		12 months
2630-2699	2631	Paper and Allied Products	Paperboard Mills	12 months
2630-2699	2641	Paper and Allied Products	Paper Coating and Glazing	12 months
2630-2699	2643	Paper and Allied Products	Bags, Except Textile Bags	12 months
2630-2699	2649	Paper and Allied Products	Converted Bags/Paper board Products Not Elsewhere Classified	12 months
2630-2699	2653	Paper and Allied Products	Corrugated and Solid Fiber Boxes	12 months
2630-2699	2654	Paper and Allied Products	Sanitary Food Containers	12 months
2630-2699	2657	Paper and Allied Products	Folding Paperboard Boxes, Including Sanitary	12 months
2630-2699	2661	Paper and Allied Products	Building Paper and Building Board Mills	12 months
2630-2699	2671	Paper and Allied Products	Packaging Paper and Plastics Film, Coated and Laminated	12 months
2630-2699	2672	Paper and Allied Products	Coated and Laminated Paper, Not Elsewhere Classified	12 months
2630-2699	2673	Paper and Allied Products	Plastics, Foil, and Coated Paper Bags	12 months
2630-2699	2674	Paper and Allied Products	Uncoated Paper and Multiwall Bags	12 months
2700-2749		Printing, Publishing, and Allied Industries		24 months
2700-2749	2711	Printing, Publishing, and Allied Industries	Newspapers; Publishing and Printing	24 months
2700-2749	2731	Printing, Publishing, and Allied Industries	Books; Publishing and Printing	24 months
2700-2749	2741	Printing, Publishing, and Allied Industries	Miscellaneous Printing	24 months
2750-2769		Printing, Publishing, and Allied Industries		12 months
2750-2769	2750	Printing, Publishing, and Allied Industries	Commercial Printing	12 months
2750-2769	2751	Printing, Publishing, and Allied Industries	Commercial Printing, Letterpress and Screen	12 months
2750-2769	2752	Printing, Publishing, and Allied Industries	Commercial Printing, Lithographic	12 months
2750-2769	2754	Printing, Publishing, and Allied Industries	Commercial Printing, Gravure	12 months
2750-2769	2759	Printing, Publishing, and Allied Industries	Commercial Printing, Not Elsewhere Classified	12 months
2750-2769	2761	Printing, Publishing, and Allied Industries	Manifold Business Forms	12 months
2770-2799		Printing, Publishing, and Allied Industries		24 months
2800-2829		Chemicals and Allied Products		24 months
2800-2829	2800	Chemicals and Allied Products		24 months
2800-2829	2810	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2811	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
2800-2829	2812	Chemicals and Allied Products	Alkalies and Chlorine	24 months
2800-2829	2815	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2816	Chemicals and Allied Products	Inorganic Pigments	24 months
2800-2829	2818	Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2819	Chemicals and Allied Products	Industrial Inorganic Chemicals, Not Elsewhere Classified	24 months
2800-2829	2821	Chemicals and Allied Products	Plastics Materials, Synthetic Resins, Nonvulcanizable Elastomers	24 months
2800-2829	2822	Chemicals and Allied Products	Synthetic Rubber (Vulcanizable Elastomers)	24 months
2800-2829		Chemicals and Allied Products	Industrial Inorganic Chemicals	24 months
2800-2829	2824	Chemicals and Allied Products	Manmade Organic Fibers, Except Cellulosic	24 months
2830-2839		Chemicals and Allied Products	Drugs	24 months
2830-2839	2833	Chemicals and Allied Products	Medicinal Chemicals and Botanical Products	24 months
2830-2839	2834	Chemicals and Allied Products	Pharmaceutical Preparations	24 months
2840-2849		Chemicals and Allied Products	Soaps, Detergents, Cleaning Preparations, Perfumes, Cosmetics	24 months
2850-2899		Chemicals and Allied Services		24 months
2850-2899	2851	Chemicals and Allied Services	Paints, Varnishes, Lacquers, Enamels, & Allied Products	24 months
2850-2899	2865	Chemicals and Allied Services	Cyclic Organic Crudes & Intermediates Organic Dyes, Pigments	24 months
2850-2899	2869	Chemicals and Allied Services	Industrial Organic Chemicals, Not Elsewhere Classified	24 months
2830-2899	2879	Chemicals and Allied Services	Pesticides and Agricultural Goods, Not Elsewhere Classified	24 months
2850-2899	2890	Chemicals and Allied Services	Miscellaneous Chemical Products	24 months
2850-2899	2891	Chemicals and Allied Services	Adhesives and Sealants	24 months
2850-2899	2892	Chemicals and Allied Services	Explosives	24 months
2850-2899	2899	Chemicals and Allied Services	Chemicals and Chemical Preparations, Not Elsewhere Classified	24 months
2900-2919		Petroleum Refining and Related Industries		24 months
2900-2919	2911	Petroleum Refining and Related Industries	Petroleum Refining	24 months
2950-2989		Petroleum Refining and Related Industries		24 months
2950-2989	2951	Petroleum Refining and Related Industries	Paving Mixtures and Goods	24 months
2950-2989	2952	Petroleum Refining and Related Industries	Asphalt Felts and Coatings	24 months
2990-2999		Petroleum Refining and Related Industries		12 months
2990-2999	2999	Petroleum Refining and Related Industries	Products of Petroleum and Coal, Not Elsewhere Classified	6 months
3000-3019		Rubber & Miscellaneous Plastics Products		24 months
3000-3019	3011	Rubber & Miscellaneous Plastics Products	Tires and Innertubes	24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
3020-3029		Rubber & Miscellaneous Plastics Products		24 months
3020-3029	3021	Rubber & Miscellaneous Plastics Products	Rubber and Plastics Footwear	24 months
3050-3059		Rubber & Miscellaneous Plastics Products		24 months
3050-3059	3053	Rubber & Miscellaneous Plastics Products	Gaskets, Packing, and Sealing Devices	24 months
3060-3069		Rubber & Miscellaneous Plastics Products	Fabricated Rubber Products, Not Elsewhere Classified	24 months
3070-3079		Rubber & Miscellaneous Plastics Products		24 months
3070-3079	3070	Rubber & Miscellaneous Plastics Products	Miscellaneous Plastic Products	24 months
3070-3079	3079	Rubber & Miscellaneous Plastics Products	Miscellaneous Plastic Products	24 months
3080-3089		Rubber & Miscellaneous Plastics Products		12 months
3080-3089	3081	Rubber & Miscellaneous Plastics Products	Unsupported Plastics Film and Sheet	12 months
3080-3089	3086	Rubber & Miscellaneous Plastics Products	Plastics Foam Products	12 months
3080-3089	3089	Rubber & Miscellaneous Plastics	Products Plastics Products, Not Elsewhere Classified	12 months
3100-3019		Leather and Leather Products		24 months
3100-3019	3111	Leather and Leather Products	Leather Tanning and Finishing	24 months
3130-3199		Leather and Leather Products	Footwear, Leather Gloves, Mittens, Handbags, Personal Items	24 months
3200-3299		Stone, Clay, Glass, and Concrete Products		12 months
3200-3299	3200	Stone, Clay, Glass, and Concrete Products		12 months
3200-3299	3221	Stone, Clay, Glass, and Concrete Products	Glass Containers	12 months
3200-3299	3229	Stone, Clay, Glass, and Concrete Products	Pressed & Blown Glass and Glassware, Not Elsewhere Classified	12 months
3200-3299	3231	Stone, Clay, Glass, and Concrete Products	Glass Products, Made of Purchased Glass	12 months
3200-3299	3241	Stone, Clay, Glass, and Concrete Products	Cement Hydraulic	12 months
3200-3299	3264	Stone, Clay, Glass, and Concrete Products	Porcelain Electrical Supplies	12 months
3200-3299	3272	Stone, Clay, Glass, and Concrete Products	Concrete Products, Except Block and Brick	12 months
3200-3299	3273	Stone, Clay, Glass, and Concrete Products	Ready-Mixed Concrete	12 months
3200-3299	3274	Stone, Clay, Glass, and Concrete Products	Lime	12 months
3200-3299	3275	Stone, Clay, Glass, and Concrete Products	Gypsum Products	12 months
3200-3299	3281	Stone, Clay, Glass, and Concrete Products	Cut Stone and Stone Products	12 months
3200-3299	3291	Stone, Clay, Glass, and Concrete Products	Abrasive Products	12 months
3200-3299	3292	Stone, Clay, Glass, and Concrete Products	Asbestos Products	12 months
3200-3299	3293	Stone, Clay, Glass, and Concrete Products	Gaskets, Packing, and Sealing Products	12 months
3200-3299	3295	Stone, Clay, Glass, and Concrete Products	Minerals and Earths, Ground or Otherwise Treated	12 months
3200-3299	3296	Stone, Clay, Glass, and Concrete Products	Mineral Wool	12 months
3200-3299	3297	Stone, Clay, Glass, and Concrete Products	Nonclay Refractories	12 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
3200-3299	3299	Stone, Clay, Glass, and Concrete Products	Nonmetallic Mineral Products, Not Elsewhere Classified	12 months
3300-3319		Primary Metal Industries		12 months
3300-3319	3300	Primary Metal Industries		12 months
3300-3319	3312	Primary Metal Industries	Steel Works, Blast Furnaces, Including Coke Ovens, Rolling Mills	12 months
3320-3399		Primary Metal Industries		24 months
3320-3399	3321	Primary Metal Industries	Gray Iron Foundries	24 months
3320-3399	3322	Primary Metal Industries	Malleable Iron Foundries	24 months
3320-3399	3324	Primary Metal Industries	Steel Investment Foundries	24 months
3320-3399	3325	Primary Metal Industries	Steel Foundries, Not Elsewhere Classified	24 months
3320-3399	3334	Primary Metal Industries	Primary Production of Aluminum	24 months
3320-3399	3339	Primary Metal Industries	Primary Smelting/Refining Nonferrous Metals	24 months
3320-3399	3341	Primary Metal Industries	Secondary Smelting and Refining of Nonferrous Metals	24 months
3320-3399	3351	Primary Metal Industries	Rolling, Drawing, and Extruding of Copper	24 months
3320-3399	3352	Primary Metal Industries	Rolling, Drawing, and Extruding of Nonferrous Metals	24 months
3320-3399	3354	Primary Metal Industries	Aluminum Extruded Products	24 months
3320-3399	3357	Primary Metal Industries	Drawing and Insulating of Nonferrous Wire	24 months
3320-3399	3361	Primary Metal Industries	Aluminum Foundries, Casting	24 months
3320-3399	3369	Primary Metal Industries	Nonferrous Foundries, Except Copper and Aluminum	24 months
3320-3399	3399	Primary Metal Industries	Primary Metal Products, Not Elsewhere Classified	24 months
3400-3499		Fabricated Metal Products Not Machinery/Transport Equip		24 months
3400-3499	3411	Fabricated Metal Products Not Machinery/Transport Equip	Metal Cans	24 months
3400-3499	3412	Fabricated Metal Products Not Machinery/Transport Equip	Metal Shipping Barrels, Drums, Kegs, & Pails	24 months
3400-3499	3421	Fabricated Metal Products Not Machinery/Transport Equip	Cutlery	24 months
3400-3499	3423	Fabricated Metal Products Not Machinery/Transport Equip	Hand & Edge Tools, Except Machine Tools & Hand Saws	24 months
3400-3499	3429	Fabricated Metal Products Not Machinery/Transport Equip	Hardware, Not Elsewhere Classified	24 months
3400-3499	3431	Fabricated Metal Products Not Machinery/Transport Equip	Enameled Iron and Metal Sanitary Ware	24 months
3400-3499	3442	Fabricated Metal Products Not Machinery/Transport Equip	Metal Doors, Sash, Frames, Molding, & Trim	24 months
3400-3499	3443	Fabricated Metal Products Not Machinery/Transport Equip	Fabricated Plate Works, Boiler Works	24 months
3400-3499	3444	Fabricated Metal Products Not Machinery/Transport Equip	Sheet Metal Work	24 months
3400-3499	3461	Fabricated Metal Products Not Machinery/Transport Equip	Metal Forgings and Stampings	24 months
3400-3499	3465	Fabricated Metal Products Not Machinery/Transport Equip	Automotive Stampings	24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
3400-3499	3469	Fabricated Metal Products Not Machinery/Transport Equip	Metal Stampings, Not Elsewhere Classified	24 months
3400-3499	3471	Fabricated Metal Products Not Machinery/Transport Equip	Electroplating, Plating, Polishing, Anodizing, and Coloring	24 months
3400-3499	3481	Fabricated Metal Products Not Machinery/Transport Equip		24 months
3400-3499	3483	Fabricated Metal Products Not Machinery/Transport Equip	Ammunition, Except Small Arms, Not Elsewhere Classified	24 months
3400-3499	3484	Fabricated Metal Products Not Machinery/Transport Equip	Small Arms	24 months
3400-3499	3492	Fabricated Metal Products Not Machinery/Transport Equip	Miscellaneous Fabricated Metal Products	24 months
3400-3499	3494	Fabricated Metal Products Not Machinery/Transport Equip	Valves & Pipe Fittings, Except Plumber's Brass Goods	24 months
3400-3499	3497	Fabricated Metal Products Not Machinery/Transport Equip	Metal Foil and Leaf	24 months
3400-3499	3499	Fabricated Metal Products Not Machinery/Transport Equip	Fabricated Metal Products, Not Elsewhere Classified	24 months
3500-3599		Industrial & Commercial Machinery/Computer Equipment		24 months
3500-3599	3511	Industrial & Commercial Machinery/Computer Equipment	Steam, Gas, & Hydraulic Turbines & Turbine Generators Set Units	24 months
3500-3599	3519	Industrial & Commercial Machinery/Computer Equipment	Internal Combustion Engines, Not Elsewhere Classified	24 months
3500-3599	3531	Industrial & Commercial Machinery/Computer Equipment	Construction Machinery and Equipment	24 months
3500-3599	3534	Industrial & Commercial Machinery/Computer Equipment	Elevators and Moving Stairways	24 months
3500-3599	3537	Industrial & Commercial Machinery/Computer Equipment	Industrial Trucks, Tractors, Trailers, and Stackers	24 months
3500-3599	3541	Industrial & Commercial Machinery/Computer Equipment	Machine Tools, Metal Cutting Types	24 months
3500-3599	3553	Industrial & Commercial Machinery/Computer Equipment	Woodworking Machinery	24 months
3500-3599	3554	Industrial & Commercial Machinery/Computer Equipment	Paper Industries Machinery	24 months
3500-3599	3559	Industrial & Commercial Machinery/Computer Equipment	Special Industry Machinery, Not Elsewhere Classified	24 months
3500-3599	3561	Industrial & Commercial Machinery/Computer Equipment	Pumps and Pumping Equipment	24 months
3500-3599	3564	Industrial & Commercial Machinery/Computer Equipment	Industrial/Commercial Fans, Blowers, Air Purification Equipment	24 months
3500-3599	3567	Industrial & Commercial Machinery/Computer Equipment	Industrial Process Furnaces and Ovens	24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submission Date</i>
3500-3599	3569	Industrial & Commercial Machinery/Computer Equipment	General Industrial Machinery/Equipment, Not Elsewhere Classified	24 months
3500-3599	3575	Industrial & Commercial Machinery/Computer Equipment	Computer Terminals	24 months
3500-3599	3585	Industrial & Commercial Machinery/Computer Equipment	Air Conditioning, Warm Air Heating, Commercial/Industrial Refrig	24 months
3500-3599	3599	Industrial & Commercial Machinery/Computer Equipment	Industrial/Commercial Machinery, Equip, Not Elsewhere Classified	24 months
3600-3699		Electronic/Electrical Equipment Components Not Computers		12 months
3600-3699	3613	Electronic/Electrical Equipment Components Not Computers	Switchgear and Switchboard Apparatus	12 months
3600-3699	3624	Electronic/Electrical Equipment Components Not Computers	Carbon and Graphite Products	12 months
3600-3699	3629	Electronic/Electrical Equipment Components Not Computers	Electrical Industrial Apparatus, Not Elsewhere Classified	12 months
3600-3699	3634	Electronic/Electrical Equipment Components Not Computers	Electric Housewares and Fans	12 months
3600-3699	3641	Electronic/Electrical Equipment Components Not Computers	Electric Lamp Bulbs and Tubes	12 months
3600-3699	3642	Electronic/Electrical Equipment Components Not Computers		12 months
3600-3699	3643	Electronic/Electrical Equipment Components Not Computers	Current-Carrying Wiring Devices	12 months
3600-3699	3644	Electronic/Electrical Equipment Components Not Computers	Noncurrent-Carrying Wiring Devices	12 months
3600-3699	3645	Electronic/Electrical Equipment Components Not Computers	Residential Electric Lighting Fixtures	12 months
3600-3699	3651	Electronic/Electrical Equipment Components Not Computers	Household Audio and Video Equipment	12 months
3600-3699	3652	Electronic/Electrical Equipment Components Not Computers	Phonograph Records and Prerecorded Audio Tapes and Disks	12 months
3600-3699	3662	Electronic/Electrical Equipment Components Not Computers	Radio & Television Transmitting, Signaling, & Detection	12 months
3600-3699	3674	Electronic/Electrical Equipment Components Not Computers	Semiconductors and Related Devices	12 months
3600-3699	3675	Electronic/Electrical Equipment Components Not Computers	Electronic Capacitors	12 months
3600-3699	3678	Electronic/Electrical Equipment Components Not Computers	Connectors for Electronic Applications	12 months
3600-3699	3679	Electronic/Electrical Equipment Components Not Computers	Electronic Components, Not Elsewhere Classified	12 months
3700-3799		Transportation Equipment		24 months
3700-3799	3711	Transportation Equipment	Motor Vehicles and Passenger Car Bodies	24 months
3700-3799	3713	Transportation Equipment	Truck and Bus Bodies	24 months

§ 201-6.9

TITLE 6 ENVIRONMENTAL CONSERVATION

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
3700-3799	3714	Transportation Equipment	Motor Vehicle Parts and Accessories	24 months
3700-3799	3717	Transportation Equipment		24 months
3700-3799	3721	Transportation Equipment	Aircraft	24 months
3700-3799	3722	Transportation Equipment Aircraft		24 months
3700-3799	3724	Transportation Equipment	Aircraft Engines and Engine Parts	24 months
3700-3799	3743	Transportation Equipment	Railroad Equipment	24 months
3700-3799	3799	Transportation Equipment	Transportation Equipment, Not Elsewhere Classified	24 months
3800-3899		Measuring, Analyzing, & Controlling Instruments		24 months
3800-3899	3811	Measuring, Analyzing, & Controlling Instruments	Engineering, Laboratory, Scientific & Research Equipment	24 months
3800-3899	3821	Measuring, Analyzing, & Controlling Instruments	Measuring and Controlling Instruments	24 months
3800-3899	3822	Measuring, Analyzing, & Controlling Instruments	Automatic Control Regulating Residential/Commercial Environment	24 months
3800-3899	3840	Measuring, Analyzing, & Controlling Instruments	Surgical and Medical Instruments & Apparatus	24 months
3800-3899	3841	Measuring, Analyzing, & Controlling Instruments	Surgical and Medical Instruments & Apparatus	24 months
3800-3899	3851	Measuring, Analyzing, & Controlling Instruments	Ophthalmic Goods	24 months
3800-3899	3861	Measuring, Analyzing, & Controlling Instruments	Photographic Equipment and Supplies	24 months
3900-3999		Miscellaneous Manufacturing Industries		24 months
3900-3999	3914	Miscellaneous Manufacturing Industries	Silverware, Plated, Ware, and Stainless Steel Ware	24 months
3900-3999	3921	Miscellaneous Manufacturing Industries	Musical Instruments	24 months
3900-3999	3944	Miscellaneous Manufacturing Industries	Games, Toys, & Children's Vehicles, Except Dolls & Bicycles	24 months
3900-3999	3999	Miscellaneous Manufacturing Industries	Manufacturing Industries, Not Elsewhere Classified	24 months
4000-4099		Railroad Transportation		24 months
4000-4099	4016	Railroad Transportation	Local Passenger Transportation	24 months
4100-4199		Local/Suburban Transit Interurban Passenger Transport		24 months
4100-4199	4111	Local/Suburban Transit Interurban Passenger Transport	Local and Suburban Transit	24 months
4200-4299		Motor Freight Transportation & Warehousing		24 months
4300-4399		United States Postal Service		24 months
4400-4499		Water Transportation		24 months
4500-4599		Transportation By Air		24 months
4500-4599	4582	Transportation By Air	Airports and Flying Fields	24 months
4600-4699		Pipelines, Except Natural Gas		24 months
4600-4699	4631	Pipelines, Except Natural Gas		24 months
4700-4799		Transportation Services		24 months
4800-4899		Communications		24 months
4900-4919		Electric, Gas, and Sanitary Services		24 months
4900-4919	4911	Electric, Gas, and Sanitary Services	Electrical Services	6 months
4920-4929		Electric, Gas, and Sanitary Services		24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
4920-4929	4922	Electric, Gas, and Sanitary Services	Natural Gas Transmission	24 months
4920-4929	4923	Electric, Gas, and Sanitary Services	Natural Gas Transmission and Distribution	24 months
4920-4929	4924	Electric, Gas, and Sanitary Services	Natural Gas Distribution	24 months
4920-4929	4925	Electric, Gas, and Sanitary Services	Mixed, Mfg. or Liquefied Petroleum Gas Production/ Distribution	24 months
4930-4939		Electric, Gas, and Sanitary Services		6 months
4930-4939	4930	Electric, Gas, and Sanitary Services	Combination Electric & Gas & Other Utility Services	6 months
4930-4939	4931	Electric, Gas, and Sanitary Services	Electric and Other Services	6 months
4930-4939	4932	Electric, Gas, and Sanitary Services	Gas and Other Services Combined	6 months
4930-4939	4939	Electric, Gas, and Sanitary Services	Combination Services, Not Elsewhere Classified	6 months
4951	4951	Electric, Gas, and Sanitary Services	Sanitary Services	24 months
4952	4952	Electric, Gas, and Sanitary Services	Sewage Services	24 months
4953	4953	Electric, Gas, and Sanitary Services	Refuse Systems - Municipal Incinerators	6 months
4953	4953	Electric, Gas, and Sanitary Services	Refuse Systems - Landfills	24 months
4961	4961	Electric, Gas, and Sanitary Services	Steam and Air Conditioning Supply	24 months
4971	4971	Electric, Gas, and Sanitary Services	Irrigation Systems	24 months
5000-5099		Wholesale Trade - Durable Goods		24 months
5000-5099	5043	Wholesale Trade - Durable Goods	Photographic Equipment and Supplies	24 months
5000-5099	5072	Wholesale Trade - Durable Goods	Hardware	24 months
5000-5099	5092	Wholesale Trade - Durable Goods	Miscellaneous Durable Goods	24 months
5000-5099	5093	Wholesale Trade - Durable Goods	Scrap and Waste Materials	24 months
5100-5119		Wholesale Trade - Nondurable Goods		24 months
5100-5119	5111	Wholesale Trade - Nondurable Goods	Printing and Writing Paper	24 months
5120-5159		Wholesale Trade - Nondurable Goods	Furniture Distribution, Lumber, Construction Products	24 months
5160-5169		Wholesale Trade - Nondurable Goods		24 months
5160-5169	5169	Wholesale Trade - Nondurable Goods	Chemicals and Allied Products, Not Elsewhere Classified	24 months
5170-5179	5171	Wholesale Trade - Nondurable Goods	Petroleum Bulk Stations and Terminals	6 months
5180-5189		Wholesale Trade - Nondurable Goods	Beer, Wine, Distilled Alcohol Beverages	24 months
5190-5199		Wholesale Trade - Nondurable Goods	Miscellaneous Nondurable Goods	24 months
5190-5199	5199	Wholesale Trade - Nondurable Goods	Nondurable Goods, Not Elsewhere Classified	24 months
5200-5299		Building Materials, Hardware, Garden Supply Mobile Home		24 months
5300-5399		General Merchandise Stores		24 months
5400-5499		Food Stores		24 months
5500-5599		Automotive Dealers and Gasoline Service Stations		24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
5600-5699		Apparel and Accessory Stores		24 months
5700-5799		Home Furniture, Furnishings, Equipment Stores		24 months
5800-5899		Eating and Drinking Places		24 months
5900-5999		Miscellaneous Retail		24 months
5900-5999	5983	Miscellaneous Retail	Fuel Oil Dealers	24 months
5900-5999	5984	Miscellaneous Retail	Fuel Oil Dealers	24 months
6000-6099		Banking		6 months
6000-6099	6011	Banking	Federal Reserve Banks	6 months
6000-6099		Banking, Trading, Real Estate, Hotels, Motels		6 months
6100-6199		Nondepository Credit Institutions		24 months
6200-6299		Security & Commodity Brokers, Dealers, Exchange		6 months
6200-6299	6214	Security & Commodity Brokers, Dealers, Exchange	Security & Commodity Brokers, etc.	6 months
6300-6399		Insurance Carriers		24 months
6400-6499		Insurance Agents, Brokers, Service		24 months
6500-6599		Real Estate		6 months
6500-6599	6512	Real Estate	Operators of Nonresidential Buildings	6 months
6500-6599	6513	Real Estate	Operators of Apartment Buildings	6 months
6500-6599	6514	Real Estate	Operators of Dwellings other than Apartment Buildings	6 months
6500-6599	6515	Real Estate	Operators of Residential Mobile Home Sites	6 months
6500-6599	6521	Real Estate		6 months
6700-6799		Holding and Other Investment Offices		24 months
7000-7099		Hotels, Rooming Houses, Camps, & Other Lodgings		6 months
7000-7099	7011	Hotels, Rooming Houses, Camps, & Other Lodgings	Hotels, Motels, and Tourist Camps	6 months
7200-7299		Personal Services		24 months
7200-7299	7211	Personal Services	Power Laundries, Family and Chemical	24 months
7200-7299	7215	Personal Services	Coin-Operated Laundries and Dry Cleaning	24 months
7200-7299	7216	Personal Services	Dry Cleaning Plants, Except Rug Cleaners	24 months
7200-7299	7218	Personal Services	Industrial Launderers	24 months
7300-7399		Business Services		24 months
7300-7399	7389	Business Services	Business Services, Not Elsewhere Classified	24 months
7300-7399	7391	Business Services	Research and Development Laboratories	24 months
7500-7599		Automotive Repair, Services, and Parking		24 months
7500-7599	7531	Automotive Repair, Services, and Parking	Automobile Parking	24 months
7500-7599	7532	Automotive Repair, Services, and Parking	Top, Body, and Upholstery Repair Shops and Paint Shops	24 months
7500-7599	7535	Automotive Repair, Service, and Garages	Paint Shops	24 months
7600-7699		Miscellaneous Repair Shops		24 months
7600-7699	7641	Miscellaneous Repair Shops	Reupholstery and Furniture Repair	24 months
7800-7899		Motion Pictures	Services Allied to Motion Picture Production	24 months
7900-7999		Amusement and Recreation Services		24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
8000-8099		Health Services		12 months
8000-8099	8050	Health Services	Nursing and Personal Care Facilities	12 months
8000-8099	8059	Health Services	Nursing and Personal Care Facilities, Not Elsewhere Classified	12 months
8000-8099	8060	Health Services	Hospitals	12 months
8000-8099	8061	Health Services	Hospitals	12 months
8000-8099	8062	Health Services	General Medical and Surgical Hospitals	12 months
8000-8099	8063	Health Services	Psychiatric Hospitals	12 months
8000-8099	8065	Health Services	Hospitals	12 months
8000-8099	8069	Health Services	Specialty Hospitals, Except Psychiatric	12 months
8000-8099	8071	Health Services	Medical Laboratories	12 months
8000-8099	8091	Health Services	Health and Allied Services, Not Elsewhere Classified	12 months
8000-8099	8092	Health Services	Kidney Dialysis Centers	12 months
8000-8099	8099	Health Services	Health and Allied Services, Not Elsewhere Classified	12 months
8100-8199		Educational Services, Membership Organizations		6 months
8200-8299		Educational Services		6 months
8200-8299	8211	Educational Services	Elementary and Secondary Schools	6 months
8200-8299	8220	Educational Services	Colleges, Universities, and Junior Colleges	6 months
8200-8299	8221	Educational Services	Colleges, Universities, and Professional Schools	24 months
8200-8299	8222	Educational Services	Junior Colleges and Technical Institutes	6 months
8200-8299	8260	Educational Services		6 months
8200-8299	8261	Educational Services		6 months
8300-8399		Social Services		6 months
8400-8499		Museums, Art Galleries, & Botanical and Zoological Gardens		6 months
8600-8699		Membership Organizations		6 months
8600-8699	8600	Membership Organizations		6 months
8600-8699	8661	Membership Organizations	Religious Organizations	6 months
8700-8799		Engineering, Accounting, Research, Mgmt Related Services		6 months
8700-8799	8731	Engineering, Accounting, Research, Mgmt Related Services	Commercial Physical and Biological Research	6 months
8800-8899		Private Households		24 months
8900-8999		Miscellaneous Services		6 months
8900-8999	8922	Miscellaneous Services	Noncommercial Educational, Scientific, & Research Organizations	6 months
8900-8999	8999	Miscellaneous Services	Services, Not Elsewhere Classified	6 months
9100-9199		Executive, Legislative, & General Government		24 months
9100-9199	9199	Executive, Legislative, & General Government	General Government, Not Elsewhere Classified	24 months
9200-9299		Justice, Public Order, & Safety		24 months
9200-9299	9200	Justice, Public Order, & Safety		24 months
9200-9299	9211	Justice, Public Order, & Safety	Courts	24 months
9200-9299	9223	Justice, Public Order, & Safety	Correctional Institutions	24 months
9200-9299	9233	Justice, Public Order, & Safety	Public Order & Safety	24 months

<i>SIC Range</i>	<i>SIC #</i>	<i>Major SIC Group Description</i>	<i>Minor SIC Group Description</i>	<i>Submittal Date</i>
9300-9399		Public Finance, Taxation, and Monetary Policy		24 months
9400-9499		Administration of Human Resource Programs		24 months
9500-9599		Administration of Environmental Quality/Housing Programs		24 months
9500-9599	9511	Administration of Environmental Quality/Housing Programs	Air, Water, & Solid Waste Management	24 months
9500-9599	9532	Administration of Environmental Quality/Housing Programs	Administration of Urban Planning, Community Rural Development	24 months
9600-9699		Administration of Economic Programs		24 months
9700-9799		National Security & International Affairs		24 months
9700-9799	9711	National Security & International Affairs	National Security	24 months
9900-9999		Nonclassifiable Establishments		24 months

Historical Note

Sec. filed Sept. 11, 1996 eff. 30 days after filing.

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
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P: (518) 402-8545 | F: (518) 402-8541
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AUG 08 2019

Mr. Peter Lopez
Regional Administrator
United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

Dear Mr. Lopez:

The New York State Department of Environmental Conservation (DEC) has reviewed the Environmental Protection Agency's (EPA) final audit report on DEC's Title V Operating Permit Program. The enclosed contains DEC's response to the final report dated April 25, 2019.

Thank you for the opportunity to respond to EPA's final audit report. Please call Steve Flint at (518) 402-8452 if you have any questions.

Sincerely,



Basil Seggos
Commissioner

Enclosure

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Air Resources

625 Broadway, Albany, New York 12233-3250

P: (518) 402-8452 | F: (518) 402-9035

www.dec.ny.gov

MEMORANDUM

TO: Commissioner Seggos through Jared Snyder, Deputy Commissioner,
Office of Climate, Air and Energy

FROM: Steve Flint, Director, Division of Air Resources and Ann Lapinski, Director,
Office of Internal Audit & Investigation

SUBJECT: DEC's Response to Title V Operating Permit Program Final Report
dated April 25, 2019

40 CFR Part 70 (Part 70) requires DEC to develop and implement a program for the issuance of Title V permits to major sources of air pollution. Once developed, the Title V Operating Permit Program (OPP) must be approved by the United States Environmental Protection Agency (EPA). DEC's Title V OPP, codified in 6 NYCRR Parts 201 and 621 (Part 201), was fully approved by the EPA on February 5, 2002.

As part of its oversight role in the development and issuance of Title V permits, the EPA conducts an audit of DEC's Title V OPP every 4 years. The most recent audit was conducted on July 16, 2018. The objectives of the audit are:

1. To assess whether DEC's Title V OPP is being implemented consistently with the requirements of Part 70 and DEC's federally approved program;
2. To identify potential areas of DEC's Title V OPP that need improvement; and
3. To identify areas where EPA's oversight role can be improved.

Following the audit, EPA sends DEC a final report detailing any findings related to the stated objectives above. The final audit report includes several action items related to EPA's findings, and charges DEC with providing a response to those items. The attached document contains the Division of Air Resource's proposed responses to the action items identified by EPA in its most recent audit report dated April 25, 2019.

The attached responses consider each action item proposed by EPA and discusses the approach DEC will take to address each issue. However, some of the action items identified by EPA, where we disagree, have been discussed at length outside of the audit. In those cases, the response indicates that DEC disagrees with the EPA's suggestion and provides a detailed explanation of why we cannot or will not act in the manner EPA suggests.



Attachment

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Air Resources

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MAY 10 2019

Elizabeth Lewis-Michl
Director, Division of Environmental Health Assessment
NYS Department of Health
Empire State Plaza, Corning Tower, Room 1619
Albany, NY 12237

Dear Ms. Lewis-Michl:

Last summer, the NYS Department of Environmental Conservation's (DEC) Title V Operating Permit Program (OPP) was audited by the US Environmental Protection Agency (EPA). I believe your staff called in to the audit meeting on July 16, 2018.

EPA released the final report on April 25, 2019 (enclosed). On page 38 of EPA's final report a recommendation concerning the Department of Health's (DOH) portion of the annual OPP report states "For all DOH activities that are paid for by title V funds, NYSDEC should provide justification, in its future annual reports, on how the activities are related to the title V permitting program."

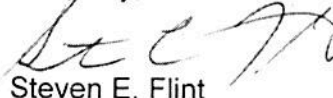
Based on EPA's recommendation, DEC requests that all future submittals of the DOH portion of the annual OPP report include justification on how DOH's reported activities are related to the Title V operating permitting program.

My letter to you dated April 23, 2019 requested the narrative and fiscal portions of the OPP report covering your agency for State fiscal years 2018/19, 2019/20 and 2020/21.

Please ensure that your submittal, due on June 21, 2019, contains sufficient justification to satisfy EPA's recommendation.

Should you have any questions, please contact Cathy Jo Rogers of my staff at 518-402-8401.

Sincerely,



Steven E. Flint
Director, Division of Air Resources

**New York State Department of Environmental Conservation
Title V Operating Permit Program Evaluation
Response to Final Report**

The New York State Department of Environmental Conservation (DEC) has reviewed the final Title V Operating Permit Program (OPP) report dated April 25, 2019 containing the findings and recommendations of the United States Environmental Protection Agency (EPA) resulting from EPA's audit of DEC's OPP. DEC's response is broken into three sections. The first section provides DEC's general comments regarding this report. The second section provides DEC's comments regarding certain report content used as justification for the Action Items detailed throughout the report and various recommendations made by EPA. The third section contains DEC's specific comments on action items provided by EPA.

1. General Comments

DEC is committed to implementing an effective Title V OPP. As set forth in Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Parts 201 and 621 (approved by EPA), DEC's Title V OPP meets the requirements of the Clean Air Act (Act) and EPA's implementing regulations at 40 CFR Part 70. While DEC's permitting program is effective and results in the issuance of permits of high quality, DEC also agrees that collaboration with EPA Region 2 can help to improve the program.

The final audit report identifies various ways in which DEC's Title V OPP could be improved. As described below in our responses to the Action Items identified by EPA, DEC agrees with many of EPA's recommendations. For example, DEC is committed to improving the content of permit review reports (PRR), ensuring that the emissions caps it issues are federally and practically enforceable, and continuing to include non-delegated federal regulations in its Title V permits. With respect to the Title V fee program, the annual Executive Budget often proposes increased Title V fees for legislative action. DEC will address each Action Item as described in the responses below.

DEC also disagrees with some of EPA's action items, as explained in our responses below. For instance, DEC disagrees that it is necessary or appropriate to include all exempt and trivial activities in Title V permits simply because an applicable requirement exists. In other cases, DEC disagrees that its method for posting draft permit modifications on its website causes confusion. In all cases, DEC's responses explain the reasons DEC does not intend to act in the manner suggested by EPA.

DEC appreciates EPA's efforts, through the Title V OPP audit and otherwise, to identify issues and recommend improvements to DEC's Title V OPP. DEC looks forward to working with EPA Region 2 to address these items.

2. Comments on Specific Report Content

This section discusses DEC's comments on various sections of the final report to the extent that they are used in support of the Action Items discussed later in this document.

Implementation and Enforcement of Non-delegated Regulations

DEC strongly disagrees with the assertion made on Page 13 of the final report that "...while a state has discretion in deciding when or if to take delegation of a federal standard, that does not excuse a state from including all applicable requirements in Title V permits it issues or from enforcing them." DEC understands the requirements of 40 CFR Section 70.6 with respect to its obligation to include all applicable requirements in Title V permits. However, Section 111(c)(1) of the Act clearly states that upon acceptance of a state's proposed implementation procedure, the Administrator (i.e. EPA) shall delegate "any authority he has under this Act to implement and enforce such standards" to the state. Accordingly, until and unless delegation is received from EPA and New York has incorporated the standard into state law, DEC has no legal authority to enforce federal standards. Therefore, any enforcement action against a facility for non-compliance with a federal standard for which DEC has not been granted delegation of and subsequently incorporated into state law would necessarily fall to EPA.

Further, Page 15 suggests that DEC should follow EPA guidance to develop templates for permit conditions to be included in Title V permits for facilities that are subject to one or more non-delegated regulations. As discussed above, by not applying for and therefore not being granted delegation of these standards, DEC does not have any authority to interpret, implement or enforce them. Accordingly, the development of relevant permit conditions is the responsibility of EPA. DEC has repeatedly stated that it is willing to review the proposed conditions developed by EPA for conformance with New York State permitting procedures and law and to provide them to regional permitting staff for inclusion in Title V permits as required by 40 CFR Section 70.6. However, any enforcement of those conditions remains the responsibility of the EPA.

Insignificant Activities

DEC disagrees with EPA's interpretation of DEC's authority to consider certain insignificant activities (i.e. exempt and trivial activities) to be exempt from permitting requirements. DEC's primary concern relates to EPA's assertion that 6 NYCRR Subpart 201-3 should explicitly state that exempt and trivial activities subject to an applicable requirement are subject to Title V permitting and, therefore, cannot be considered exempt or trivial. Most applicable federal

requirements (i.e. New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants) do not require Title V permits for minor or area sources. Accordingly, simply being subject to such a regulation does not necessitate the issuance of a Title V permit as EPA suggests.

To ensure that major sources are not inadvertently exempted from Title V permitting, 6 NYCRR Section 201-3.1(c) states that activities described in 6 NYCRR 201-3 with the potential to emit (PTE) one or more criteria contaminants exceeding, or causing the facility to exceed, the major facility thresholds are no longer considered to be exempt or trivial and must be appropriately permitted. Further, 6 NYCRR Section 201-3.1(d) states that if physical or operational restrictions (i.e. an emissions cap) are required to maintain the PTE of one or more contaminants below the applicable major source threshold, those activities are no longer considered to be exempt or trivial. Finally, 6 NYCRR Section 201-3.2(b) requires emissions from exempt and trivial activities to be included in the facility's PTE calculations when determining whether the facility is a major source.

The final report also suggests that DEC should ensure that each application includes the necessary information to determine potential regulatory applicability in relation to exempt and trivial activities. As discussed at 6 NYCRR Section 201-6.2(d)(6) and in DEC's Title V permit application instructions, each Title V permit application must include a description of any exempt and trivial activities. Further, 6 NYCRR Section 201-6.2(d)(3) requires emissions information to be provided in sufficient detail to determine the applicability of various requirements.

DEC believes that the regulatory language and permit application requirements discussed above appropriately address EPA's concerns regarding exempt and trivial activities.

Response to EPA Comments on Proposed Title V Permits

DEC disagrees with EPA's characterization on Page 37 of the final report that it is not sufficiently "*vigilant in providing a response to the EPA's comments before moving forward with final permit issuance*". As discussed with respect to several Title V permits and in the context of this audit, DEC's regulations relating to public notice and comment stipulate that DEC shall prepare a responsiveness summary that addresses relevant comments received during the public comment period (see 6 NYCRR Section 621.10(e)). Accordingly, DEC is legally obligated to address all relevant comments made by EPA and the public during the 30-day public notice and comment period. However, New York has no legal mechanism by which to address any comments made by EPA after the 30-day public comment period.

Further, DEC notes that 40 CFR Section 70.8(a), which outlines DEC's responsibility to submit proposed Title V permits to EPA for a 45-day review period, does not provide EPA any authority to comment, nor does it require DEC to address comments made by EPA on the proposed permit. In fact, DEC is required to provide a summary of its responses to any comments received on the draft permit at the beginning of the 45-day period. DEC also notes that the only recourse provided to EPA by federal law with respect to issues EPA identifies in the proposed permit during the 45-day review period is the formal objection process described in 40 CFR Section 70.8(c). Should EPA determine that a formal objection is warranted, DEC will respond as required by 40 CFR Section 70.8(c)(4).

3. Comments on EPA Action Items

The following are DEC's responses to Action Items discussed in the final report:

Rationale for Gap Filling Monitoring in Permit Record

Action Item 1: DEC should identify and document the rationale for all gap-filling monitoring included in the permit in the PRR.

DEC Response – DEC agrees with this Action Item. Following the 2014 Audit of DEC's Title V OPP, DEC developed and implemented the DAIG-10: Permit Review Reports guidance document. This document is intended to provide permitting staff with guidance for developing effective and informative PRRs. DEC recognizes that there can be variation in the level of detail regarding gap-filling monitoring provided by different permit writers. Accordingly, DEC will review this guidance and the expected content of PRRs with staff to ensure consistent implementation.

Capping Limits

Action Item 1: DEC should ensure that all capping limits and the rationale for the corresponding compliance determination are adequately documented in the PRR.

DEC Response – DEC agrees with this Action Item. As discussed previously, DEC has developed and implemented guidance for permit writers to follow when writing PRRs. DEC recognizes that there can be variation in the level of detail regarding capping conditions and their technical and factual basis provided by different permit writers. Accordingly, DEC will review this guidance and the expected content of PRRs with staff to ensure consistent implementation.

Action Item 2: DEC should ensure that all capping limits are federally and practically enforceable, consistent with DEC's regulations and DAR-17 guidance.

***DEC Response** – DEC agrees with this Action Item. As discussed in the Action Item, and following comments received from EPA during the 2014 Title V OPP audit, DEC has developed and implemented the DAR-17: Federal Enforceability of Air Pollution Control Permits guidance document. This document describes the necessary components of each emission cap to ensure federal and practical enforceability. Due to the legal and administrative process DEC is required to follow when adopting guidance documents, DAR-17 was not formally issued until March 30, 2017. Accordingly, many Title V permits have not been renewed or modified since its issuance, and therefore the existing emission caps have not been reviewed with the principles outlined in the guidance document in mind. DEC anticipates that there will be improvements in this area as Title V permits are renewed or modified in the future.*

Federal Enforceability

Action Item 1: DEC should ensure that Title V permits include, in sufficient detail, all applicable requirements, including those from federal regulations for which DEC has not yet accepted delegation. DEC should remove language that directs enforcement of permit conditions deriving from non-delegated regulations to EPA.

***DEC Response** – DEC agrees with this Action Item in part. As discussed in Section 2 of this document, DEC understands its responsibilities under 40 CFR Part 70 with respect to the inclusion of applicable requirements in Title V permits. However, until and unless DEC has been delegated the authority to implement and enforce a federal standard pursuant to Section 111(c)(1) of the Act, that authority is retained by EPA. Accordingly, DEC has no legal authority to undertake enforcement action for non-compliance with a non-delegated regulation, and any such enforcement must be referred to EPA.*

DEC understands EPA's request for this language to be removed from permits because it is inconsistent with EPA's implementation approach. Accordingly, DEC will ensure the referenced language is not included in permits in the future.

Action Item 3: EPA encourages DEC to take delegation of National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS) that apply to emission units at Title V facilities in

the State of New York, including standards noted in this report and outstanding items noted in EPA's June 2014 letter. DEC should finalize the 6 NYCRR Section 200.10 revisions as expeditiously as possible.

DEC Response – *DEC disagrees with this Action Item. DEC will continue to evaluate the appropriateness of accepting delegation of standards on an individual basis. As DEC has previously discussed with EPA staff, the onerous and complex nature of some recent NESHAP and NSPS regulations together with DEC's decreased staff makes accepting delegation and subsequently implementing the regulations infeasible.*

Case-by-Case RACT Variances

Action Item 5: DEC should continue working cooperatively with EPA in handling case-by-case RACT variances.

DEC Response – *DEC agrees with this Action Item and will continue to follow the established procedure for handling these variances. DEC urges EPA to continue to address the backlog of case-by-case RACT SIP revisions.*

Title V Fee Program

Action Item 1: DEC should take actions to ensure that Title V program expenses are covered solely by Title V revenues.

DEC Response – *DEC agrees with this action item. It is important to note that DEC proposals to alter the Title V fee structure must go through the NYS legislative process and be adopted into law. DEC plans to continue to propose legislation that would increase the Title V fee and other solutions, but ultimately the decision to change the fee structure resides with the New York State Legislature.*

Action Item 4: DEC should take steps to improve its Title V permit issuance rate.

DEC Response – *DEC agrees with this Action Item. As discussed during the July 16, 2018 in-person meeting with EPA staff, DEC is working with reduced staffing following the retirement of several experienced permit writers. Further, the training of newer staff often negatively impacts the permit issuance rate until they become familiar with the facility and the Title V permitting process. DEC anticipates improvement in this area as*

new staff become more proficient in the development and issuance of Title V permits. Further, DEC is encouraged by EPA's suggestion of synchronizing the 30-day public comment period and EPA's 45-day review period as this would positively contribute to reducing the time needed to process Title V permit applications.

Action Item 7: For all Department of Health (DOH) activities that are paid for by Title V funds, DEC should provide justification, in its future annual reports, on how the activities are related to the Title V permitting program.

DEC Response – *DEC agrees with this Action Item. However, the requested justification must be provided by DOH. The NYS Legislature appropriates Title V funds directly to DOH. DEC has no role in making that appropriation or approving expenditures against that appropriation. DEC has provided a copy of EPA's evaluation report to DOH highlighting this Action Item. DEC has requested that henceforth DOH justify how their activities relate to the Title V permit program in their reports which become appendices to the DEC Title V Operating Permit Program Annual Report. (See Attachment 1: Letter from S. Flint to E. Lewis-Michl, dated May 10, 2019).*

Permit Review Report Content

Action Item 1: The PRR should adequately document all permitting decisions, including the applicability and non-applicability of federal standards.

DEC Response – *DEC agrees with this Action Item in part. As discussed in the DEC's responses to several other Action Items above and in the DAIG-10 guidance document, DEC agrees that each PRR should document the technical and factual basis for permitting decisions, including the applicability of various federal standards. DEC will continue to include this information in the Basis of Monitoring and Facility Specific Requirements sections of the PRR as appropriate.*

However, DEC disagrees that it is appropriate or necessary to include a specific non-applicability determination for each federal standard that is not applicable to the facility's operations. As discussed in the EPA memorandum "Implementation Guidance on Annual Compliance Certification Reporting and Statement of Basis Requirements for Title V Operating Permits" dated April 30, 2014, the statement of basis (i.e. the PRR in New York State) should include "A description and explanation of any complex non-applicability determination (including any request for a

permit shield under 40 CFR Section 70.6(f)(1)(ii) or any determination that a requirement applies that the source does not agree is applicable...” (emphasis added). DEC agrees with this approach and has instructed its permitting staff to discuss only complex non-applicability determinations in the PRR.

Compliance Assurance Monitoring

Action Item 1: DEC should ensure that the Title V permit for sources subject to Compliance Assurance Monitoring (CAM or 40 CFR Part 64) contains a CAM plan that includes all required elements of 40 CFR Part 64.

***DEC Response** – DEC agrees with this Action Item and will continue to include CAM plans in Title V permits wherever 40 CFR Part 64 requirements are applicable.*

Action Item 2: DEC should ensure that for sources subject to CAM, the PRR identifies each emission unit to which CAM applies, explains why CAM applies, and provides the rationale for approving the CAM plan.

***DEC Response** – DEC agrees with this Action Item. Upon further review of the DAIG-10 guidance document, DEC has determined that the requirement to document CAM plans in the PRR is not explicitly stated. As an interim measure, permitting staff were made aware of this requirement following DEC’s receipt of the final report. DEC will consider revising DAIG-10 in the future to better articulate the required documentation for CAM plans in the PRR.*

Document Changes Made in Permit Modifications

Action Item 1: DEC should ensure that all permit modifications are adequately documented in the PRR and public notice.

***DEC Response** – DEC agrees with this Action Item and will continue to include relevant information about permit modifications in both the public notice and PRR.*

Title V Permit Renewals

Action Item 1: DEC should ensure that all Title V permit renewal applications meet the application content requirements of 6 NYCRR Section 201-6.2 and 40 CFR Section 70.5.

DEC Response – DEC agrees with this Action Item and will continue to review permit renewal applications in a manner that is consistent with 6 NYCRR Parts 201 and 621 and 40 CFR Part 70.

Insignificant Activities (Sources)

Action Item 1: DEC should continue to implement 6 NYCRR Subparts 201-3 and 201-6 as approved by EPA as part of the DEC's Title V permit program. Changes to the Title V program, including changes to the exempt and trivial activities in 6 NYCRR Subparts 201-3 and 201-6, must be submitted to EPA as a Title V program revision.

DEC Response – DEC agrees with this Action Item in part. As discussed in Section 2, DEC believes that it is unnecessary to include all exempt and trivial activities in Title V permits simply because an applicable requirement exists as many applicable requirements do not require the source owner or operator to obtain a Title V permit. DEC understands its obligation to submit revisions to its Title V OPP to EPA for review and approval.

Action Item 2: DEC should ensure that insignificant activities, referred to by DEC as exempt or trivial activities, which are subject to any applicable requirement are not omitted from Title V permitting, consistent with the DEC's Title V permit program approved by the EPA. Those insignificant activities and their corresponding applicable requirements should be included in the Title V permits.

DEC Response – DEC disagrees with this Action Item as discussed in Section 2 of this document. DEC will continue to include exempt and trivial activities in Title V permits only when specifically required to do so by an applicable requirement or as a result of the activity's PTE.

Action Item 3: DEC should ensure that each application contains the necessary information to determine what requirements apply to the trivial or exempt activities.

DEC Response – DEC agrees with this Action Item and will continue to collect information related to exempt and trivial activities with Title V permit applications.

Public Participation

Action Item 1: DEC should continue to post the complete draft Title V permit (as opposed to only portions that pertain to the modification) on its website during the

public comment period. In those instances where the DEC does not post the complete draft Title V permit version on its website during the public comment, the draft permit cover page (i.e., description section) should clearly state that the draft permit includes only the newly added and/or the existing modified conditions, and the draft permit should also clearly indicate which ones of the current permit existing conditions were removed.

DEC Response – *DEC disagrees with this Action Item. As was discussed during the July 16, 2018 in-person meeting with EPA staff, when noticing a proposed modification to a Title V permit, DEC posts the ‘changes only’ version of the draft permit modification on its website. The bottom of each page states it is “changes only”, therefore the cover page does not need to contain this information. The ‘changes only’ version includes only the terms and conditions of the permit that have been added, removed, or altered by the draft modification. By posting this version, DEC is inviting public comment only on those items which are part of the permit action, and therefore directing interested parties to the pertinent changes as EPA suggests. With respect to EPA’s comment that the draft permit should clearly indicate any existing permit conditions which have been removed, the ‘changes only’ version of the permit also includes this information. For these reasons, DEC disagrees that it is necessary or appropriate to change its long-standing procedures for posting Title V permit modifications on its website.*

Availability of Permit Related Documents During Public Review

Action Item 1: DEC should continue to ensure that the permit record that supports the draft permit decision is readily available upon request.

DEC Response – *DEC agrees with this Action Item and is committed to continuing an open and transparent permitting process in accordance with state and federal requirements.*

DEC’s Title V Rule Changes

Action Item 1: DEC should submit all revisions to 6 NYCRR Subpart 201-6 to EPA for approval as a Title V program revision.

DEC Response – *DEC agrees with this Action Item.*

Quality Assurance Process for Reviewing Draft Permits and PRR Prior to Public Review

Action Item 1: DEC should consider implementing a quality assurance process for all draft permits (and PRRs) by involving the first line supervisors, prior to public review.

***DEC Response** – DEC agrees with this Action Item. First line supervisors will continue to be involved with draft permit review.*

Action Item 2: DEC should continue its efforts to periodically update its permit manual.

***DEC Response** – DEC agrees with this Action Item and will continue to provide its staff with up to date permitting guidance.*

Communications Between the DEC and EPA

Action Item 1: DEC should ensure that it provides a response to EPA's comments on permits.

***DEC Response** – As discussed in Section 2, DEC's regulations relating to public notice and comment stipulate that DEC shall prepare a responsiveness summary that addresses relevant comments received during the public comment period (see 6 NYCRR Section 621.10(e)). Accordingly, should EPA submit relevant comments during the public comment period, DEC will address EPA's comments on record as part of the responsiveness summary. DEC's regulations do not allow DEC to address comments received after the close of the public comment period. Furthermore, 40 CFR Part 70 does not require DEC to respond to comments made after the conclusion of the public comment period; therefore, it would not be appropriate to do so.*

DEC also notes that the provisions of 40 CFR Section 70.8(a) outlining DEC's responsibility to submit proposed Title V permits to EPA for a 45-day review period do not allow EPA to provide, or require DEC to address, comments on the proposed permit. In fact, DEC is required to provide the responsiveness summary to EPA at the beginning of the 45-day review period. However, 40 CFR Section 70.8(c) does provide for a formal objection process should EPA find that the proposed permit is not in compliance with applicable requirements or the requirements of 40 CFR Part 70. Should EPA determine that a formal objection is warranted, DEC will respond as required by 40 CFR Section 70.8(c)(4).

