

**New York State Department of Environmental Conservation
Facility DEC ID: 5170800036**



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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 5-1708-00036/02001
Effective Date: 05/30/2006 Expiration Date: No expiration date

Permit Issued To: BENJAMIN MOORE & CO
51 CHESTNUT RIDGE RD
PO BOX 220
MONTVALE, NJ 07645-0220

Contact: RAYNA LAOISA
BENJAMIN MOORE & CO
360 US RTE 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. The facility is currently producing about 12 million gallons of latex paint and about 4 million gallons of latex resin per year. The facility currently has 91 vessels ranging in size from 275 gal to 16,500 gal for storage and mixing of various solvents and raw materials. These vessels are not subject to Part 229 "Petroleum and Volatile Organic Liquid Storage and Transfer" due to the facility's potential to emit VOCs at less than 50 tpy.

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: WALTER L HAYNES
DIVISION OF ENVIRONMENTAL PERMITS
232 GOLF COURSE RD PO BOX 220
WARRENSBURG, NY 12885-0220

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 5
SUBOFFICE



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 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:

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

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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 5
SUBOFFICE
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 5 Sub-office
Division of Environmental Permits
232 Golf Course Road, PO Box 220
Warrensburg, NY 12885-0220
(518) 623-1281



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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: BENJAMIN MOORE & CO
51 CHESTNUT RIDGE RD
PO BOX 220
MONTVALE, NJ 07645-0220

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

Authorized Activity By Standard Industrial Classification Code:
2851 - PAINTS AND ALLIED PRODUCTS

Permit Effective Date: 05/30/2006

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 2 6NYCRR 211.3: Visible Emissions Limited
- 3 6NYCRR 205: Compliance Demonstration

Emission Unit Level

EU=U-PP001,EP=PP002

- 4 6NYCRR 212.4(c): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 5 ECL 19-0301: Contaminant List
- 6 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 7 6NYCRR 201-5: Emission Unit Definition
- 8 6NYCRR 211.2: Air pollution prohibited
- 9 6NYCRR 212.6(a): Compliance Demonstration
- 10 6NYCRR 217-3.2: Idling of Diesel Trucks Limited
- 11 6NYCRR 217-3.3: Exceptions

Emission Unit Level

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

EU=U-PP001,EP=PP001

- 14 6NYCRR 212.4(c): Compliance Demonstration

EU=U-RT001,EP=RT001

- 15 6NYCRR 212.4(c): Compliance Demonstration

EU=U-RT002,EP=RT002

- 16 6NYCRR 212.4(c): Compliance Demonstration

EU=U-ST001,EP=ST001

- 17 6NYCRR 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 - 6NYCRR Part 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 - 6NYCRR Part 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 - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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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 - 6NYCRR Part 201-1.2

If an existing emission source was subject to the permitting requirements of 6NYCRR 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 - 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



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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 - 6NYCRR Part 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 - 6NYCRR Part 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 Part 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 Part 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



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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 Part 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 6NYCRR Part 202-1.

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

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.

Item L: Open Fires - 6 NYCRR Part 215

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

Item M: 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



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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 N: 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: 6NYCRR 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 2: Visible Emissions Limited
Effective between the dates of 05/30/2006 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 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 3: Compliance Demonstration

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

Applicable Federal Requirement: 6NYCRR 205

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 205.1 Applicability.

(a) Except as provided in subdivision (b) of this section, this rule is applicable to any person who supplies, sells, offers for sale, or manufacturers any architectural coating for use within the State of New York, as well as any person who applies or solicits the application of any architectural coating within the State of New York.

(b) This rule does not apply to:

- (1) any architectural coating that is sold or manufactured for use outside of the State of New York or for shipment to other manufacturers for reformulation or repackaging;
- (2) any aerosol coating product; and
- (3) any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

§ 205.3 Standards.

(a) VOC content limits. Except as provided in subdivision (b) of this section, no person shall manufacture, blend, or repackage for sale within the State of New York, supply, sell, or offer for sale within the State of New York or solicit for application or apply within the State of New York any architectural coating manufactured on or after January 1, 2005 which contains volatile organic compounds in excess of the limits specified in the following Table of Standards. Limits are expressed in

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grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. Manufacturer's maximum recommendation means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

Table of Standards - VOC Content Limits For Architectural Coatings

Coating category	VOC content limit (grams per liter)
Flat coatings	100
Nonflat coatings	150
Nonflat - high gloss coatings	250
Antenna coatings	530
Antifouling coatings	400
Bituminous roof coatings	300
Bituminous roof primers	350
Bond breakers	350
Calcimine recoaters	475
Clear wood coatings:	
* Clear brushing lacquers	680
* Lacquers (including lacquer sanding sealers)	550
* Sanding sealers (other than lacquer sandingsealers)	350
* Varnishes	350
* Conversion varnishes	725
Concrete curing compounds	350
Concrete surface retarders	780
Dry fog coatings	400
Faux finishing coatings	350
Fire resistive coatings	350
Fire-retardant coatings:	
* Clear	650
* Opaque	350
Floor coatings	250
Flow coatings	420
Form-release compounds	250
Graphic arts coatings (sign paints)	500
High temperature coatings	420
Impacted immersion coatings	780
Industrial maintenance coatings	340
Low solids coatings	120
Magnesite cement coatings	450

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Mastic texture coatings	300
Metallic pigmented coatings	500
Multi-color coatings	250
Nuclear coatings	450
Pre-treatment wash primers	420
Primers, sealers, and undercoaters	200
Quick-dry enamels	250
Quick-dry primers, sealers and undercoaters	200
Recycled coatings	250
Roof coatings	250
Rust preventive coatings	400
Shellacs:	
* Clear	730
* Opaque	550
Specialty primers, sealers, and * undercoaters	350
Stains	250
Swimming pool coatings and swimming pool repair and maintenance * coatings	340
Temperature-indicator safety coatings	550
Thermoplastic rubber coatings and mastics	550
Traffic marking coatings	150
Waterproofing sealers	250
Waterproofing concrete/masonry sealers	400
Wood preservatives	350

(f) Coatings not listed in subdivision (a) of this section. For any coating that does not meet any of the definitions for the specialty coatings categories listed in subdivision (a) of this section, the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high gloss coating as those terms are defined in sections 205.2(x), (am) and (an) of this Part and the corresponding flat or nonflat coating limit shall apply.

§ 205.4 Container labeling requirements.

Each manufacturer of any architectural coatings subject to this rule manufactured on or after January 1, 2005 shall display the information listed in subdivisions (a)-(i) of this section on the coating container (or label affixed there to) in which the coating is sold or distributed.

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(a) Date code. The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the director, Division of Air Resources, Department of Environmental Conservation by January 1, 2005 or within 90 days of making the product available for sale in New York State.

(b) Thinning recommendations. A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(c) VOC content. Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed in grams of VOC per liter of coating. VOC content displayed shall be calculated using manufacturer's formulation data, or shall be determined using the test methods in section 205.6(b) of this Part. The equations in section 205.6(a) of this Part shall be used to calculate VOC content.

(d) Industrial maintenance coatings. In addition to the information specified in subdivisions (a)-(c) of this section, each manufacturer of any industrial maintenance coating subject to this rule shall display on the label or the lid of the container in which the coating is sold or distributed one or more of the descriptions listed below in paragraphs (1)-(3) of this subdivision.

- (1) "For industrial use only."
- (2) "For professional use only."
- (3) "Not for residential use" or "Not intended for residential use."

(e) Clear brushing lacquers. The labels of all clear

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brushing lacquers shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed."

(f) Rust preventive coatings. The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only."

(g) Specialty primers, sealers and undercoaters. The labels of all specialty primers, sealers and undercoaters shall prominently display one or more of the descriptions listed paragraphs in (1)-(5) of this subdivision.

- (1) "For blocking stains."
- (2) "For fire-damaged substrates."
- (3) "For smoke-damaged substrates."
- (4) "For water-damaged substrates."
- (5) "For excessively chalky substrates."

(h) Quick dry enamels. The labels of all quick dry enamels shall prominently display the words "Quick dry" and the dry hard time.

(i) Non-flat high-gloss coatings. The labels of all non-flat high-gloss coatings shall prominently display the words "High gloss."

§ 205.5 Reporting requirements.

(a) Each manufacturer of a product subject to a VOC content limit in section 205.3(a) of this Part shall keep records demonstrating compliance with the VOC content limits. Such records shall clearly list each product by name (and identifying number, if applicable) as shown on the product label and in applicable sales and technical literature, the VOC content as determined in section 205.6 of this Part, the name(s) and chemical abstract service (CAS) number of the VOC constituents in the product, the dates of the VOC content determinations, and the coating category and the applicable VOC content limit. These records shall be kept for a period not less than five years and shall be made available to the department within 90 days of request.

(b) A responsible official from each manufacturer shall upon request of the director, Division of Air Resources,

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Department of Environmental Conservation provide data concerning the distribution and sales of coatings subject to a VOC content limit in section 205.3(a) of this Part. The responsible official shall within 90 days provide information including, but not limited to:

- (1) the name and mailing address of the manufacturer;
- (2) the name, address and telephone number of a contact person;
- (3) the name of the product as it appears on the label and the coating category in section 205.3(a) under which it is regulated;
- (4) whether it is marketed for interior or exterior use or both;
- (5) the number of gallons sold in New York State in containers greater than one liter and less than one liter;
- (6) the actual VOC content and VOC content limit in grams per liter. If thinning is recommended, list the actual VOC content and VOC content limit after recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately;
- (7) the names and CAS number of the VOC constituents in the product; and
- (8) the names and CAS number of any compounds in the products specifically exempted under section 200.1(ci) of this Title.

(c) Toxic exempt compounds. For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1st of each calendar year beginning with the year 2006, report to the director, Division of Air Resources, Department of Environmental Conservation the following information for products sold in the State during the preceding year:

- (1) the product brand name and a copy of the product

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label with
the legible usage instructions;
(2) the product category listed in section 205.3(a) of this Part to which the coating belongs;
(3) the total sales in the State of New York during the calendar year to the nearest gallon; and
(4) the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.

§ 205.6 Compliance provisions and test methods.

For the purpose of determining compliance with the VOC content limits in section 205.3(a) of this Part, the VOC content of a coating shall be determined by using the procedures described in paragraphs (a)(1) or (2) of this section, as appropriate. The VOC content of a tint base shall be determined prior to the addition of the colorant.

(a) Calculation of VOC content.

(1) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content} = (W_s - W_w - W_{ec})$$

where:

VOC content = grams of VOC per liter of coating

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

V_w = volume of water, in liters

V_{ec} = volume of exempt compounds, in liters

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(2) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content (ls)} = (\text{Ws} - \text{Ww} - \text{Wec}) / (\text{Vm})$$

where:

VOC Content (ls) = the VOC content of a low solids coating in grams per liter of coating

Ws = weight of volatile, in grams

Ww = weight of water, in grams

Wec = weight of exempt compounds, in grams

Vm = volume of coating, in liters

(b) VOC content of coatings. To determine the physical properties of a coating in order to perform the calculations in subdivision (a) of this section, the reference method for VOC content is found at 40 CFR part 60, appendix A, method 24 (2000) (see Table 1, section 200.9 of this Title), except as provided in subdivisions (c) and (d) of this section. An alternate method to determine the VOC content of coatings is South Coast Air Quality Management District Method 304-91 (Revised February 1996) (see Table 1, section 200.9 of this Title). The exempt compounds content shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996) (see Table 1, section 200.9 of this Title). To determine the VOC content of a coating, the manufacturer may use 40 CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title), or an alternative method, as provided in subdivision (c) of this section, manufacturer's formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a 40 CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title) test and any other methods for determining VOC content, the 40 CFR part 60, appendix A, method 24 (see

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Table 1, section 200.9 of this Title) results will govern, except when an alternative method is approved as specified in subdivision (c) of this section. The director, Division of Air Resources, Department of Environmental Conservation may require the manufacturer to conduct a 40 CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title) analysis to determine the VOC content.

(d) Methacrylate traffic coating markings. Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of 40 CFR part 60, appendix A, method 24 found at 40 CFR part 59, subpart D, appendix A (see Table 1, section 200.9 of this Title). This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

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: 6NYCRR 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.

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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 - 6NYCRR Part 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

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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 6: Unavoidable noncompliance and violations

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

Applicable State Requirement: 6NYCRR 201-1.4

Item 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



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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: 6NYCRR 201-5

Item 7.1:

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:

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



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Item 7.3:

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:

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 8: Air pollution prohibited

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

Applicable State Requirement: 6NYCRR 211.2

Item 8.1:

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 9: Compliance Demonstration

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

Applicable State Requirement: 6NYCRR 212.6(a)

Item 9.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 9.2:

Compliance Demonstration 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



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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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Applicable State Requirement: 6NYCRR 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



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NYCRR Subpart 217-3.3.

Condition 11: Exceptions

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

Applicable State Requirement: 6NYCRR 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 25°F.
- (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: 6NYCRR 201-5

Item 12.1:

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

Emission Unit: U-PP001

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Emission Point: PP001
Height (ft.): 35 Diameter (in.): 6
Building: paint

Emission Point: PP002
Height (ft.): 35 Diameter (in.): 6

Item 12.2:

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
Building: resin

Item 12.3:

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
Building: resin

Item 12.4:

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
Building: paint

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

Applicable State Requirement: 6NYCRR 201-5

Item 13.1:

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.



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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:

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

Emission Unit: U-RT001
Process: RT1
Process Description:
Manufacture of polymeric resins in reactor train 1.

Source Classification Code: 6-46-101-41

Emission Source/Control: RT001 - Process
Design Capacity: 7,500 gallons

Item 13.3:

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

Emission Unit: U-RT002
Process: RT2
Process Description:
Manufacture of polymeric resins in reactor train 2.

Source Classification Code: 6-46-101-41

Emission Source/Control: RC002 - Process
Design Capacity: 10,000 gallons

Item 13.4:

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

Emission Unit: U-ST001
Process: ST1
Process Description: Storage of raw material. Breathing losses.

Source Classification Code: 4-07-146-97

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



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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:

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: 6NYCRR 212.4(c)

Item 14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-PP001 Emission Point: PP001



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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: 6NYCRR 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:

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.



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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: 6NYCRR 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: 6NYCRR 212.4(c)

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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