



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 6-2336-00005/00003
Mod 0 Effective Date: 05/10/1999 Expiration Date: No expiration date.
Mod 1 Effective Date: 04/29/2000 Expiration Date: No expiration date.
Mod 2 Effective Date: 02/11/2006 Expiration Date: No expiration date.
Mod 4 Effective Date: 10/02/2006 Expiration Date: No expiration date.
Mod 5 Effective Date: 05/14/2008 Expiration Date: No expiration date.
Mod 6 Effective Date: 02/03/2009 Expiration Date: No expiration date.
Mod 7 Effective Date: 12/08/2009 Expiration Date: No expiration date.
Mod 8 Effective Date: 06/29/2011 Expiration Date: No expiration date.

Permit Issued To: KRAFT FOODS GLOBAL INC
3 LAKES DR
WINNETKA, IL 60093-2753

Contact: KRAFT FOODS INC
7388 UTICA BLVD
LOWVILLE, NY 13367

Facility: KRAFT FOODS INC
7388 UTICA BLVD
LOWVILLE, NY 13367

Contact: WILLIAM BLUNDEN
KRAFT FOODS INC
7388 UTICA BLVD
LOWVILLE, NY 13367
(315) 376-1174

Description:
This permit modification entails administrative changes to some of the wording in the permit, as well as the addition of the recently promulgated regulations under 40 CFR 63.11193 Subpart JJJJJ.

New York State Department of Environmental Conservation
Facility DEC ID: 6233600005



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: LAWRENCE R AMBEAU
 NYSDEC - STATE OFFICE BLDG
 317 WASHINGTON ST
 WATERTOWN, NY 13601

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

Facility Level

- Submission of Applications for Permit Modification or Renewal
 - REGION 6 HEADQUARTERS
- Submission of Applications for Permit Modification or Renewal
 - REGION 6 HEADQUARTERS
- Submission of application for permit modification or renewal-REGION 6 HEADQUARTERS



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

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

Item 1-1.1:

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 1-1.2:

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 1-1.3:

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 2-1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 2-1.1:

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 2-1.2:

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 2-1.3:

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 1: Facility Inspection by the Department
Applicable State Requirement: ECL 3-0301 (2) (g)

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).



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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

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

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

Item 2-2.1:

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 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 6-1: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 6-1.1:

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

Item 6-1.2:

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

Item 6-1.3:

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

Condition 2-3: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6 NYCRR 621.13

Item 2-3.1:

The permittee must submit a separate written application to the Department for renewal,



information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

Item 2-3.2:

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 2-3.3:

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 7-1: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 7-1.1:

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.

Condition 6-2: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 6-2.1:

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.

Condition 3: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6 NYCRR 621.13 (a)

7-1-1



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

Item 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.

Condition 2-4: Permit Modifications, Suspensions and Revocations by the Department

Applicable State Requirement: 6 NYCRR 621.14

Item 2-4.1:

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.

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

Applicable State Requirement: 6 NYCRR 621.14

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 6 HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.5 (a)

7-1-11



Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 6 Headquarters
Division of Environmental Permits
State Office Building, 317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245

**Condition 2-5: Submission of Applications for Permit Modification or Renewal
-REGION 6**

HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.5 (a)

Item 2-5.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 6 Headquarters
Division of Environmental Permits
State Office Building, 317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245

**Condition 6-3: Submission of application for permit modification or
renewal-REGION 6**

HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 6-3.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 6 Headquarters
Division of Environmental Permits
State Office Building, 317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: KRAFT FOODS GLOBAL INC
3 LAKES DR
WINNETKA, IL 60093-2753

Facility: KRAFT FOODS INC
7388 UTICA BLVD
LOWVILLE, NY 13367

Authorized Activity By Standard Industrial Classification Code:
2022 - CHEESE NATURAL AND PROCESSED

Mod 0 Permit Effective Date: 05/10/1999 date.	Permit Expiration Date: No expiration date.
Mod 1 Permit Effective Date: 04/29/2000 date.	Permit Expiration Date: No expiration date.
Mod 2 Permit Effective Date: 02/11/2006 date.	Permit Expiration Date: No expiration date.
Mod 4 Permit Effective Date: 10/02/2006 date.	Permit Expiration Date: No expiration date.
Mod 6 Permit Effective Date: 02/03/2009 date.	Permit Expiration Date: No expiration date.
Mod 7 Permit Effective Date: 12/08/2009 date.	Permit Expiration Date: No expiration date.
Mod 8 Permit Effective Date: 06/29/2011 date.	Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 4-1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 4-2 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 4 6 NYCRR 200.7: Maintenance of equipment
- 4-3 6 NYCRR 200.7: Maintenance of Equipment
- 4-4 6 NYCRR 201-1.7: Recycling and Salvage
- 6-1 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 4-6 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 4-7 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 8-1 6 NYCRR 202-1.1: Required Emissions Tests
- 4-8 6 NYCRR 202-1.1: Required Emissions Tests
- 1 6 NYCRR 200.1: Definitions Applicable To This Permit
- 2 6 NYCRR 200.5: Sealing
- 3 6 NYCRR 200.6: Acceptable ambient air quality
- 5 6 NYCRR 201-1.1 (a): Contaminant List
- 6 6 NYCRR 201-1.2: Unpermitted Emission Sources
- 11 6 NYCRR 201-1.10 (a): Public Access to Recordkeeping
- 4-10 6 NYCRR 201-7.2: Facility Permissible Emissions
- *4-11 6 NYCRR 201-7.2: Capping Monitoring Condition
- *4-12 6 NYCRR 201-7.2: Capping Monitoring Condition
- 18 6 NYCRR 202-1.1: Required Emissions Tests - Facility Level
- 19 6 NYCRR 202-1.2: Notification
- 20 6 NYCRR 202-1.2: Notification - Stack test access
- 21 6 NYCRR 202-1.3: Acceptable procedures
- 22 6 NYCRR 202-1.3: Acceptable procedures - Stack test report submittal
- 23 6 NYCRR 202-1.3: Alternate test methods
- 24 6 NYCRR 202-1.5: Prohibitions
- 8-2 6 NYCRR 211.1: Air pollution prohibited
- 27 6 NYCRR 225-1.7: Compliance Demonstration
- 28 6 NYCRR 225-1.8 (a): Compliance Demonstration
- 29 6 NYCRR 225-1.8 (d): Reports, Sampling and Analysis
- 30 6 NYCRR 227-1.6 (a): Corrective action.
- 31 6 NYCRR 227-1.6 (b): Corrective action.
- 32 6 NYCRR 227-1.6 (c): Corrective action.
- 33 6 NYCRR 227-1.6 (d): Corrective action.
- 4-13 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 4-14 40CFR 60.7(a), NSPS Subpart A: Date of construction notification - If a COM is not used.
- 4-15 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 4-16 40CFR 60.7(c), NSPS Subpart A: Compliance Demonstration
- 4-17 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
- 4-18 40CFR 60.7(e), NSPS Subpart A: Monitoring frequency waiver.
- 4-19 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 4-20 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or Local Agency



- 4-21 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 4-22 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 4-23 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 4-24 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 4-25 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 4-26 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 4-27 40CFR 60.9, NSPS Subpart A: Availability of information.
- 4-28 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 4-29 40CFR 60.12, NSPS Subpart A: Circumvention.
- 4-30 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 4-31 40CFR 60.14, NSPS Subpart A: Modifications.
- 4-32 40CFR 60.15, NSPS Subpart A: Reconstruction
- 8-3 40CFR 63.11196(a)(3), Subpart JJJJJ: Compliance date for energy assessment
- 8-4 40CFR 63.11225(a), Subpart JJJJJ: Notifications
- 8-5 40CFR 63.11225(b), Subpart JJJJJ: Compliance Demonstration
- 8-6 40CFR 63.11225(c), Subpart JJJJJ: Compliance Demonstration
- 8-7 40CFR 63.11225(d), Subpart JJJJJ: Form of records

Emission Unit Level

EU=0-00001,Proc=001

- 8-10 6 NYCRR 227.2 (b) (1): Compliance Demonstration
- 4-33 40CFR 60.42c(d), NSPS Subpart Dc: Compliance Demonstration
- 4-34 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 4-35 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Demonstration
- 4-36 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Demonstration
- 8-8 40CFR 63.11214(c), Subpart JJJJJ: Compliance Demonstration

EU=0-00001,Proc=001,ES=00001

- 8-9 40CFR 63.11194(b), Subpart JJJJJ: Existing source

EU=0-00001,Proc=002

- 4-37 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 4-38 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Demonstration
- 4-39 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Demonstration

EU=0-00001,Proc=007

- 4-40 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 4-41 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Demonstration
- 4-42 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Demonstration

EU=0-00001,Proc=009

- 4-43 6 NYCRR 212.4 (c): Compliance Demonstration
- 4-44 6 NYCRR 212.6 (a): Compliance Demonstration

EU=0-00001,EP=00001

- 34 6 NYCRR 227-1.3 (a): Compliance Demonstration

EU=0-00002,EP=00003

- 1-1 6 NYCRR 212.4 (c): Compliance Demonstration



STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 2-26 ECL 19-0301: Contaminant List
- 7-1 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 35 6 NYCRR Subpart 201-5: General Provisions
- 36 6 NYCRR Subpart 201-5: Emission Unit Definition
- 37 6 NYCRR 201-5.3 (b): Equipment Malfunction Provision
- 38 6 NYCRR 201-5.3 (b): Exceedance of a Facility Cap
- 7-2 6 NYCRR 211.2: Air pollution prohibited
- 8-11 6 NYCRR 211.2: Visible Emissions Limited
- 44 6 NYCRR 225-1.2 (a) (2): Compliance Demonstration

Emission Unit Level

- 45 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 46 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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



required to operate such device effectively.

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

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

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

Item E: Emergency Defense - 6 NYCRR 201-1.5

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

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

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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



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

Item F: Recycling and Salvage - 6 NYCRR 201-1.7

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

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

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

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

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

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

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

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



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

Item K: Visible Emissions Limited - 6 NYCRR 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 Prohibitions - 6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item 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 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 4-1: Acceptable Ambient Air Quality
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.6

Item 4-1.1:

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 4-2: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Part 215

Item 4-2.1:

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 4: Maintenance of equipment
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.7

Item 4.1:

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 4-3: Maintenance of Equipment
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.7

Item 4-3.1:

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 4-4: Recycling and Salvage
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 4-4.1:

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 6-1: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 02/03/2009 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 6-1.1:

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 4-6: Exempt Sources - Proof of Eligibility
Effective between the dates of 10/02/2006 and Permit Expiration Date

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

Item 4-6.1:

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 4-7: Trivial Sources - Proof of Eligibility
Effective between the dates of 10/02/2006 and Permit Expiration Date

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

Item 4-7.1:

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 8-1: Required Emissions Tests
Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 8-1.1:

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

Condition 4-8: Required Emissions Tests
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 4-8.1:

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 1: Definitions Applicable To This Permit
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.1

Item 1.1:

The definitions found in Parts 200 and 201 apply throughout this permit. Specific definitions used in this permit and their meanings include:

1. "Act" refers to the Federal Clean Air Act, 42 U.S.C. Section 7401, et seq., as amended by Public Law 101-549, November 15, 1990.
2. "Administrator" refers to the Administrator of the United States Environmental Protection Agency or designee.
3. "Department" refers to the New York State Department of Environmental Conservation.

Condition 2: Sealing
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.5

Item 2.1:

(a) 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 labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of

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(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.

Condition 11: Public Access to Recordkeeping
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.10 (a)

Item 11.1:

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.

Condition 4-10: Facility Permissible Emissions
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 8-10.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 007446-09-5 (From Mod 8) PTE: 199,800 pounds
per year

Name: SULFUR DIOXIDE

Condition 4-11: Capping Monitoring Condition
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 4-11.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

Item 4-11.2:

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



Item 4-11.3:

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

Item 4-11.4:

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

Item 4-11.5:

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

Item 4-11.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 4-11.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility owner shall ensure that emissions of Carbon Monoxide (CO), including those from permitted, exempt and trivial, remain less than 190,000 pounds during any consecutive 12 month period.

Facility owner must maintain records that verify the facility's daily CO emissions. These records must be maintained at the facility for a period of five years.

Reports will be submitted annually, in a format acceptable to the commissioner's representative, which document that the facility's CO emissions over any consecutive 12 month period were below 190,000 pounds. The annual reports must include information that documents the CO emissions from each emission source at the facility, including exempt and trivial activities. The report must also include all emission factors and other data used in calculating the monthly CO emissions.

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CAS No: 007446-09-5 SULFUR DIOXIDE

Item 4-12.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility owner shall ensure that emissions of Sulfur Dioxide (SO₂), including those from permitted, exempt and trivial, remain less than 190,000 pounds during any consecutive 12 month period.

Facility owner must maintain records that verify the facility's daily SO₂ emissions. These records must be maintained at the facility for a period of five years.

Reports will be submitted annually, in a format acceptable to the commissioner's representative, which document that the facility's SO₂ emissions over any consecutive 12 month period were below 190,000 pounds. The annual reports must include information that documents the SO₂ emissions from each emission source at the facility, including exempt and trivial activities. The report must also include all emission factors and other data used in calculating the monthly SO₂ emissions.

Any noncompliance with the SO₂ emission limit in this condition must be reported by sending a copy of such record to the NYSDEC, Region 6, within 30 days of the occurrence.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 06/08/2007 for the period 10/02/2006 through 05/09/2007

Condition 18: Required Emissions Tests - Facility Level
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

An acceptable report of measured emissions shall be submitted, as required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

Condition 19: Notification
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.2



Condition 8-2: Air pollution prohibited
Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 211.1

Item 8-2.1:

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 27: Compliance Demonstration
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 225-1.7

Item 27.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 27.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Emission limiting and monitoring parameters for a facility which fires distillate fuel oil.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 28: Compliance Demonstration
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 225-1.8 (a)

Item 28.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 28.2:

Compliance Demonstration shall include the following monitoring:

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Item 32.1:

No person shall cause, permit, or allow the operation of any facility sealed by the commissioner in accordance with this section.

Condition 33: Corrective action.

Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 227-1.6 (d)

Item 33.1:

No person except the commissioner or his representative shall remove, tamper with, or destroy any seal affixed to any facility.

Condition 4-13: EPA Region 2 address.

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A

Item 4-13.1:

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance
USEPA Region 2
290 Broadway, 21st Floor
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

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

Condition 4-14: Date of construction notification - If a COM is not used.

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(a), NSPS Subpart A

Item 4-14.1:

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;



4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

Condition 4-15: Recordkeeping requirements.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(b), NSPS Subpart A

Item 4-15.1:

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

Condition 4-16: Compliance Demonstration
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(c), NSPS Subpart A

Item 4-16.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 4-16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Affected owners or operators shall submit an excess emissions report and/or a summary report form (as defined in 40 CFR 60.7(d)) semi-annually (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be post marked no later than 30 days after each calendar quarter (or as appropriate), and shall contain the following information:

1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;



- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 4-17: Excess emissions report.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(d), NSPS Subpart A

Item 4-17.1:

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

Condition 4-18: Monitoring frequency waiver.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(e), NSPS Subpart A

Item 4-18.1: Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the conditions in 40 CFR 60.7(e) are met.

Condition 4-19: Facility files for subject sources.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(f), NSPS Subpart A

Item 4-19.1:

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable



for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

Condition 4-20: Notification Similar to State or Local Agency
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.7(g), NSPS Subpart A

Item 4-20.1:

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part 60.7(a).

Condition 4-21: Performance testing timeline.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.8(a), NSPS Subpart A

Item 4-21.1:

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 4-22: Performance test methods.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A

Item 4-22.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

Condition 4-23: Required performance test information.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.8(c), NSPS Subpart A

Item 4-23.1:

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

Condition 4-24: Prior notice.
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.8(d), NSPS Subpart A

Item 4-24.1:

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

Condition 4-25: Performance testing facilities.



Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A

Item 4-29.1:

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Condition 4-30: Monitoring requirements.

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A

Item 4-30.1:

All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

Condition 4-31: Modifications.

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A

Item 4-31.1:

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

Condition 4-32: Reconstruction

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.15, NSPS Subpart A

Item 4-32.1:

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;



prepared a bag leak detection system monitoring plan in accordance with § 63.11224 and will operate each bag leak detection system according to the plan.”

(iv) For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: “No secondary materials that are solid waste were combusted in any affected unit.”

(5) If the owner or operator is using data from a previously conducted emission test to serve as documentation of conformance with the emission standards and operating limits of this subpart consistent with 40 CFR 63.7(e)(2)(iv), he/she must submit the test data in lieu of the initial performance test results with the Notification of Compliance Status required under paragraph (4).

Condition 8-5: Compliance Demonstration
Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:40CFR 63.11225(b), Subpart JJJJJ

Item 8-5.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 8-5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must prepare, by March 1 of each year, and submit to the delegated authority upon request, an annual compliance certification report for the previous calendar year containing the information specified in paragraphs (1) through (4). The owner or operator must submit the report by March 15 if he/she had any instance described by paragraph (3). For boilers that are subject only to a requirement to conduct a biennial tune-up according to 40 CFR 63.11223(a) and not subject to emission limits or operating limits, the owner or operator may prepare only a biennial compliance report as specified in paragraphs (1) through (4), instead of a semi-annual compliance report.

(1) Company name and address.

(2) Statement by a responsible official, with the official’s name, title, phone number, e-mail address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of this subpart.

(3) If the source experiences any deviations from the applicable requirements during the reporting period, include a description of deviations, the time periods



during which the deviations occurred, and the corrective actions taken.

(4) The total fuel use by each affected boiler subject to an emission limit, for each calendar month within the reporting period, including, but not limited to, a description of the fuel, whether the fuel has received a non-waste determination by the owner or operator or EPA through a petition process to be a non-waste under 40 CFR 241.3(c), whether the fuel(s) were processed from discarded non-hazardous secondary materials within the meaning of 40 CFR 241.3, and the total fuel usage amount with units of measure.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2012.

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

Condition 8-6: Compliance Demonstration
Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:40CFR 63.11225(c), Subpart JJJJJ

Item 8-6.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 8-6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must maintain the records specified in paragraphs (1) through (5).

(1) As required in 40 CFR 63.10(b)(2)(xiv), the owner or operator must keep a copy of each notification and report that he/she submitted to comply with this subpart and all documentation supporting any Initial Notification or Notification of Compliance Status that he/she submitted.

(2) The owner or operator must keep records to document conformance with the work practices, emission reduction measures, and management practices required by 40 CFR 63.11214 as specified in paragraphs (i) and (ii).

(i) Records must identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was



tuned.

(ii) Records documenting the fuel type(s) used monthly by each boiler, including, but not limited to, a description of the fuel, including whether the fuel has received a non-waste determination by the owner or operator or EPA, and the total fuel usage amount with units of measure. If the owner or operator combusts non-hazardous secondary materials that have been determined not to be solid waste pursuant to 40 CFR 241.3(b)(1), he/she must keep a record which documents how the secondary material meets each of the legitimacy criteria. If the owner or operator combusts a fuel that has been processed from a discarded non-hazardous secondary material pursuant to 40 CFR 241.3(b)(4), he/she must keep records as to how the operations that produced the fuel satisfies the definition of processing in 40 CFR 241.2. If the fuel received a non-waste determination pursuant to the petition process submitted under 40 CFR 241.3(c), the owner or operator must keep a record that documents how the fuel satisfies the requirements of the petition process.

(3) For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation that were done to demonstrate compliance with the mercury emission limits. Supporting documentation should include results of any fuel analyses. The owner or operator can use the results from one fuel analysis for multiple boilers provided they are all burning the same fuel type.

(4) Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in 40 CFR 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation.

(6) The owner or operator must keep the records of all inspection and monitoring data required by 40 CFR 63.11221 and 63.11222, and the information identified in paragraphs (i) through (vi) for each required inspection or monitoring.

(i) The date, place, and time of the monitoring event.

(ii) Person conducting the monitoring.



- (iii) Technique or method used.
- (iv) Operating conditions during the activity.
- (v) Results, including the date, time, and duration of the period from the time the monitoring indicated a problem to the time that monitoring indicated proper operation.
- (vi) Maintenance or corrective action taken (if applicable).
- (7) An owner or operator that uses a bag leak detection system must keep the records specified in paragraphs (i) through (iii).
 - (i) Records of the bag leak detection system output.
 - (ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings.
 - (iii) The date and time of all bag leak detection system alarms, and for each valid alarm, the time you initiated corrective action, the corrective action taken, and the date on which corrective action was completed.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2011.

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

Condition 8-7: Form of records
Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:40CFR 63.11225(d), Subpart JJJJJ

Item 8-7.1:

Records must be in a form suitable and readily available for expeditious review, according to 40 CFR 63.10(b)(1). As specified in 40 CFR 63.10(b)(1), the owner or operator must keep each record for 5 years following the date of each recorded action. You must keep each record onsite for at least 2 years after the date of each recorded action according to 40 CFR 63.10(b)(1). The owner or operator may keep the records off site for the remaining 3 years.



**** Emission Unit Level ****

Condition 8-10: Compliance Demonstration

Effective between the dates of 06/29/2011 and Permit Expiration Date

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

Item 8-10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 8-10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The two hour average emission of particulates from this stationary combustion installation shall not exceed 0.10 pounds per million Btu of heat input.

At the monitoring frequency stated below the facility shall perform the following:

- 1) Submit to the Department an acceptable protocol for the testing of particulate emissions in a manner that will determine compliance with the limit cited in this condition.
- 2) Perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition.
- 3) Submit an acceptable stack test report that outlines the results obtained from the testing done to meet the requirement of #2 above.
- 4) Facility shall keep records of all testing done at this stationary combustion installation for a period of 5 years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: EPA RM 5

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



Condition 4-33: Compliance Demonstration
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.42c(d), NSPS Subpart Dc

Item 4-33.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 001

Item 4-33.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

On or after the date on which the initial performance test is completed or required to be completed under section 60.8 of this part, no owner or operator of an affected facility that combusts oil shall combust oil with a sulfur content in excess of 0.5 percent by weight.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.50 percent by weight

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 4-34: Compliance Demonstration
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(a), NSPS Subpart Dc

Item 4-34.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 001

Item 4-34.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or



reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 4-35: Compliance Demonstration

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(g), NSPS Subpart Dc

Item 4-35.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 001

Item 4-35.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 4-36: Compliance Demonstration

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(i), NSPS Subpart Dc

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Facility DEC ID: 6233600005



Item 4-36.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 001

Item 4-36.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 8-8: Compliance Demonstration

Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:40CFR 63.11214(c), Subpart JJJJJ

Item 8-8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 001

Item 8-8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A one-time energy assessment must be conducted by a qualified energy assessor, as defined in the rule.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 8-9: Existing source

Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable Federal Requirement:40CFR 63.11194(b), Subpart JJJJJ

Item 8-9.1:

This Condition applies to Emission Unit: 0-00001

Process: 001

Emission Source: 00001



Item 8-9.2:

An affected source is an existing source if the owner or operator commenced construction or reconstruction of the affected source on or before June 4, 2010.

Condition 4-37: Compliance Demonstration
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(a), NSPS Subpart Dc

Item 4-37.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001
Process: 002

Item 4-37.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 4-38: Compliance Demonstration
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(g), NSPS Subpart Dc

Item 4-38.1:

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The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 002

Item 4-38.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 4-39: Compliance Demonstration

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(i), NSPS Subpart Dc

Item 4-39.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 002

Item 4-39.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 4-40: Compliance Demonstration

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(a), NSPS Subpart Dc

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Item 4-40.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 007

Item 4-40.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 4-41: Compliance Demonstration

Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(g), NSPS Subpart Dc

Item 4-41.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 007

Item 4-41.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel

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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: UPON REQUEST BY REGULATORY AGENCY

Condition 4-44: Compliance Demonstration
Effective between the dates of 10/02/2006 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.6 (a)

Item 4-44.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 009

Item 4-44.2:

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 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)

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Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-1: Compliance Demonstration
Effective between the dates of 04/29/2000 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.4 (c)

Item 1-1.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00002 Emission Point: 00003

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

Item 1-1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In instances where determination of permissible emission rate using process weight is not applicable, and for an environmental rating of B or C, no person will cause or allow emissions of solid particulates that exceed 0.050 grains of particulate per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

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

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.



Condition 2-26: Contaminant List

Effective between the dates of 02/11/2006 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 2-26.1:

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

CAS No: 000630-08-0
Name: CARBON MONOXIDE

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

CAS No: 0NY075-00-0
Name: PARTICULATES

Condition 7-1: Unavoidable noncompliance and violations

Effective between the dates of 12/08/2009 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 7-1.1:

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

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action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superseded 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 35: General Provisions

Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 35.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 35.2:

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.

Item 35.3:

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

Condition 36: Emission Unit Definition

Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5



Item 36.1(From Mod 8):

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

Emission Unit: 0-00001

Emission Unit Description:

This emission unit consists of two 41 MMbtu/hr boilers and three 440 hp engines capable to run on up to 100 % biogas or natural gas at any given time . Boiler 1 is vented through a stack (emission points 00001) located in the boiler room of the plant (bldg. 001). Boiler 2 is vented through a separate stack (Emission Point 00004) located in the boiler room of the plant (bldg. 001). Each engine is vented through a separate stack (Emission Point 00002, 00003 and 00007) located in the boiler room of the plant (Bldg. 1). The boilers are utilized for heating and production purpose. The engines are utilized to maintain the temperature of the refrigerated section of the warehouse. The Oceco Model 221 6-inch flare (Emission Point 00005) is used to burn waste biogas.

Building(s): 199

Item 36.2(From Mod 8):

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

Emission Unit: 0-00002

Emission Unit Description:

The emission unit consists of four dry powder mixing lines. Each line consists of an unloading area, pneumatic airvey transfer lines, vacuum pumps, a cyclone, a weigh bin and a scale. The unloading area is shared by each line, and consists of five unloading points where dry ingredients will be transferred from bags or supersacks, a manual dump station and pneumatic airvey lines, which transfer ingredients to each line's cyclone, and then weigh bin. The dry powders will be semi-mixed on demand as they reach the cyclone and weigh bin. The semi-mixed dry ingredients will go from the cyclone to the weigh bin for proper measurement using the line's scale and from there into the process. The exhaust air from the cyclone is vented to a bag house for treatment before it exhausts to the atmosphere.

Building(s): 199

Item 36.3(From Mod 6):

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

Emission Unit: 0-00004

Emission Unit Description:

Emission Unit 0-00004 consists of emission points and sources related to the new odor treatment system for the Equalization Tank, Sludge Tank, and Dissolved air Flotation (Emission source / control: 00011, 00012, 00013, and 00014).



Building(s): MFT

Condition 37: Equipment Malfunction Provision
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-5.3 (b)

Item 37.1:

In the event of an emissions control equipment failure, the associated process equipment must shut down immediately and remain shut down until the emissions control equipment is fully operational.

Item 37.2:

In the event that emissions of air contaminants in excess of any emission limit occur due to a malfunction, the permittee shall report such malfunction to the Department within two working days after becoming aware that the malfunction occurred, as required in 6NYCRR 201-1.4(b).

Condition 38: Exceedance of a Facility Cap
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-5.3 (b)

Item 38.1:

Any exceedance of the rolling annual limits contained in the capping conditions must be reported to the Department in writing within thirty (30) days of the occurrence.

Condition 7-2: Air pollution prohibited
Effective between the dates of 12/08/2009 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 7-2.1:

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 8-11: Visible Emissions Limited
Effective between the dates of 06/29/2011 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 8-11.1:

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 44: Compliance Demonstration



Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 225-1.2 (a) (2)

Item 44.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 44.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any distillate oil fuel which contains sulfur in a quantity exceeding the following limitation. This limitation applies in all areas of New York with the exception of the Suffolk County Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown and the Erie County areas of the City of Lackawanna and South Buffalo.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 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 45: Emission Point Definition By Emission Unit
Effective between the dates of 05/10/1999 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 45.1(From Mod 4):

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 76 Diameter (in.): 54
NYTMN (km.): 4850.223 NYTME (km.): 460.631 Building: 001

Emission Point: 00002

Height (ft.): 35 Diameter (in.): 8
NYTMN (km.): 4847.49 NYTME (km.): 461.016 Building: 001



Emission Point: 00006
Height (ft.): 35 Diameter (in.): 8
NYTMN (km.): 4847.49 NYTME (km.): 461.016 Building: 001

Item 45.2(From Mod 7):

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

Emission Unit: 0-00002

Emission Point: 00003
Height (ft.): 28 Diameter (in.): 4
NYTMN (km.): 4850.223 NYTME (km.): 460.631 Building: 001

Item 45.3(From Mod 6):

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

Emission Unit: 0-00004

Emission Point: 00008
Height (ft.): 11 Diameter (in.): 6
NYTMN (km.): 4847.49 NYTME (km.): 461.016 Building: MFT

**Condition 46: Process Definition By Emission Unit
Effective between the dates of 05/10/1999 and Permit Expiration Date**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 46.1(From Mod 8):

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

Emission Unit: 0-00001
Process: 001 Source Classification Code: 1-02-005-02
Process Description:
Number 2 distillate fuel oil is combusted in the two 41.0
MMBtu/hour boilers

Emission Source/Control: 00001 - Combustion
Design Capacity: 41 million Btu per hour

Emission Source/Control: 00002 - Combustion
Design Capacity: 41 million Btu per hour

Item 46.2(From Mod 8):

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

Emission Unit: 0-00001
Process: 008
Process Description:
Engines 1, 2 and 3 run on up to 100% biogas or natural
gas at any given time.

Emission Source/Control: 00003 - Combustion



Design Capacity: 440 horsepower (mechanical)

Emission Source/Control: 00004 - Combustion
Design Capacity: 440 horsepower (mechanical)

Emission Source/Control: 00018 - Combustion
Design Capacity: 440 horsepower (mechanical)

Item 46.3(From Mod 8):

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

Emission Unit: 0-00002

Process: 004

Source Classification Code: 3-02-005-24

Process Description:

Dry powder air mixture is pulled through the bag house filter on four separate but identical lines. The bag house filter is equipped with a magnahelix gauge with measures pressures differential ranging of 0-20 inches of water column.

Emission Source/Control: 00005 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00006 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00007 - Process

Emission Source/Control: 00015 - Process

Emission Source/Control: 00016 - Process

Emission Source/Control: 00017 - Process

Item 46.4(From Mod 8):

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

Emission Unit: 0-00002

Process: 005

Source Classification Code: 3-02-019-23

Process Description:

Cyclone exhaust air is treated by a bag house with a plenum used to capture particulate emissions prior to exhausting to the atmosphere.

Emission Source/Control: 00006 - Control
Control Type: FABRIC FILTER

Emission Source/Control: 00007 - Process

Item 46.5(From Mod 7):

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



Emission Unit: 0-00001
Process: 002 Source Classification Code: 1-02-006-02
Process Description:
Natural Gas is combusted 100% in the two 41.0 MMBtu/hour
boilers at any given time.

Emission Source/Control: 00001 - Combustion
Design Capacity: 41 million Btu per hour

Emission Source/Control: 00002 - Combustion
Design Capacity: 41 million Btu per hour

Item 46.6(From Mod 7):

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

Emission Unit: 0-00001
Process: 003 Source Classification Code: 2-02-002-54
Process Description:
Natural gas combusted 100 % in three 440 hp engines at
any given time.

Emission Source/Control: 00003 - Combustion
Design Capacity: 440 horsepower (mechanical)

Emission Source/Control: 00004 - Combustion
Design Capacity: 440 horsepower (mechanical)

Emission Source/Control: 00018 - Combustion
Design Capacity: 440 horsepower (mechanical)

Item 46.7(From Mod 7):

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

Emission Unit: 0-00001
Process: 007
Process Description:
Boilers 1 and 2 run on up to 100% biogas or natural gas
at any given time.

Emission Source/Control: 00001 - Combustion
Design Capacity: 41 million Btu per hour

Emission Source/Control: 00002 - Combustion
Design Capacity: 41 million Btu per hour

Item 46.8(From Mod 4):

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

Emission Unit: 0-00001
Process: 009
Process Description:
Waste biogas is combusted in the Oceco Model 221 6-inch

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waste gas flare.

Emission Source/Control: 00009 - Control
Control Type: INCINERATOR AFTERBURNER

Emission Source/Control: 00010 - Process
Design Capacity: 100 tons per day

Item 46.9(From Mod 6):

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

Emission Unit: 0-00004

Process: 010

Process Description:

Odor treatment of the equalization tank, sludge tank, and dissolved air flotation.

Emission Source/Control: 00014 - Control

Control Type: GAS SCRUBBER (GENERAL, NOT CLASSIFIED)

Emission Source/Control: 00011 - Process

Design Capacity: 200 cubic feet per minute

Emission Source/Control: 00012 - Process

Design Capacity: 200 cubic feet per minute

Emission Source/Control: 00013 - Process

Design Capacity: 100 cubic feet per minute

