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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility
Permit ID: 5-5328-00010/00021
Effective Date: 08/25/2009 Expiration Date: 08/24/2014

Permit Issued To:NYS DEPT OF CORRECTIONAL SERVICES
BLDG 2 - STATE OFFICE BUILDING CAMPUS
1220 WASHINGTON AVE
ALBANY, NY 12226-2050

Contact: DAVID ROCK
GREAT MEADOW CORRECTIONAL FACILITY
PO BOX 51
COMSTOCK, NY 12821
(518) 639-5516

Facility: NYS GREAT MEADOW CORRECTIONAL FACILITY
ST RTE 22 - E OF US RTE 4
COMSTOCK, NY 12821

Description:
Great Meadow is a State Correctional Facility located in Washington County. Four 30.75 MMBTU per hour boilers firing number 6 fuel oil provide process steam and comfort heating. The facility also produces a number of commercial products (glass cleaner, floor cleaner, soap, etc.) which are purchased by other government entities.

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 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 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
Permit modifications, suspensions or revocations by the Department
**Facility Level**
Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG

**DEC GENERAL CONDITIONS**
****** General Provisions ******
**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.**
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

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

**Item 1.1:**
The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**
The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**
A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

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

**Item 2.1:**
Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**
**Applicable State Requirement: 6NYCRR 621.11**

**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 4: Permit modifications, suspensions or revocations by the Department**
**Applicable State Requirement: 6NYCRR 621.13**

**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 application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG**
**Applicable State Requirement: 6NYCRR 621.6(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

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To:NYS DEPT OF CORRECTIONAL SERVICES
BLDG 2 - STATE OFFICE BUILDING CAMPUS
1220 WASHINGTON AVE
ALBANY, NY 12226-2050

Facility: NYS GREAT MEADOW CORRECTIONAL FACILITY
ST RTE 22 - E OF US RTE 4
COMSTOCK, NY 12821

Authorized Activity By Standard Industrial Classification Code:
8999 - SERVICES, NEC
9223 - CORRECTIONAL INSTITUTIONS

Permit Effective Date: 08/25/2009 Permit Expiration Date: 08/24/2014

## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

**Facility Level**

1 6NYCRR 200.6: Acceptable Ambient Air Quality
2 6NYCRR 201-6.5(a)(7): Fees
3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
6 6NYCRR 202-2.1: Compliance Certification
7 6NYCRR 202-2.5: Recordkeeping requirements
8 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
9 6NYCRR 200.7: Maintenance of Equipment
10 6NYCRR 201-1.7: Recycling and Salvage
11 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
12 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
13 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
14 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
15 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
16 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
17 6NYCRR 201-6.5(f)(6): Off Permit Changes
18 6NYCRR 202-1.1: Required Emissions Tests
19 6NYCRR 211.3: Visible Emissions Limited
20 40CFR 68: Accidental release provisions.
21 40CFR 82, Subpart F: Recycling and Emissions Reduction
22 6NYCRR 201-6: Emission Unit Definition
23 6NYCRR 201-6.5(e): Compliance Certification
24 6NYCRR 225-1.2: Compliance Certification

**Emission Unit Level**

25 6NYCRR 201-6: Emission Point Definition By Emission Unit
26 6NYCRR 201-6: Process Definition By Emission Unit

**EU=0-0MAIN**

27 6NYCRR 227-1.3(a): Compliance Certification
28 6NYCRR 227-2.4(d): Compliance Certification

**EU=0-0MAIN,Proc=OIL**

29 6NYCRR 227.2(b)(1): Compliance Certification

**EU=0-GLASS**

30 6NYCRR 212.3(a): Compliance Certification

### STATE ONLY ENFORCEABLE CONDITIONS

**Facility Level**

31 ECL 19-0301: Contaminant List
32 6NYCRR 201-1.4: Unavoidable noncompliance and violations
33 6NYCRR 211.2: Air pollution prohibited

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

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

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

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

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

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

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

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

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

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

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

**Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item C:** **Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item D:** **Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**Item E:** **Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F:** **Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item G:** **Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR Part 201-6.5(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

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

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

**Item I:** **Severability - 6 NYCRR Part 201-6.5(a)(9)**

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

**Item J: Permit Shield - 6 NYCRR Part 201-6.5(g)**

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

i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item K: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

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

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the

effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

**Item L:** **Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item M:** **Federally Enforceable Requirements - 40 CFR 70.6(b)**
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

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

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

**Condition 1:** **Acceptable Ambient Air Quality**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 200.6**

**Item 1.1:**
Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2:** **Fees**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 201-6.5(a)(7)**

**Item 2.1:**
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

**Condition 3:** **Recordkeeping and reporting of compliance monitoring**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 3.1:**
The following information must be included in any required compliance monitoring records and reports:

(i) The date, place, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii)The company or entity that performed the analyses;

(iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;

(v) The results of such analyses including quality assurance data where required; and

(vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.3 of this Part 201.

**Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 201-6.5(c)(2)**

**Item 4.1:**
Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 201-6.5(c)(3)(ii)**

**Item 5.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
To meet the requirements of this facility permit with respect to reporting, the permittee must:

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

official for this facility.

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

(1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

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

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

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 202-2.1**

**Item 6.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**
Compliance Certification shall include the following monitoring:

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

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

**Condition 7: Recordkeeping requirements**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 202-2.5**

**Item 7.1:**
(a) The following records shall be maintained for at least five years:

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

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

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

**Condition 8: Open Fires Prohibited at Industrial and Commercial Sites**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 215**

**Item 8.1:**
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

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

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]**

**Condition 9: Maintenance of Equipment**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 200.7**

**Item 9.1:**
Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Condition 10: Recycling and Salvage**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 10.1:**
Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 11: Prohibition of Reintroduction of Collected Contaminants to the air**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 11.1:**
No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Condition 12: Exempt Sources - Proof of Eligibility**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 12.1:**
The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

**Condition 13: Trivial Sources - Proof of Eligibility**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 13.1:**
The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

**Condition 14: Standard Requirement - Provide Information**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 201-6.5(a)(4)**

**Item 14.1:**
The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 15: General Condition - Right to Inspect**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 201-6.5(a)(8)**

**Item 15.1:**
The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

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

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

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

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

**Condition 16: Standard Requirements - Progress Reports**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 16.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

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

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

**Condition 17: Off Permit Changes**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 17.1:**
No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

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

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

**Condition 18: Required Emissions Tests**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 18.1:**
For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

**Condition 19: Visible Emissions Limited**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 211.3**

**Item 19.1:**
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 20: Accidental release provisions.**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:40CFR 68**

**Item 20.1:**
If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;

b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

**Condition 21: Recycling and Emissions Reduction**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 21.1:**
The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

**Condition 22: Emission Unit Definition**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 22.1:**
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 0-0MAIN
Emission Unit Description:
Four 30.75 MMBtu per hour boilers firing #6 fuel oil are located in the boiler house and vent to individual stacks. They were installed in 1969 and are not subject to NSPS.

Building(s): 19
25

**Item 22.2:**
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 0-GLASS
Emission Unit Description:
Five tanks are used for production of glass cleaners, floor finishes and wax remover. All of the tanks are completely covered. Hinged covers are opened in order to add raw materials. The covers remain closed at all other times. There are vent systems installed on the tanks that are only open to the atmosphere via gate valves to release fumes prior to filling. The vents are closed at all other times. Three additional tanks have no vents (1200 gallon floor finish, 750 gallon floor sealer, 1000 gallon miscellaneous use).

**Condition 23: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 23.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 23.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:
- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;

- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

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

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

iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

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

The address for the RAPCE is as follows:

Region 5 Suboffice
232 Golf Course Road.
P.O. Box 220
Warrensburg, NY 12885-0220

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2010.
Subsequent reports are due on the same day each year

**Condition 24: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 225-1.2**

**Item 24.1:**
The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 24.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
The facility will not purchase or use any fuel oil which contails sulfur in a quantity exceeding 1.5% by weight.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 6 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.5 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 25: Emission Point Definition By Emission Unit**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 25.1:**
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 0-0MAIN

Emission Point: 00001
Height (ft.): 40 Diameter (in.): 36
NYTMN (km.): 4812.624 NYTME (km.): 611.432

Emission Point: 00002
Height (ft.): 40 Diameter (in.): 36
NYTMN (km.): 4812.624 NYTME (km.): 611.432

Emission Point: 00003
Height (ft.): 40 Diameter (in.): 36
NYTMN (km.): 4812.624 NYTME (km.): 611.432

Emission Point: 00004
Height (ft.): 40 Diameter (in.): 36
NYTMN (km.): 4812.624 NYTME (km.): 611.432

**Condition 26: Process Definition By Emission Unit**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 26.1:**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-0MAIN
Process: OIL Source Classification Code: 1-03-004-01
Process Description: The four boilers burn number 6 fuel oil.

Emission Source/Control: 00B01 - Combustion
Design Capacity: 30.75 million Btu per hour

Emission Source/Control: 00B02 - Combustion
Design Capacity: 30.75 million Btu per hour

Emission Source/Control: 00B03 - Combustion
Design Capacity: 30.75 million Btu per hour

Emission Source/Control: 00B04 - Combustion
Design Capacity: 30.75 million Btu per hour

**Item 26.2:**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-GLASS
Process: ONE Source Classification Code: 3-01-009-08
Process Description:
Glass cleaners are mixed in two 3500 gallon tanks. Raw materials are input through a hinged cover. The tank cover remains closed at all other times.

Emission Source/Control: 00C01 - Process
Design Capacity: 3,500 gallons

Emission Source/Control: 00C02 - Process
Design Capacity: 3,500 gallons

**Item 26.3:**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-GLASS
Process: THR Source Classification Code: 3-99-999-99
Process Description:
Wax removers are mixed in two 2750 gallon tanks. Raw materials are input through hinged covers. The covers remain closed at all other times.

Emission Source/Control: 00C04 - Process
Design Capacity: 2,750 gallons

Emission Source/Control: 00C05 - Process
Design Capacity: 2,750 gallons

**Item 26.4:**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-GLASS
Process: TWO Source Classification Code: 3-99-999-99
Process Description:
Miscellaneous products are mixed in a 5500 gallon tank. Raw materials are input through hinged covers. The covers remain closed at all other times.

Emission Source/Control: 00C03 - Process
Design Capacity: 5,500 gallons

**Condition 27: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 227-1.3(a)**

**Item 27.1:**
The Compliance Certification activity will be performed for:

Emission Unit: 0-0MAIN

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

**Item 27.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

1) The operator shall observe the stack of each boiler which is operating once per day (during daylight hours) for visible emissions. The observation(s) must be conducted except during adverse weather conditions (fog, rain or snow).

2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
- date and time of day
- observer's name
- identity of emission point
- weather condition
- was a plume observed?

Inclement weather conditions shall be recorded for those days when observations are not feasible. This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days firing oil, a Method 9 analysis (based on a six minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

** NOTE** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: DAILY
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 6 calendar month(s).

**Condition 28: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 28.1:**
The Compliance Certification activity will be performed for:

Emission Unit: 0-0MAIN

**Item 28.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
A boiler tune-up shall be performed annually. The owner or operator of a small boiler shall maintain a log (in the format acceptable to the Department) containing the following information: (1) The date which the equipment was adjusted; and (2) The name, title, and affiliation of the person who adjusted the equipment.

Monitoring Frequency: ANNUALLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 6 calendar month(s).

**Condition 29: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 227.2(b)(1)**

**Item 29.1:**
The Compliance Certification activity will be performed for:

Emission Unit: 0-0MAIN
Process: OIL

**Item 29.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
Particulate emission limit for a stationary combustion installation firing oil. The owner or operator shall complete the following as required by the Permit Administrator.

1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,

2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and

3) all records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.10 pounds per million Btus
Reference Test Method: Method 5
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 6 calendar month(s).

**Condition 30: Compliance Certification**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable Federal Requirement:6NYCRR 212.3(a)**

**Item 30.1:**
The Compliance Certification activity will be performed for:

Emission Unit: 0-GLASS

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

**Item 30.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Covers of mixing tanks will be kept closed except to add raw materials to control the release of VOCs. Gate valves will be open to vent tanks prior to filling and will be closed at all other times.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

## STATE ONLY ENFORCEABLE CONDITIONS
****** Facility Level ******

### NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS
**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

Item A: **General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

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

### STATE ONLY APPLICABLE REQUIREMENTS
**The following conditions are state applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 31: Contaminant List**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 31.1:**
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY998-00-0
Name: VOC

**Condition 32: Unavoidable noncompliance and violations**
**Effective between the dates of 08/25/2009 and 08/24/2014**

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

**Item 32.1:**
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 33: Air pollution prohibited**
**Effective between the dates of 08/25/2009 and 08/24/2014**

**Applicable State Requirement:6NYCRR 211.2**

**Item 33.1:**
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.