



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 5-1708-00036/02001  
Mod 0 Effective Date: 05/30/2006 Expiration Date: No expiration date.  
Mod 1 Effective Date: 06/26/2012 Expiration Date: No expiration date.

Permit Issued To: BENJAMIN MOORE & CO  
101 PARAGON DR  
MONTVALE, NJ 07645-0220

Contact: PROKOPIS A CHRISTOU  
BENJAMIN MOORE & CO  
360 US ROUTE 206  
FLANDERS, NJ 07836  
(973) 252-2654

Facility: BENJAMIN MOORE & CO  
UNION AVE  
JOHNSTOWN, NY 12095

**Description:**

The Johnstown plant is a latex paint and latex resin manufacturing facility. Currently, the facility has the capacity to produce up to 25 million gallons of paint and up to 15.1 million gallons of latex resin per year. Currently, the facility has 109 vessels ranging in size from 275 gallons to 25,000 gallons for storage and mixing of various solvents and raw materials. These vessels are not subject to Part 229 "Petroleum and Volatile Organic Liquids Storage and Transfer." The facility's potential to emit is less than 50 tons per year of VOC.

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

Permit Administrator: MARC S MIGLIORE  
NYSDEC  
232 GOLF COURSE RD  
WARRENSBURG, NY 12885

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



**Notification of Other State Permittee Obligations**

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

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

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

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

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

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

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

**Facility Level**

- Submission of Applications for Permit Modification or Renewal
  - REGION 5 SUBOFFICE
- Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG



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

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

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

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

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

**Item 2.1:**

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

**Condition 1-1: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 1-1.1:**

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 1-1.2:**

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 1-1.3:**

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

GENERAL CONDITIONS FOR PERMITS FOR THE CONSTRUCTION AND OPERATION OF FACILITIES



**Applicable State Requirement: 6 NYCRR 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:**

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 1-2: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 1-2.1:**

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

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

**Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

**Applicable State Requirement: 6 NYCRR 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



the Department related to the permitted activity.

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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 5  
SUBOFFICE**

**Applicable State Requirement: 6 NYCRR 621.5 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 5 Sub-office  
Division of Environmental Permits  
232 Golf Course Road, PO Box 220  
Warrensburg, NY 12885-0220  
(518) 623-1281

**Condition 1-3: Submission of application for permit modification or  
renewal-REGION 5**

**SUBOFFICE - WARRENSBURG**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 1-3.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 5 Sub-office  
Division of Environmental Permits  
232 Golf Course Road  
Warrensburg, NY 12885-1172  
(518) 623-1281

**New York State Department of Environmental Conservation**

Permit ID: 5-1708-00036/02001

Facility DEC ID: 5170800036



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: BENJAMIN MOORE & CO  
101 PARAGON DR  
MONTVALE, NJ 07645-0220

Facility: BENJAMIN MOORE & CO  
UNION AVE  
JOHNSTOWN, NY 12095

Authorized Activity By Standard Industrial Classification Code:  
2821 - PLASTICS MATERIALS AND RESINS  
2851 - PAINTS AND ALLIED PRODUCTS

Mod 0 Permit Effective Date: 05/30/2006  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 06/26/2012  
date.

Permit Expiration Date: No expiration



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 1-1 6 NYCRR 202-1.1: Required Emissions Tests
- 2 6 NYCRR 211.3: Visible Emissions Limited
- 1-2 6 NYCRR Part 205: Compliance Demonstration
- 1-3 6 NYCRR 211.1: Air pollution prohibited
- 1-4 6 NYCRR 212.6 (a): Compliance Demonstration
- 1-5 40CFR 63, Subpart CCCCCC: Compliance Demonstration

**Emission Unit Level**

**EU=U-PP001,EP=PP002**

- 4 6 NYCRR 212.4 (c): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 5 ECL 19-0301: Contaminant List
- 1-6 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 7 6 NYCRR Subpart 201-5: Emission Unit Definition
- 1-7 6 NYCRR 211.2: Visible Emissions Limited
- 10 6 NYCRR 217-3.2: Idling of Diesel Trucks Limited
- 11 6 NYCRR 217-3.3: Exceptions

**Emission Unit Level**

- 12 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 13 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

**EU=U-PP001,EP=PP001**

- 14 6 NYCRR 212.4 (c): Compliance Demonstration

**EU=U-RT001,EP=RT001**

- 15 6 NYCRR 212.4 (c): Compliance Demonstration

**EU=U-RT002,EP=RT002**

- 16 6 NYCRR 212.4 (c): Compliance Demonstration

**EU=U-ST001,EP=ST001**

- 17 6 NYCRR 212.4 (c): Compliance Demonstration



**FEDERALLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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



required to operate such device effectively.

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

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6 NYCRR 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 F: Recycling and Salvage - 6 NYCRR 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item J: Required Emission Tests - 6 NYCRR 202-1.1**



An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item K: Open Fires Prohibitions - 6 NYCRR 215.2**  
Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item 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.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 1: Open Fires Prohibited at Industrial and Commercial Sites**



**Effective between the dates of 05/30/2006 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR Part 215**

**Item 1.1:**

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.

**Condition 1-1: Required Emissions Tests**

**Effective between the dates of 06/26/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 202-1.1**

**Item 1-1.1:**

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 2: Visible Emissions Limited**

**Effective between the dates of 05/30/2006 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.3**

**Item 2.1:**

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.

**Condition 1-2: Compliance Demonstration**

**Effective between the dates of 06/26/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR Part 205**

**Replaces Condition(s) 3**

**Item 1-2.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 1-2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee must comply with 6 NYCRR Part 205.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**Condition 1-3: Air pollution prohibited**  
**Effective between the dates of 06/26/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 1-3.1:**

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 1-4: Compliance Demonstration**  
**Effective between the dates of 06/26/2012 and Permit Expiration Date**

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

**Replaces Condition(s) 9**

**Item 1-4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-4.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions above those that are normal and in compliance with 6 NYCRR 212.6(a) are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA 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 1-5: Compliance Demonstration**

**New York State Department of Environmental Conservation**

Permit ID: 5-1708-00036/02001

Facility DEC ID: 5170800036



**Effective between the dates of 06/26/2012 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 63, Subpart CCCCCC**

**Item 1-5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Benjamin Moore is subject to the requirements of 40 CFR 63 Subpart CCCCCC. The permittee shall comply with this rule as applicable.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 4: Compliance Demonstration**

**Effective between the dates of 05/30/2006 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (c)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-PP001

Emission Point: PP002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

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: ONCE / BATCH OR MONITORING OCCURRENCE



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

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

**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 only enforceable.**



**Condition 5: Contaminant List**

**Effective between the dates of 05/30/2006 and Permit Expiration Date**

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

**Item 5.1:**

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 1-6: Unavoidable noncompliance and violations**

**Effective between the dates of 06/26/2012 and Permit Expiration Date**

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

**Item 1-6.1:**

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.

(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 7: Emission Unit Definition**  
**Effective between the dates of 05/30/2006 and Permit Expiration Date**

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

**Item 7.1(From Mod 0):**

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

Emission Unit: U-PP001

Emission Unit Description:

Paint plant (includes all associated mixing vessels and equipment)

Building(s): paint

**Item 7.2(From Mod 0):**

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

Emission Unit: U-RT001

Emission Unit Description:

Reactor train 1 (includes the associated tanks and process condenser)

Building(s): resin

**Item 7.3(From Mod 0):**

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

Emission Unit: U-RT002

Emission Unit Description:

Reactor train 2 (includes the associated tanks and process condenser)

Building(s): resin

**Item 7.4(From Mod 0):**



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

Emission Unit: U-ST001

Emission Unit Description:

Storage tanks (to include all applicable storage tanks)

Building(s): paint

**Condition 1-7: Visible Emissions Limited**  
**Effective between the dates of 06/26/2012 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Replaces Condition(s) 8**

**Item 1-7.1:**

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.

**Condition 10: Idling of Diesel Trucks Limited**  
**Effective between the dates of 05/30/2006 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 217-3.2**

**Item 10.1:**

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

**Condition 11: Exceptions**  
**Effective between the dates of 05/30/2006 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 217-3.3**

**Item 11.1:**

The prohibitions of section 217-3.2 shall not apply when:

(a) A bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.

(b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 may be increased, but only to the extent necessary to comply with such regulations.

(c) A diesel engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.



- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.
- (e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.
- (f) A truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25oF.
- (g) A heavy duty diesel vehicle, as defined in subdivision 217-5.1(o), that is queued for or is undergoing a state authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5.
- (h) A hybrid electric vehicle, as defined in subdivision 217-5.1(r), idling for the purpose of providing energy for battery or other form of energy storage recharging.

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

**Condition 12: Emission Point Definition By Emission Unit  
Effective between the dates of 05/30/2006 and Permit Expiration Date**

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

**Item 12.1(From Mod 0):**

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

- Emission Unit: U-PP001
- Emission Point: PP001
  - Height (ft.): 35                      Diameter (in.): 6
  - NYTMN (km.): 4760.2              NYTME (km.): 550.              Building: paint
- Emission Point: PP002
  - Height (ft.): 35                      Diameter (in.): 6
  - NYTMN (km.): 4760.2              NYTME (km.): 550.

**Item 12.2(From Mod 0):**

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

- Emission Unit: U-RT001
- Emission Point: RT001
  - Height (ft.): 35                      Diameter (in.): 6
  - NYTMN (km.): 4760.2              NYTME (km.): 550.              Building: resin

**Item 12.3(From Mod 0):**

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

- Emission Unit: U-RT002
- Emission Point: RT002
  - Height (ft.): 35                      Diameter (in.): 6



NYTMN (km.): 4760.2      NYTME (km.): 550.      Building: resin

**Item 12.4(From Mod 0):**

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

Emission Unit: U-ST001

Emission Point: ST001

Height (ft.): 18

Diameter (in.): 6

NYTMN (km.): 4760.2

NYTME (km.): 550.

Building: paint

**Condition 13: Process Definition By Emission Unit**  
**Effective between the dates of 05/30/2006 and Permit Expiration Date**

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

**Item 13.1(From Mod 0):**

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

Emission Unit: U-PP001

Process: LTP

Source Classification Code: 3-01-014-01

Process Description: Manufacture of latex paint.

Emission Source/Control: DP001 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DP002 - Control

Control Type: FABRIC FILTER

Emission Source/Control: PP001 - Process

**Item 13.2(From Mod 0):**

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

Emission Unit: U-RT001

Process: RT1

Source Classification Code: 6-46-101-41

Process Description:

Manufacture of polymeric resins in reactor train 1.

Emission Source/Control: RT001 - Process

Design Capacity: 7,500 gallons

**Item 13.3(From Mod 0):**

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

Emission Unit: U-RT002

Process: RT2

Source Classification Code: 6-46-101-41

Process Description:

Manufacture of polymeric resins in reactor train 2.

Emission Source/Control: RC002 - Process

Design Capacity: 10,000 gallons



**Item 13.4(From Mod 0):**

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

Emission Unit: U-ST001  
Process: ST1 Source Classification Code: 4-07-146-97  
Process Description: Storage of raw material. Breathing losses.

Emission Source/Control: AK001 - Process

Emission Source/Control: BT001 - Process

Emission Source/Control: LR001 - Process

Emission Source/Control: LT001 - Process

Emission Source/Control: MBST1 - Process

Emission Source/Control: NHRMS - Process

Emission Source/Control: RC001 - Process

Emission Source/Control: VP001 - Process

Emission Source/Control: VT001 - Process

Emission Source/Control: VT002 - Process

**Item 13.5(From Mod 0):**

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

Emission Unit: U-ST001  
Process: ST2 Source Classification Code: 4-07-146-98  
Process Description: Raw material storage tanks. Working losses.

Emission Source/Control: AK001 - Process

Emission Source/Control: BT001 - Process

Emission Source/Control: LR001 - Process

Emission Source/Control: LT001 - Process

Emission Source/Control: MBST1 - Process

Emission Source/Control: NHRMS - Process

Emission Source/Control: RC001 - Process

Emission Source/Control: VP001 - Process

Emission Source/Control: VT001 - Process



Emission Source/Control: VT002 - Process

**Condition 14: Compliance Demonstration**  
Effective between the dates of 05/30/2006 and Permit Expiration Date

**Applicable State Requirement:6 NYCRR 212.4 (c)**

**Item 14.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-PP001 Emission Point: PP001

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

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

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: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 15: Compliance Demonstration**  
Effective between the dates of 05/30/2006 and Permit Expiration Date

**Applicable State Requirement:6 NYCRR 212.4 (c)**

**Item 15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-RT001 Emission Point: RT001

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

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

**New York State Department of Environmental Conservation**

Permit ID: 5-1708-00036/02001

Facility DEC ID: 5170800036



Monitoring Type: INTERMITTENT EMISSION TESTING

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. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

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: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 05/30/2006 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 212.4 (c)**

**Item 16.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-RT002

Emission Point: RT002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

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: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 05/30/2006 and Permit Expiration Date**



**Applicable State Requirement:6 NYCRR 212.4 (c)**

**Item 17.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-ST001 Emission Point: ST001

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

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

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: ONCE / BATCH OR MONITORING OCCURRENCE

