



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 2-6307-00276/00021  
Mod 0 Effective Date: 10/03/2005 Expiration Date: 10/02/2010  
Mod 1 Effective Date: 08/17/2006 Expiration Date: 10/02/2010

Permit Issued To: INTERSTATE BRANDS CORP  
12 E ARMOUR BLVD  
KANSAS CITY, MO 64111

Contact: DANIEL L DAVIS  
INTERSTATE BRANDS CORPORATION  
12 EAST ARMOUR BOULEVARD  
KANSAS CITY, MO 64111  
(816) 502-4000

Facility: INTERSTATE BRANDS CORPORATION  
168-23 DOUGLAS AVE  
QUEENS, NY 11433

Contact: CHARLES CHAUDHRY  
INTERSTATE BRANDS CORPORATION  
168-23 DOUGLAS AVE  
JAMAICA, NY 11433  
(718) 206-0471

**Description:**

Interstate Brands Corporation, Jamaica, New York is a bakery engaged in the production of bread and rolls. The facility, having volatile organic compound emissions(VOC) greater than 25 tons per year, is a major source subject to the Title V permitting requirements of 40 CFR Part 70 and 6NYCRR, Part 201-6. VOC's are emitted primarily from the ovens as ethanol which is driven off during the baking of yeast containing products. VOC's are also emitted from the video inkjet printers and the cold cleaning operations. Additional contaminants emitted are nitrogen oxides(NOx) and carbon monoxide(CO) from the combustion of natural gas in the boilers, bakery ovens, compressor engine, and various space heaters.

The bakery consists of two bread baking ovens (Processes P01 and P02) and a roll oven (Process P03). The bread ovens are equipped with catalytic incinerators to control emissions of VOC. These two bread baking ovens were stack tested in order to demonstrate compliance with the Reasonably Available Control Requirements(RACT) of 6NYCRR, Part 212.10 for major sources of VOC defined as a minimum overall destruction efficiency of 81%. The destruction efficiency was demonstrated to be



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90%. To ensure compliance, the catalyst will be inspected annually for the presence of impurities or coating on the catalyst and catalyst thermal aging or burnout. The catalyst will be sampled on an annual basis and tested by the manufacturer to check for poisoning, coating, or the need for replacement. In addition, each incinerator is equipped with a temperature monitor to record both the inlet temperature to the catalyst bed and the outlet temperature. The outlet temperature is to be maintained at the minimum 600 degrees F established during the stack test.

Total VOC emissions from the roll oven (Process P03) are limited to 23.9 tons for each rolling twelve month period in order to establish a variance from the VOC RACT requirements of 6NYCRR, Part 212.10. Emissions from this oven are calculated using NYSDEC's Air Guide 31 guidance. Special conditions incorporated into this permit require quarterly reporting of emissions for each previous twelve month period.

The facility potential to emit (PTE) of NO<sub>x</sub> is 45 tons per year and therefore the two boilers firing on natural gas and rated at 6.7 MM/Btu/hr and 8.37 MMBtu/hr, are subject to the RACT requirements of 6NYCRR, Part 227-2.4(g) for other combustion sources. An annual tune-up as defined in section 227-2.2(b)(19) will be conducted to meet this requirement. The air compressor is rated at 223 horsepower and therefore, exempt from the RACT provisions of 227-2.

Interstate Brands has evaluated nitrogen oxide emissions from the combustion of natural gas in the existing bakery ovens (Process P04) and determined that the emission rate potential from each oven is less than 3.0 pounds per hour and actual emissions in the absence of control equipment are less than the 15.0 pounds per day required for a RACT analysis for process sources. A statement of compliance with this exemption from the RACT requirements shall be submitted each year.

The video inkjet printers (emission unit 00002) label packages with pricing and date information. These printers are not subject to either the surface coating requirements of Part 228 or the graphic arts requirements of Part 234. Since uncaptured potential emissions of VOC from each emission source are less than 3 pounds per hour and actual emissions less than 15 pounds per day, these emissions are not subject to the RACT requirements of 6NYCRR, Part 212.10.

Sources exempt from permitting requirements which are subject to an applicable requirement are the two Safety-Kleen degreasers and the portable cold cleaning unit all subject to the requirements of 6NYCRR, Part 226 for Solvent Metal Cleaning Processes. Among the operating requirements are that these units are to be kept covered when not in use and solvent storage and disposal is to be conducted in a manner which minimizes evaporation. The flour storage silos are also exempt but particulate emissions remain subject to the grain loading concentration and opacity requirements of 6NYCRR, Part 212. The facility must maintain the effectiveness of the control equipment in order to retain exempt status.

An additional exempt source is the recently constructed 10,000 diesel fuel storage tank which is exempt from both the provisions of 6NYCRR, Part 229 and 40 CFR Part 60.110b Subpart Kb, New Source Performance Standards for VOC and Petroleum Liquid Storage Vessels.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

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Permit Administrator: JOHN F CRYAN  
DIVISION OF ENVIRONMENTAL PERMITS  
ONE HUNTERS POINT PLAZA, 47-40 21ST STREET  
LONG ISLAND CITY, NY 11101-5407

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



**Notification of Other State Permittee Obligations**

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

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

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

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

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

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal-REGION 2

HEADQUARTERS



**DEC GENERAL CONDITIONS**

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

**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions**

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 2.1:**

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

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

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**



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

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 2 Headquarters  
Division of Environmental Permits  
1 Hunters Point Plaza, 4740 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4997

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**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

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12 E ARMOUR BLVD  
KANSAS CITY, MO 64111

Facility: INTERSTATE BRANDS CORPORATION  
168-23 DOUGLAS AVE  
QUEENS, NY 11433

Authorized Activity By Standard Industrial Classification Code:  
2051 - BREAD CAKE AND RELATED PRODUCT

Mod 0 Permit Effective Date: 10/03/2005

Permit Expiration Date: 10/02/2010

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Permit Expiration Date: 10/02/2010



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 200.3: False statement
- 24 6NYCRR 201-6: Emission Unit Definition
- 25 6NYCRR 212.10(a)(1): Applicability of Reasonably Available Control Technology
- 26 6NYCRR 227-2.4(g): Compliance Certification

**Emission Unit Level**

- 27 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 28 6NYCRR 201-6: Process Definition By Emission Unit
- 29 6NYCRR 201-7: Process Permissible Emissions

**EU=U-00001,Proc=P01**

- 30 6NYCRR 212.10: 212.10 (c)(4)(i) - RACT for major facilities of VOCs.
- 31 6NYCRR 212.11: 212.11 (b) Sampling & Monitoring of Units Controlled with Catalytic Incinerators
- 32 6NYCRR 212.11(a): Compliance Certification
- 33 6NYCRR 212.11(b): Compliance Certification



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**EU=U-00001,Proc=P02**

- 34 6NYCRR 212.10: 212.10 (c)(4)(i) - RACT for major facilities of VOCs.
- 35 6NYCRR 212.11: 212.11 (b) Sampling & Monitoring of Units Controlled with Catalytic Incinerators
- 36 6NYCRR 212.11(a): Compliance Certification
- 37 6NYCRR 212.11(b): Compliance Certification

**EU=U-00001,Proc=P03**

- \*1-1 6NYCRR 201-7: Capping Monitoring Condition

**EU=U-00001,Proc=P04**

- 40 6NYCRR 212.10(c)(1): Compliance Certification

**EU=U-00001,EP=00010**

- 41 6NYCRR 212.6(a): Compliance Certification

**EU=U-00001,EP=00020**

- 42 6NYCRR 212.6(a): Compliance Certification

**EU=U-00001,EP=3FRNT**

- 43 6NYCRR 212.6(a): Compliance Certification

**EU=U-00001,EP=3REAR**

- 44 6NYCRR 212.6(a): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 45 ECL 19-0301: Contaminant List
- 46 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 47 6NYCRR 211.2: Air pollution prohibited

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: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

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

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

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

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

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

**Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 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



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Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR 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 201-6.3(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 201-6.3(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 201-6.5(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 F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(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 - 6NYCRR Part 201-6.5(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

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order to maintain compliance with the conditions of this permit.

**Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

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

**Item I: Severability - 6 NYCRR Part 201-6.5(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 201-6.5(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

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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 K: Reopening for Cause - 6 NYCRR Part 201-6.5(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



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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.

**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 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1.1:**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit



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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 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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 72-0302.

**Condition 3: Recordkeeping and reporting of compliance monitoring**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)**

**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 201-6.3 of this Part 201.

**Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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



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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 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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 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.

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(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 201-6.3(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 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.

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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 shall be submitted to the Administrator (or his or her representative) as well as two copies 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). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Monitoring Frequency: DAILY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2006.  
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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  
Monitoring Description:  
Requirements for compliance certifications with terms and

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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 compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies 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). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:



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USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

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 4/30/2006.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 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 10/03/2005 and 10/02/2010**



**Applicable Federal Requirement: 6NYCRR 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 Prohibited at Industrial and Commercial Sites  
Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 215**

**Item 9.1:**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**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 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 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 10/03/2005 and 10/02/2010**

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**Applicable Federal Requirement: 6NYCRR 201-1.7**

**Item 11.1:**

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

**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-1.8**

**Item 12.1:**

No person shall 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 10/03/2005 and 10/02/2010**

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

**Item 13.1:**

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.

**Condition 14: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

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

**Item 14.1:**

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.

**Condition 15: Standard Requirement - Provide Information**



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**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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: General Condition - Right to Inspect**

**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 17: Standard Requirements - Progress Reports**

**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(d)(5)**

**Item 17.1:**

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



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(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 18: Off Permit Changes**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-6.5(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 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 201-6.6 shall not apply to any change made pursuant to this paragraph.

**Condition 19: Required Emissions Tests**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 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. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

**Condition 20: Visible Emissions Limited**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 20.1:**



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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.

**Condition 21: Accidental release provisions.**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 40CFR 68**

**Item 21.1:**

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 22: Recycling and Emissions Reduction**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 40CFR 82, Subpart F**

**Item 22.1:**

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 23: False statement**



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**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 200.3**

**Item 23.1:**

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

**Condition 24: Emission Unit Definition**

**Effective between the dates of 10/03/2005 and 10/02/2010**

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

**Item 24.1(From Mod 1):**

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

Emission Unit: U-00001

Emission Unit Description:

Emission unit U00001 represents bread and roll baking activities at the Jamaica, N.Y. facility. These activities consist of two bread ovens designated as bread ovens No.1 and No. 2, emission sources E0001 and E0002 respectively, and a roll oven, emission source E0003. All ovens are heated by natural gas.

Building(s): BAKERY

**Item 24.2(From Mod 0):**

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

Emission Unit: U-00002

Emission Unit Description:

Emission unit U00002 represents video inkjet printing activities consisting of fifteen inkjet printers (emission sources E00004 thru E00018) which label packages for freshness and pricing. The fugitive emissions from the printing operations are exhausted thru any packaging room vent such as a window or door. Since potential emissions of VOC from each emission source are less than 3 lbs/hr and actual emissions less than 15 lbs per day, these sources are not subject to the RACT requirements of 6NYCRR, Part 212.10.

Building(s): BAKERY

**Condition 25: Applicability of Reasonably Available Control Technology**

**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.10(a)(1)**

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**Item 25.1:**

Owners and/or operators of facilities located in the lower Orange County or the New York City metropolitan areas with an annual potential to emit 25 tons or more of nitrogen oxides or 25 tons or more of Volatile Organic Compounds must comply with the requirements of 6NYCRR 212.10- Reasonably Available Control Technology for Major Facilities.

**Condition 26: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 227-2.4(g)**

**Item 26.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 26.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

In order to demonstrate compliance with the NO<sub>x</sub> RACT requirements for other combustion sources, Interstate Brands shall perform an annual tune-up as defined in section 227-2.2(b)(19) of this Subpart on each boiler and maintain, in a format approved by the department, the following information:

- (1) the date on which the combustion process was last adjusted;
- (2) the name, title and affiliation of the person who made the adjustments; and
- (3) any other information which the Department may require as a condition of approval of any permit or certificate.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 27: Emission Point Definition By Emission Unit**



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

**Item 27.1(From Mod 1):**

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

Emission Unit: U-00001

Emission Point: 00010

Height (ft.): 35

Diameter (in.): 19

NYTMN (km.): 4506.623 NYTME (km.): 602.233 Building: BAKERY

Emission Point: 00020

Height (ft.): 35

Diameter (in.): 19

NYTMN (km.): 4506.623 NYTME (km.): 602.233 Building: BAKERY

Emission Point: 3FRNT

Height (ft.): 27

Diameter (in.): 16

NYTMN (km.): 4506.623 NYTME (km.): 602.233 Building: BAKERY

Emission Point: 3REAR

Height (ft.): 27

Diameter (in.): 14

NYTMN (km.): 4506.623 NYTME (km.): 602.233 Building: BAKERY

**Condition 28: Process Definition By Emission Unit**

**Effective between the dates of 10/03/2005 and 10/02/2010**

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

**Item 28.1(From Mod 1):**

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

Emission Unit: U-00001

Process: P03

Source Classification Code: 3-02-032-01

Process Description:

Process P03 represents roll baking operations on the roll oven. 90% of the VOC emissions from baking are assigned to the front stack (PT3FRNT) and 10% to the rear stack PT3REAR) per Air Guide 31. Since there is uncertainty in the front/rear split, Interstate Brands demonstrates compliance on a total-oven basis.

Emission Source/Control: E0001 - Process

Design Capacity: 3.48 million Btu per hour

Emission Source/Control: E0002 - Process



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Design Capacity: 5.2 million Btu per hour

Emission Source/Control: E0003 - Process

Design Capacity: 3.48 million Btu per hour

**Item 28.2(From Mod 0):**

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

Emission Unit: U-00001

Process: P01

Source Classification Code: 3-02-032-01

Process Description:

Process P01 represents bread baking operations on bread oven no.1. Emissions from oven no.1 are vented through catalytic oxidizer no.1.

Emission Source/Control: C0001 - Control

Control Type: CATALYTIC AFTERBURNER

Emission Source/Control: E0001 - Process

Design Capacity: 3.48 million Btu per hour

**Item 28.3(From Mod 0):**

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

Emission Unit: U-00001

Process: P02

Source Classification Code: 3-02-032-01

Process Description:

Process P02 represents bread baking operations on bread oven no.2. Emissions from oven no.2 are vented through catalytic oxidizer no.2.

Emission Source/Control: C0002 - Control

Control Type: CATALYTIC AFTERBURNER

Emission Source/Control: E0002 - Process

Design Capacity: 5.2 million Btu per hour

**Item 28.4(From Mod 0):**

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

Emission Unit: U-00001

Process: P04

Source Classification Code: 3-02-900-03

Process Description:

Process P04 represents natural gas oven firing in bread oven no. 1, bread oven no. 2, the roll oven, catalytic oxidizer no. 1 and catalytic oxidizer no. 2.



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Emission Source/Control: C0001 - Control  
Control Type: CATALYTIC AFTERBURNER

Emission Source/Control: C0002 - Control  
Control Type: CATALYTIC AFTERBURNER

Emission Source/Control: E0001 - Process  
Design Capacity: 3.48 million Btu per hour

Emission Source/Control: E0002 - Process  
Design Capacity: 5.2 million Btu per hour

Emission Source/Control: E0003 - Process  
Design Capacity: 3.48 million Btu per hour

**Item 28.5(From Mod 0):**

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

Emission Unit: U-00002

Process: P09

Source Classification Code: 3-02-032-99

**Process Description:**

Process P09 represents normal operation of the video inkjet printers. The printers are located at the end of the packaging line and serve the purpose of labeling packages for freshness and pricing. Each printing unit utilizes an ink source accompanied by a make-up ink fluid and a cleaning solution. The throughput associated with this process represents a total of ink, ink make-up fluid, and cleaning solution.

Emission Source/Control: E0004 - Process

Emission Source/Control: E0005 - Process

Emission Source/Control: E0006 - Process

Emission Source/Control: E0007 - Process

Emission Source/Control: E0008 - Process

Emission Source/Control: E0009 - Process

Emission Source/Control: E0010 - Process

Emission Source/Control: E0011 - Process

Emission Source/Control: E0012 - Process

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Emission Source/Control: E0013 - Process

Emission Source/Control: E0014 - Process

Emission Source/Control: E0015 - Process

Emission Source/Control: E0016 - Process

Emission Source/Control: E0017 - Process

Emission Source/Control: E0018 - Process

**Condition 29: Process Permissible Emissions**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-7**

**Item 29.1:**

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-00001      Process: P03  
  
CAS No: 0NY998-00-0      (From Mod 1)  
Name: VOC  
PTE(s): 11.8 pounds per hour  
47,800 pounds per year

**Condition 30: 212.10 (c)(4)(i) - RACT for major facilities of VOCs.**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.10**

**Item 30.1:**

This Condition applies to Emission Unit: U-00001  
Process: P01

**Item 30.2:**

Volatile organic compound emission points which are equipped with a capture system and a control device with an overall removal efficiency of at least 81% are equipped with reasonably available control technology.

**Condition 31: 212.11 (b) Sampling & Monitoring of Units Controlled with Catalytic Incinerators**  
**Effective between the dates of 10/03/2005 and 10/02/2010**





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Owners and/or operators of any source which is required by the Department to demonstrate compliance with this Part must comply with the notification requirements and must conduct capture efficiency and/or stack emissions testing using acceptable procedures pursuant to Part 202 of this Title.

Parameter Monitored: VOC's

Lower Permit Limit: 81 percent reduction by weight

Reference Test Method: EPA Method(s)

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED  
VALUE AT ANY TIME

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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

**Condition 33: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.11(b)**

**Item 33.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: P01

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 33.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The inlet temperature to and the outlet temperature from the catalytic oxidizer shall be continuously monitored and recorded. The outlet temperature shall be a minimum of 600 degrees F. Continuous monitors must be operated at all times when the associated process equipment is operating except during any quality assurance and routine maintenance activities. Each monitor shall be operated according to a quality assurance program approved by the Department. The strip chart temperature recordings shall



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be maintained at the facility for a period of five years.

A record of the outlet temperatures including instances of failure to meet the minimum outlet temperatures shall be submitted to NYSDEC no seldom than every 6 months beginning with the 1st six-month anniversary of the issuance of the permit.

Manufacturer Name/Model Number: ARC4100/MODEL 417311000021

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 600 degrees Fahrenheit

Upper Permit Limit: 1200 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED

RANGE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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

**Condition 34: 212.10 (c)(4)(i) - RACT for major facilities of VOCs.  
Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.10**

**Item 34.1:**

This Condition applies to Emission Unit: U-00001

Process: P02

**Item 34.2:**

Volatile organic compound emission points which are equipped with a capture system and a control device with an overall removal efficiency of at least 81% are equipped with reasonably available control technology.

**Condition 35: 212.11 (b) Sampling & Monitoring of Units Controlled with  
Catalytic Incinerators**

**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.11**

**Item 35.1:**

This Condition applies to Emission Unit: U-00001

Process: P02

**Item 35.2:**

Owners and/or operators of any source equipped with the following emissions control equipment must install continuous monitors and data recorders for the required parameters by June 1, 1995. Continuous



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monitors must be operated at all a times when the associated process equipment is operating except during any quality assurance and routing maintenance activities. Each monitor must be operated according to a quality assurance program approved by the Department. Alternative monitoring methods may be explored subject to Department approval.

(1) The exhaust gas temperature must be monitored from thermal or catalytic incinerators.

(2) The Temperature rise across catalytic incinerator beds must be monitored.

(5) Other parameters must be monitored if required by conditions on the permit to construct or certificate to operate for the source.

**Condition 36: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.11(a)**

**Item 36.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: P02

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Volatile organic compound emission points which are equipped with a capture system and a control device with an overall removal efficiency of at least 81 percent are equipped with reasonably available control technology.

Owners and/or operators of any source which is required by the Department to demonstrate compliance with this Part must comply with the notification requirements and must conduct capture efficiency and/or stack emissions testing using acceptable procedures pursuant to Part 202 of this Title.

Parameter Monitored: VOC's

Lower Permit Limit: 81 percent reduction by weight

Reference Test Method: EPA Method(s)



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Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: MINIMUM - NOT TO FALL BELOW STATED  
VALUE AT ANY TIME  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2006.  
Subsequent reports are due every 12 calendar month(s).

**Condition 37: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.11(b)**

**Item 37.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: P02

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 37.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The inlet temperature to and the outlet temperature from the catalytic oxidizer shall be continuously monitored and recorded. The outlet temperature shall be a minimum of 600 degrees F. Continuous monitors must be operated at all times when the associated process equipment is operating except during any quality assurance and routine maintenance activities. Each monitor shall be operated according to a quality assurance program approved by the Department. The strip chart temperature recordings shall be maintained at the facility for a period of five years.

A record of the outlet temperatures including instances of failure to meet the minimum outlet temperatures shall be submitted to NYSDEC no seldom than every 6 months beginning with the 1st six-month anniversary of the issuance of the permit.



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Parameter Monitored: TEMPERATURE  
Lower Permit Limit: 600 degrees Fahrenheit  
Upper Permit Limit: 1200 degrees Fahrenheit  
Monitoring Frequency: CONTINUOUS  
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED  
RANGE AT ANY TIME  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2006.  
Subsequent reports are due every 6 calendar month(s).

**Condition 1-1: Capping Monitoring Condition**  
**Effective between the dates of 08/17/2006 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 201-7**

**Item 1-1.1:**

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:

6NYCRR 212.10

**Item 1-1.2:**

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

**Item 1-1.3:**

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

**Item 1-1.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 1-1.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 1-1.6:**

The Compliance Certification activity will be performed for:



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Emission Unit: U-00001

Process: P03

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 1-1.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The roll baking oven #3, Process P03, having actual volatile organic compound (VOC) emissions greater than 3#/hour and 15 #/day is subject to the Reasonably Available Control Requirements (RACT) requirements of 6NYCRR, Part 212.10. The facility has submitted a variance from the control requirements of this Part based on economic infeasibility. The RACT demonstration has been submitted to the United States Environmental Protection Agency (USEPA) for approval as a revision to the New York State Implementation Plan(SIP). The special conditions to establish RACT are incorporated into this Title V permit as follow:

- 1) Total emissions of volatile organic compounds(fugitive and captured) from the roll oven #3(emission points 3FRNT and 3REAR) are limited to 23.9 tons for each rolling twelve month period.
- 2) Interstate Brands shall maintain records of the total VOC emissions for each rolling twelve month period which verify that the #3 roll oven is in compliance with the emission limit. Within 5 days of the end of every month, the facility must compute the total VOC emissions for the previous twelve, consecutive month period.
- 3) Interstate Brands shall submit a semi-annual report which verifies that the total VOC emissions for each rolling twelve month period do not exceed 23.9 tons.
- 4) Documentation of calculations using AIR GUIDE 31 formula and including flour and yeast usage for oven #3 and production data are to be maintained on-site and made available to Department representatives on request.

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5) Interstate Brands must continue to evaluate control technologies and other compliance strategies and provide annual documentation of such evaluation to this Department.

6) The Department reserves the right to require the permittee to evaluate and implement innovative technology within mutually acceptable and agreed upon time frame established by the commissioner's representative and the permittee as per part 621.14.

7) Reports are to be submitted to :

Regional Air Pollution Engineer  
NYS Department of Environmental Conservation  
47-40 21st Street  
Long Island City, N.Y. 11101

8) Records are to be kept on-site for a period of five years and made available to Department Representatives on request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2006.

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

**Condition 40: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.10(c)(1)**

**Item 40.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: P04

Regulated Contaminant(s):



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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:

Interstate Brands has evaluated nitrogen oxide emissions from the combustion of natural gas in the existing bakery ovens and determined that the emission rate potential from each oven is less than 3.0 pounds per hour and actual emissions in the absence of control equipment are less than the 15.0 pounds per day required for a RACT analysis for process sources. A statement of compliance with this exemption from the RACT requirements shall be submitted each year.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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

**Condition 41: Compliance Certification**

**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 41.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00010

**Item 41.2:**

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

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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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions 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.

Monitoring Frequency: DAILY  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2006.  
Subsequent reports are due every 12 calendar month(s).

**Condition 42: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 42.1:**  
The Compliance Certification activity will be performed for:

Emission Unit: U-00001    Emission Point: 00020

**Item 42.2:**  
Compliance Certification shall include the following monitoring:

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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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions 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.

Monitoring Frequency: DAILY

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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



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**Condition 43: Compliance Certification**

**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 43.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 3FRNT

**Item 43.2:**

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format



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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.

Monitoring Frequency: DAILY  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2006.  
Subsequent reports are due every 12 calendar month(s).

**Condition 44: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 44.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 3REAR

**Item 44.2:**

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212.6(a) are detected, the

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permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions 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.

Monitoring Frequency: DAILY  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 4/30/2006.  
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: 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 45: Contaminant List**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

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

**Item 45.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this



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permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

Name: VOC

**Condition 46: Unavoidable noncompliance and violations**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

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

**Item 46.1:**

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

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.



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(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 47: Air pollution prohibited**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 47.1:**

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.