



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Industrial SPDES - Surface Discharge

Permit ID: 6-4048-00001/00003

Mod 0 Effective Date: 01/01/2004 Expiration Date: 01/01/2009

Mod 1 Effective Date: 03/18/2004 Expiration Date: 01/01/2009

Mod 2 Effective Date: 03/27/2005 Expiration Date: 01/01/2009

Mod 3 Effective Date: 02/01/2006 Expiration Date: 01/01/2009

Mod 4 Effective Date: 06/13/2006 Expiration Date: 01/01/2009

Mod 5 Effective Date: 03/29/2007 Expiration Date: 01/01/2009

Permit Type: Air State Facility

Permit ID: 6-4048-00001/00011

Effective Date: 03/29/2007

Expiration Date: No expiration date

Permit Type: Solid Waste Management

Permit ID: 6-4048-00001/00018

Effective Date: 03/29/2007 Expiration Date: 01/01/2009

Permit Issued To: NORTH COUNTRY DAIRY LLC

22 CO RTE 52

NORTH LAWRENCE, NY 12967

Facility: NORTH COUNTRY DAIRY LLC

22 CO RTE 52

NORTH LAWRENCE, NY 12967

Contact: PATRICK WEED

UPSTATE FARMS COOPERATIVE INC

25 ANDERSON RD

BUFFALO, NY 14225

(866) 871-4645

Description:

New York State Department of Environmental Conservation
Facility DEC ID: 6404800001



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
- Relationship of this Permit to Other Department Orders and Determinations
 - Applications for Permit Renewals and Modifications
 - 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



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

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

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

Item 2.1:

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

Condition 3-1: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6 NYCRR 621.13

Item 3-1.1:

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 3-1.2:

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 3-1.3:

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.



Applicable State Requirement: 6 NYCRR 621.13 (a)

Expired by Mod No: 1

Item 3.1:

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

Item 3.2:

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

Condition 3-2: Permit Modifications, Suspensions and Revocations by the Department

Applicable State Requirement: 6 NYCRR 621.14

Item 3-2.1:

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 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 ****

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGIONAL OFFICE



HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.5 (a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator
Region 6 Headquarters
Division of Environmental Permits
State Office Building, 317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245

New York State Department of Environmental Conservation

Permit ID: 6-4048-00001/00011

Facility DEC ID: 6404800001



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: NORTH COUNTRY DAIRY LLC
22 CO RTE 52
NORTH LAWRENCE, NY 12967

Facility: NORTH COUNTRY DAIRY LLC
22 CO RTE 52
NORTH LAWRENCE, NY 12967

Authorized Activity By Standard Industrial Classification Code:
None Listed On Application

Mod 4 Permit Effective Date: 03/29/2007
date.

Permit Expiration Date: No expiration
date.

SAPA Extended Begin Date: 01/02/2009



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 3-1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 3-2 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3-3 6 NYCRR 200.7: Maintenance of Equipment
- 3-4 6 NYCRR 201-1.7: Recycling and Salvage
- 3-5 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 3-6 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 10 6 NYCRR 201-3.2 (a): Proof of Eligibility
- 3-7 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 202-1.1: Required emissions tests
- 3-8 6 NYCRR 202-1.1: Required Emissions Tests
- 3-9 6 NYCRR 211.3: Visible Emissions Limited
- 1 6 NYCRR 200.5: Sealing
- 4 6 NYCRR 201-1.2: Unpermitted Emission Sources
- 6 6 NYCRR 201-1.5: Emergency Defense
- 9 6 NYCRR 201-1.10 (a): Public Access to Recordkeeping
- 3-10 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- *3-11 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 3-12 6 NYCRR 201-7.2: Facility Permissible Emissions
- 16 6 NYCRR 202-1.2: Notification
- 17 6 NYCRR 202-1.3: Acceptable procedures
- 18 6 NYCRR 202-1.3: Acceptable procedures - Stack test report submittal
- 19 6 NYCRR 202-1.5: Prohibitions
- 22 6 NYCRR 225-1.2 (a) (2): Compliance Demonstration
- 24 6 NYCRR 227-1.7 (b): Emissions data requirements.

Emission Unit Level

EU=0-00001

- 32 6 NYCRR 225-1.8 (a): Compliance Demonstration
- 26 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 27 6 NYCRR 227-1.6 (a): Corrective Action
- 28 6 NYCRR 227-1.6 (b): Corrective Action
- 29 6 NYCRR 227-1.6 (c): Corrective Action
- 30 6 NYCRR 227-1.6 (d): Corrective Action

EU=0-00001,Proc=002,ES=BOIL2

- *3-13 6 NYCRR 201-7.2: Capping Monitoring Condition

EU=0-00004,Proc=003,ES=BOIL4

- 3-14 6 NYCRR 227-1.3 (a): Compliance Demonstration

EU=0-00004,Proc=004,ES=BOIL4

- 3-22 6 NYCRR 225-1.8 (a): Compliance Demonstration
- 3-15 6 NYCRR 227-1.3: Compliance Demonstration
- 3-16 6 NYCRR 227-1.6 (a): Corrective Action



- 3-17 6 NYCRR 227-1.6 (b): Corrective Action
- 3-18 6 NYCRR 227-1.6 (c): Corrective Action
- 3-19 6 NYCRR 227-1.6 (d): Corrective Action

EU=0-00004,Proc=004,ES=FLARE

- 3-20 6 NYCRR 212.4 (c): Compliance Demonstration
- 3-21 6 NYCRR 212.6 (a): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 3-23 ECL 19-0301: Contaminant List
- 3-24 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 33 6 NYCRR Subpart 201-5: General Provisions
- 34 6 NYCRR Subpart 201-5: Permit Exclusion Provisions
- 35 6 NYCRR Subpart 201-5: Emission Unit Definition
- 36 6 NYCRR 201-5.3 (b): Contaminant List
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Emission Unit Level

- 38 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 39 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 3-1: Acceptable Ambient Air Quality
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.6

Replaces Condition(s) 2

Item 3-1.1:

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 3-2: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Part 215

Replaces Condition(s) 21

Item 3-2.1:

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 3-3: Maintenance of Equipment
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 200.7

Replaces Condition(s) 3

Item 3-3.1:

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 3-4: Recycling and Salvage
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.7

Replaces Condition(s) 7

Item 3-4.1:



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 3-5: Prohibition of Reintroduction of Collected Contaminants to the air

Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.8

Replaces Condition(s) 8

Item 3-5.1:

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

Condition 3-6: Exempt Sources - Proof of Eligibility

Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Item 3-6.1:

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 10: Proof of Eligibility

Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 10.1:

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 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.

Condition 3-7: Trivial Sources - Proof of Eligibility

Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Replaces Condition(s) 11



Item 1.1:

(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 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.

(b) 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.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 4: Unpermitted Emission Sources
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.2

Item 4.1:

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Condition 6: Emergency Defense
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-1.5

Item 6.1:

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.

Condition 9: Public Access to Recordkeeping
Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 9.1:

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 3-10: Facility Permissible Emissions
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Applicaton Specific Data

Condition 3-11: Capping Monitoring Condition
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 3-11.1:

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 3-11.2:

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

Item 3-11.3:



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 3-11.4:

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 3-11.5:

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 3-11.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 3-11.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility owner shall ensure that emissions of Sulfur Dioxide (SO₂), including those from permitted, exempt and trivial, remain less than 190,000 pounds during any consecutive 365 day 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 365 day 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

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condition must be reported by sending a copy of such record to the NYSDEC, Region 6, within 30 days of the occurrence.

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 11/10/2006 for the period 04/24/2006 through 10/11/2006

Condition 3-12: Facility Permissible Emissions
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

Applicaton Specific Data

Condition 16: Notification
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.2

Item 16.1:

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

Condition 17: Acceptable procedures
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.3

Item 17.1:

Emission testing, sampling, and analytical deteminations to ascertain compliance with this Subpart shall be conducted in accordance with test methods acceptable to the commissioner.

Condition 18: Acceptable procedures - Stack test report submittal
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.3

Item 18.1:

Emission test reports must be submitted in triplicate to the commissioner within 60 days after the completion of the tests, unless additional time is requested in writing.

Condition 19: Prohibitions
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.5

Item 19.1:

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No person shall conceal an emission by the use of air or other gaseous diluents to achieve compliance with an emission standard which is based on the concentration of a contaminant in the gases emitted through a stack.

Condition 22: Compliance Demonstration
Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 22.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 22.2:

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 residual oil fuel which contains sulfur in a quantity exceeding the following limitation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL 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: ANNUALLY (ANNIVERSARY)

Initial Report Due: 11/10/2002 for the period 10/12/2001 through 10/11/2002

Condition 24: Emissions data requirements.
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 227-1.7 (b)

Item 24.1:

Sampling, compositing, and analysis of fuel samples shall be conducted in accordance with methods acceptable to the commissioner.

**** Emission Unit Level ****

Condition 32: Compliance Demonstration
Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 32.1:

The Compliance Demonstration activity will be performed for:

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Emission Unit: 0-00001

Item 32.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE PERMITTEE SHALL RETAIN FUEL OIL SUPPLIER CERTIFICATIONS FOR EACH SHIPMENT OF OIL RECEIVED. SUCH CERTIFICATIONS SHALL CONTAIN, AS A MINIMUM: SUPPLIER NAME, DATE OF SHIPMENT, QUANTITY SHIPPED, OIL SULFUR CONTENT, AND THE METHOD USED TO DETERMINE THE SULFUR CONTENT. SUCH CERTIFICATIONS SHALL BE AVAILABLE FOR INSPECTION BY, OR SUBMITTAL TO, NYSDEC UPON REQUEST.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 11/10/2002 for the period 10/12/2001 through 10/11/2002

Condition 26: Compliance Demonstration

Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 26.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Item 26.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 27: Corrective Action



Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 27.1:

This Condition applies to Emission Unit: 0-00001

Item 27.2:

Any facility found in violation of the provisions of this Part shall not cause, permit, or allow the operation of the affected stationary combustion installation unless:

- (1) it is equipped with approved emission control equipment;
- (2) it is rehabilitated or upgraded in an approved manner; or
- (3) the fuel is changed to an acceptable type.

Condition 28: Corrective Action

Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 28.1:

This Condition applies to Emission Unit: 0-00001

Item 28.2:

The commissioner may seal such stationary combustion installation so as to prevent any operation if the conditions of paragraphs 6 NYCRR Part 227-1.6(a)(1)-(3) are not met within the time provided by the order of final determination issued in the case of the violation.

Condition 29: Corrective Action

Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 29.1:

This Condition applies to Emission Unit: 0-00001

Item 29.2:

No person shall cause, permit, or allow the operation of any affected stationary combustion installation sealed by the commissioner in accordance with 6 NYCRR Part 227-1.6.

Condition 30: Corrective Action

Effective between the dates of 10/12/2001 and Permit Expiration Date

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

Item 30.1:

This Condition applies to Emission Unit: 0-00001



Item 30.2:

No person except the commissioner or his representatives shall remove, tamper with or destroy any seal affixed to any stationary combustion installation in accordance with 6 NYCRR Part 227-1.6.

Condition 3-13: Capping Monitoring Condition
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 201-7.2

Item 3-13.1:

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:

40 CFR 52.21 (i) (1)

Item 3-13.2:

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

Item 3-13.3:

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 3-13.4:

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 3-13.5:

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 3-13.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Process: 002

Emission Source: BOIL2

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

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Item 3-13.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility shall maintain sulfur dioxide emissions equal to or less than 39.9 tons by limiting the amount of number six oil useage during any 12 consectutive month period to 331,210 gallons. Verification of monthly sulfur dioxide emissions will be determined by calculations using emission factors acceptable to this Department. Facility shall provide a report, with the required calculations and a demonstration of compliance with this limit to the NYSDEC Region 6 office by the reporting deadlines contained below.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: NUMBER 6 OIL

Upper Permit Limit: 331210 gallons

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 11/10/2006 for the period 04/24/2006 through 10/11/2006

Condition 3-14: Compliance Demonstration

Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Item 3-14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00004

Process: 003

Emission Source: BOIL4

Item 3-14.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall operate the installation in such a way to emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent



Monitoring Description:

Operators of oil-fired boilers which are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

1) Observe the stack for each boiler which is operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- date and time of day
- observer's name
- identity of emission point
- weather condition
- was a plume observed?

Incident weather conditions shall be recorded for those days when observations are prohibited. This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence.

The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

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

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Monitoring Frequency: DAILY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 12 calendar month(s).

Condition 3-16: Corrective Action
Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Item 3-16.1:

This Condition applies to Emission Unit: 0-00004
Process: 004 Emission Source: BOIL4

Item 3-16.2:

Any facility found in violation of the provisions of this Part shall not cause, permit, or allow the operation of the affected stationary combustion installation unless:

- (1) it is equipped with approved emission control equipment;
- (2) it is rehabilitated or upgraded in an approved manner; or
- (3) the fuel is changed to an acceptable type.

Condition 3-17: Corrective Action
Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Item 3-17.1:

This Condition applies to Emission Unit: 0-00004
Process: 004 Emission Source: BOIL4

Item 3-17.2:

The commissioner may seal such stationary combustion installation so as to prevent any operation if the conditions of paragraphs 6 NYCRR Part 227-1.6(a)(1)-(3) are not met within the time provided by the order of final determination issued in the case of the violation.

Condition 3-18: Corrective Action
Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Item 3-18.1:

This Condition applies to Emission Unit: 0-00004
Process: 004 Emission Source: BOIL4



Item 3-18.2:

No person shall cause, permit, or allow the operation of any affected stationary combustion installation sealed by the commissioner in accordance with 6 NYCRR Part 227-1.6.

Condition 3-19: Corrective Action

Effective between the dates of 04/24/2006 and Permit Expiration Date

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

Item 3-19.1:

This Condition applies to Emission Unit: 0-00004

Process: 004

Emission Source: BOIL4

Item 3-19.2:

No person except the commissioner or his representatives shall remove, tamper with or destroy any seal affixed to any stationary combustion installation in accordance with 6 NYCRR Part 227-1.6.

Condition 3-20: Compliance Demonstration

Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 212.4 (c)

Item 3-20.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00004

Process: 004

Emission Source: FLARE

Item 3-20.2:

Compliance Demonstration shall include the following monitoring:

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

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. The Department reserves the right to perform or require the performance of a Method 5 emissions evaluation at any time.

The permittee will conduct compliance verifications at the monitoring frequency stated below. These verifications include review of pertinent information relating to particulate emissions of the source, including but not limited to production rate, process material, air flow rate, control equipment parameters, visible emissions, etc. The permittee will confirm that during source operation all pertinent parameters (whether used to directly calculate particulate emission rate, or as



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 investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

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 1/30/2007.

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



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

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

Item A: 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 3-23: Contaminant List

Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 3-23.1:

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

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 3-24: Unavoidable noncompliance and violations

Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 3-24.1:

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

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

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

(c) The Department may also require the owner and/or operator to include in reports



described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

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

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

Condition 33: General Provisions
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 33.1:

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 33.2:

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 33.3:

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 34: Permit Exclusion Provisions
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 34.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant including, but not limited to, any enforcement action authorized pursuant to the provisions of

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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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 35: Emission Unit Definition
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 35.1(From Mod 3):

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

Emission Unit: 0-00001

Emission Unit Description:

Emission unit 000001 consists of two on site Cleaver Brooks boilers rated at 25.11 and 29.29 MBTU/HR (non-NSPS). Each boiler is vented through a separate stack.

Building(s): BOILER RM

Item 35.2(From Mod 3):

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

Emission Unit: 0-00004

Emission Unit Description:

Emission unit consists of a reconstructed 8.4 mmbtu/hr Cleaver Brooks boiler firing digester biogas and vented through a dedicated stack, and an Oseco Model 221 3 inch flare.

Building(s): BOILER RM

Condition 36: Contaminant List
Effective between the dates of 10/12/2001 and Permit Expiration Date



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

Item 36.1:

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

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 37: Air pollution prohibited
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 37.1:

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 3-25: Compliance Demonstration
Effective between the dates of 04/24/2006 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 3-25.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3-25.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:

1. Have a complaint phone line available 24 hours a day, 7 days a week.
2. Investigate any possible causes of any complaint received.
3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
4. Fully document the complaint, results of investigation, and any action taken.
5. Report in a format acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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Permit ID: 6-4048-00001/00011

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DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 12 calendar month(s).

**** Emission Unit Level ****

Condition 38: Emission Point Definition By Emission Unit
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 38.1(From Mod 3):

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 21 Diameter (in.): 24
NYTMN (km.): 4961.275 NYTME (km.): 525.62 Building: BOILER RM

Emission Point: 00002

Height (ft.): 21 Diameter (in.): 24
NYTMN (km.): 4961.275 NYTME (km.): 525.62 Building: BOILER RM

Emission Point: 00003

Height (ft.): 33 Diameter (in.): 24
NYTMN (km.): 4961.275 NYTME (km.): 525.62 Building: BOILER RM

Item 38.2(From Mod 3):

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

Emission Unit: 0-00004

Emission Point: 00007

Height (ft.): 33 Diameter (in.): 24
NYTMN (km.): 4961.275 NYTME (km.): 525.62 Building: BOILER RM

Emission Point: 00008

Height (ft.): 17 Diameter (in.): 3
NYTMN (km.): 4961.275 NYTME (km.): 525.62

Condition 39: Process Definition By Emission Unit
Effective between the dates of 10/12/2001 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 39.1(From Mod 3):

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



Emission Unit: 0-00001
Process: 001
Process Description:
Coolbrands Dairy Inc. boilerhouse (Boilers #1 and #2)
will combust natural gas.

Emission Source/Control: BOIL1 - Combustion
Design Capacity: 25.11 million BTUs per hour

Emission Source/Control: BOIL2 - Combustion
Design Capacity: 29.29 million BTUs per hour

Item 39.2(From Mod 3):

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

Emission Unit: 0-00001
Process: 002
Process Description:
Coolbrands Dairy Inc. boilerhouse (Boilers #1, and #2)
will combust number 6 oil with a sulfur content equal to
or less than 1.5% by weight.

Emission Source/Control: BOIL1 - Combustion
Design Capacity: 25.11 million BTUs per hour

Emission Source/Control: BOIL2 - Combustion
Design Capacity: 29.29 million BTUs per hour

Item 39.3(From Mod 3):

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

Emission Unit: 0-00004
Process: 003
Process Description:
Coolbrands Dairy Inc. boilerhouse (Boiler #4) will
combust reactor biogas consisting of 54% Methane and 46%
Carbon Dioxide.

Emission Source/Control: BOIL4 - Combustion
Design Capacity: 8.4 million Btu per hour

Item 39.4(From Mod 3):

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

Emission Unit: 0-00004
Process: 004 Source Classification Code: 1-01-002-02
Process Description:
Coolbrands Dairy Inc. will utilize a Oeeco 3 inch flare
to control emissions of Methane by combustion when the
Cleaver Brooks Model CB 400-300 (Boiler #4) is not in
operation.

New York State Department of Environmental Conservation

Permit ID: 6-4048-00001/00011

Facility DEC ID: 6404800001



Emission Source/Control: BOIL4 - Combustion
Design Capacity: 8.4 million Btu per hour

Emission Source/Control: FLARE - Control
Control Type: COMBUSTION CHAMBER

Item 39.5(From Mod 3):

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

Emission Unit: 0-00004

Process: 005

Process Description:

Coolbrands Dairy Inc. boilerhouse (Boiler #4) will combust #6 oil with a sulfur content equal to or less than 1.5% by weight.

Emission Source/Control: BOIL4 - Combustion
Design Capacity: 8.4 million Btu per hour

Emission Source/Control: FLARE - Control
Control Type: COMBUSTION CHAMBER

