

New York State Department of Environmental Conservation
Facility DEC ID: 7084200017



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 7-0842-00017/00019
Effective Date: 06/01/2006 Expiration Date: 05/31/2011

Permit Issued To: KERRY BIOFUNCTIONAL INGREDIENTS INC
158 ST HWY 320
NORWICH, NY 13815

Contact: PHILIP J SZALACH
KERRY BIO-SCIENCE
158 ST HWY 320
NORWICH, NY 13815
(607) 334-1729

Facility: KERRY BIO-SCIENCE
158 ST RTE 320
NORWICH, NY 13815

Description:
Nature of Business Conducted and SIC Code

The facility produces food products. Plant operations can be classified into the following main categories: 1. High purity lactose production; 2. Hydrolized protein production; 3. Enzyme production; 4. Flavorings and extract production.

SIC code 2023: Food Products

Facility Operation and Equipment

Facility operation consists of 3 natural gas or No. 2 fuel oil fired boilers, approximately 17 digestion tanks, various dump stations, mixing tanks, and product filters, evaporators and dryers. The facility also operates a toluene recovery system consisting of a flash evaporator, condenser and decantors used to recover and reuse toluene, along with product packaging and materials handling.

Air Permit Applicability

The facility exceeds the major source threshold for a hazardous air pollutant, toluene, and a criteria pollutant, sulfur dioxide; therefore, a Title V operating permit is required. In addition, the facility is subject to the following requirements: 6 NYCRR Parts 200, 201, 202, 211, 212, 215, 225, 227, 621 and 40 CFR Parts 52-A.21, Part 82-F, and Part 52, subpart HH.

Capping



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Facility emissions of sulfur dioxide are limited (capped) to a maximum permitted level of 249 tons per year (any 12 consecutive months). Facility emissions of VOCs are limited (capped) to a maximum permitted level of 49 tons per year (any 12 consecutive months). These facility caps are for the purpose of remaining below the applicability levels of 40 CFR 52.21 and 6 NYCRR 212.10.

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: MICHAEL K BARYLSKI
 DIVISION OF ENVIRONMENTAL PERMITS
 1285 FISHER AVE
 CORTLAND, NY 13045-1090

Authorized Signature: _____ Date: ___ / ___ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 7
SUBOFFICE



DEC GENERAL CONDITIONS

****** General Provisions ******

For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:



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

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 7
SUBOFFICE
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 7 Sub-office
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
(607) 753-3095



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ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: KERRY BIOFUNCTIONAL INGREDIENTS INC
158 ST HWY 320
NORWICH, NY 13815

Facility: KERRY BIO-SCIENCE
158 ST RTE 320
NORWICH, NY 13815

Authorized Activity By Standard Industrial Classification Code:
2023 - CONDENSED AND EVAPORATED MILK
2026 - FLUID MILK

Permit Effective Date: 06/01/2006

Permit Expiration Date: 05/31/2011



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 200.2: Safeguarding information
- 24 6NYCRR 200.3: False statement
- 25 6NYCRR 201-6: Emission Unit Definition
- 26 6NYCRR 201-6.5(g): Non Applicable requirements
- 27 6NYCRR 201-7: Facility Permissible Emissions
- *28 6NYCRR 201-7: Capping Monitoring Condition
- *29 6NYCRR 201-7: Capping Monitoring Condition
- 30 6NYCRR 212.3(b): Compliance Certification
- 31 6NYCRR 212.4(a): Compliance Certification
- 32 6NYCRR 212.4(c): Compliance Certification
- 33 6NYCRR 212.6(a): Compliance Certification
- 34 6NYCRR 225-1.2(a)(2): Compliance Certification
- 35 6NYCRR 227-1.3(a): Compliance Certification
- 36 40CFR 63, Subpart DDDDD: Compliance Certification

Emission Unit Level

- 37 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 38 6NYCRR 201-6: Process Definition By Emission Unit



EU=U-00001
39 40CFR 52, Subpart HH: Compliance Certification

EU=U-00002
40 40CFR 52, Subpart HH: Compliance Certification

EU=U-00003
41 40CFR 52, Subpart HH: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 42 ECL 19-0301: Contaminant List
- 43 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 44 6NYCRR 211.2: Air pollution prohibited

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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

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

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

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

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

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to



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Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR Part 201-6.5(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in

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order to maintain compliance with the conditions of this permit.

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

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

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

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

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

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the

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Act;

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

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

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

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit



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is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item L: Permit Exclusion - ECL 19-0305

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

Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

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

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

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 200.6

Item 1.1:

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit



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any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

Condition 2: Fees

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 2.1:

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

Condition 3: Recordkeeping and reporting of compliance monitoring

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 3.1:

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

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

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

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable



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regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Condition 5: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

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

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

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

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

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

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

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

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

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2006.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the

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following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
 - the compliance status;
 - whether compliance was continuous or intermittent;
 - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
 - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;
- and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

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

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

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

USEPA Region 2



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

The address for the RAPCE is as follows:

615 Erie Boulevard, West
Syracuse, NY 13204-2400

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 7.1:
The Compliance Certification activity will be performed for the Facility.

Item 7.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Emission statements shall be submitted on or before April
15th each year for emissions of the previous calendar
year.

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

Condition 8: Recordkeeping requirements
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 202-2.5



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Item 8.1:

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

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

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

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 06/01/2006 and 05/31/2011**

Applicable Federal Requirement: 6NYCRR 215

Item 9.1:

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

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

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

**Condition 10: Maintenance of Equipment
Effective between the dates of 06/01/2006 and 05/31/2011**

Applicable Federal Requirement: 6NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 06/01/2006 and 05/31/2011**

Applicable Federal Requirement: 6NYCRR 201-1.7



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Item 11.1:

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 12: Prohibition of Reintroduction of Collected Contaminants to the air

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 12.1:

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 13: Exempt Sources - Proof of Eligibility

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 13.1:

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 14: Trivial Sources - Proof of Eligibility

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 14.1:

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 15: Standard Requirement - Provide Information

Effective between the dates of 06/01/2006 and 05/31/2011



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

Item 15.1:

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

Condition 16: General Condition - Right to Inspect
Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 16.1:

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

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Standard Requirements - Progress Reports
Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 17.1:

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

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any



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preventive or corrective measures adopted.

Condition 18: Off Permit Changes
Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 18.1:

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

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

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

Condition 19: Required Emissions Tests
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 19.1:

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 20: Visible Emissions Limited
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 211.3

Item 20.1:

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



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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 21: Accidental release provisions.
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 40CFR 68

Item 21.1:

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

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 22.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

Condition 23: Safeguarding information
Effective between the dates of 06/01/2006 and 05/31/2011



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Applicable Federal Requirement: 6NYCRR 200.2

Item 23.1:

Information pertaining to manufacture, production or secret processes submitted in connection with applications, reports, plans and specifications or testing and designated by the person submitting such information as secret or proprietary, shall be kept confidential as provided by Part 616 of this Title dealing with trade secret confidentiality. The quantity and physical and chemical characteristics of actual and allowable air contaminant emissions shall be considered public information.

Condition 24: False statement

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 200.3

Item 24.1:

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

Condition 25: Emission Unit Definition

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 201-6

Item 25.1:

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

Emission Unit: U-00001

Emission Unit Description:

Boiler #1 can fire either #2 fuel oil or natural gas as fuel.

Building(s): BB

Item 25.2:

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

Emission Unit: U-00002

Emission Unit Description:

Boiler#2 can fire either #2 fuel oil or natural gas as fuel.

Building(s): BB

Item 25.3:

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

Emission Unit: U-00003

Emission Unit Description:

Boiler #3 can fire either #2 fuel oil or natural gas as fuel.

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Building(s): BB

Item 25.4:

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

Emission Unit: U-00004

Emission Unit Description:

Lactose drying process including Roto-Louve and Roller Dryers.

Building(s): LA

Item 25.5:

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

Emission Unit: U-00005

Emission Unit Description:

Lactose mill cyclone dust baghouse.

Building(s): LA

Item 25.6:

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

Emission Unit: U-00006

Emission Unit Description:

One dump station serving the proteins carbon black mix/filter aid tanks.

Building(s): BR

Item 25.7:

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

Emission Unit: U-00008

Emission Unit Description:

Toluene recovery system..

Building(s): HY

Item 25.8:

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

Emission Unit: U-00009

Emission Unit Description:

Lactose product baghouse.

Building(s): LA

Item 25.9:

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



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Emission Unit: U-00010

Emission Unit Description:

Lactose and carbon black mixing tanks.

Building(s): BR

Item 25.10:

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

Emission Unit: U-00011

Emission Unit Description:

Hydrolzed protein dryer.

Building(s): HY

Item 25.11:

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

Emission Unit: U-00012

Emission Unit Description:

Ribbon Blender Raw Material Charging Station.

Building(s): BL

Condition 26: Non Applicable requirements

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 201-6.5(g)

Item 26.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

Condition 27: Facility Permissible Emissions

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 27.1:

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

PTE: 498,000 pounds per year

Name: SULFUR DIOXIDE



New York State Department of Environmental Conservation

Permit ID: 7-0842-00017/00019

Facility DEC ID: 7084200017

CAS No: 0NY998-00-0

PTE: 98,000 pounds per year

Name: VOC

Condition 28: Capping Monitoring Condition
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 28.1:

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:

40CFR 52-A.21

Item 28.2:

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

Item 28.3:

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 28.4:

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 28.5:

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 28.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 28.7:

Compliance Certification shall include the following monitoring:

Capping: Yes



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Facility DEC ID: 7084200017

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

Monitoring Description:

Total facility emissions of sulfur dioxide shall not exceed 249 tons during any 12 consecutive month period.

The source owner or operator shall maintain records on a monthly basis which verify the facility's actual emissions of sulfur dioxide. These records shall include, but not be limited to, fuel use, sulfur content, and method of determining actual emissions.

Records of fuel use and determinations of actual emissions shall be included, in a format acceptable to the NYSDEC, in the facility's semi-annual monitoring report.

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 249 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

Condition 29: Capping Monitoring Condition
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 29.1:

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:

6NYCRR 212.10

Item 29.2:

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

Item 29.3:

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



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control requirements, regulations or law.

Item 29.4:

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 29.5:

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 29.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 29.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Total facility emissions of volatile organic compounds (VOCs) shall not exceed 49 tons during any consecutive 12 month period.

The source owner or operator shall maintain records on a monthly basis which verify the facility's emissions of VOCs. These records shall be included, in a format acceptable to the NYSDEC, in the facility's semi-annual monitoring report.

Parameter Monitored: VOC

Upper Permit Limit: 49 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

Condition 30: Compliance Certification

Effective between the dates of 06/01/2006 and 05/31/2011

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Applicable Federal Requirement: 6NYCRR 212.3(b)

Item 30.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00004

Process: A4A

Emission Unit: U-00004

Process: A4B

Emission Unit: U-00005

Process: A05

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.15 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry basis.

Compliance testing shall be conducted at the request of the NYSEC.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.15 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 31: Compliance Certification

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 212.4(a)

Item 31.1:



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The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00008

Process: A08

Emission Unit: U-00008

Process: B08

Regulated Contaminant(s):

CAS No: 000108-88-3 TOLUENE

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emission that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

Emission unit U-00008, processes A08 and B08, emits toluene, a "B" rated contaminant, at emission rates less than 10 lbs/hr. Table 2 of 6 NYCRR Part 212.9(b) specifies that for "B" rated contaminants with emission rate potentials (ERPs) less than 10 lbs/hr, the degree of air cleaning required shall be specified by the commissioner. The most recent data indicates that at the current emission rates and stack heights, predicted offsite ambient concentrations are below the existing annual guideline concentration (AGC) and short-term guideline concentration (SGC) established by the Department's DAR-1 guidance document. Based on facility wide impacts at the current emission rate and stack heights, no air cleaning (control) for this contaminant is required at this time.

Should new information become available that results in a decision by DEC that lower ambient concentrations and emissions of this contaminant are necessary, the Department may require control of this contaminant.

Monthly and annual toluene emissions shall be included in the facility's semi-annual monitoring and annual

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compliance certification reports.

Monitoring Frequency: MONTHLY
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 32: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 212.4(c)

Item 32.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00006
Process: A06

Emission Unit: U-00009
Process: A09

Emission Unit: U-00010
Process: 010

Emission Unit: U-00011
Process: 011

Emission Unit: U-00012
Process: 012

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

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than
0.05 grains of particulates per cubic foot of exhaust gas,
expressed at standard conditions on a dry
basis.

Compliance testing shall be conducted at the request of
the NYSEC.

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Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.05 grains per dscf
Reference Test Method: EPA Method 5
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 33: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 33.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00010

Emission Unit: U-00004

Emission Unit: U-00005

Emission Unit: U-00006

Emission Unit: U-00008

Emission Unit: U-00009

Emission Unit: U-00011

Emission Unit: U-00012

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

Item 33.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an
average opacity during any six consecutive minutes of 20
percent or greater from any process emission source,

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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 to monitor for unusual opacity conditions. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee shall notify The Department and conduct a Method 9 assesment to determine the degree of opacity as soon as practical, but in no event later than two business days after corrections are made.

Records of these observations, investigations and corrective actions shall be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: MONTHLY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -
SEE 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).



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Condition 34: Compliance Certification

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 34.1:

The Compliance Certification activity will be performed for the Facility.

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall sell, offer for sale, purchase or use any distillate oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

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: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

Condition 35: Compliance Certification

Effective between the dates of 06/01/2006 and 05/31/2011

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

Item 35.1:

The Compliance Certification activity will be performed for the Facility.

Item 35.2:

Compliance Certification 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

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emit greater than 20 percent opacity (on a six minute block period) except for one six minute block 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.

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?

Inclement 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.

To the extent possible, the observer shall position themselves with the sun behind their back.

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



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or future compliance schedules shall be presented to the Department for acceptance.

Operators of natural gas fired boilers shall perform the monitoring outlined in 1 thru 3 above, except that the monitoring frequency may be monthly for each boiler operating on natural gas. If the operator observes visible emissions (other than steam) during the monthly observation, the operator shall observe the stack for visible emissions for a second consecutive day. If the operator observes visible emissions for two consecutive days firing natural gas, the steps detailed in number 3 above must be followed.

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

Condition 36: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 40CFR 63, Subpart DDDDD

Item 36.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

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Emission Unit: U-00002

Emission Unit: U-00003

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Existing large and limited use gas-fired and oil-fired boilers are subject to only the initial notification requirements listed in §63.9(b). These units are not subject to any other emission limits, work practice standards, monitoring, performance testing, startup/shutdown/malfunction plans, site specific monitoring plans, recordkeeping, or reporting requirements in Subpart A or Subpart DDDDD of 40 CFR 63.

The initial notification of applicability was submitted February 22, 2005.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 37: Emission Point Definition By Emission Unit
Effective between the dates of 06/01/2006 and 05/31/2011**

Applicable Federal Requirement: 6NYCRR 201-6

Item 37.1:

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

Emission Unit: U-00001

Emission Point: 01P01

Height (ft.): 52

Diameter (in.): 30

NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: BB

Item 37.2:

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



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Emission Unit: U-00002

Emission Point: 02P02

Height (ft.): 52

Diameter (in.): 30

NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: BB

Item 37.3:

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

Emission Unit: U-00003

Emission Point: 03P03

Height (ft.): 52

Diameter (in.): 30

NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: BB

Item 37.4:

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

Emission Unit: U-00004

Emission Point: 04P06

Height (ft.): 38

Diameter (in.): 15

NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: LA

Item 37.5:

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

Emission Unit: U-00005

Emission Point: 05P09

Height (ft.): 36

Diameter (in.): 9

NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: LA

Item 37.6:

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

Emission Unit: U-00006

Emission Point: 06P23

Height (ft.): 21

Diameter (in.): 7

NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: BR

Item 37.7:

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

Emission Unit: U-00008



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Emission Point: 08P25
Height (ft.): 23 Diameter (in.): 2
NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: HY

Emission Point: 08P30
Height (ft.): 40 Diameter (in.): 1
NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: HY

Item 37.8:

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

Emission Unit: U-00009

Emission Point: 09P27
Height (ft.): 41 Diameter (in.): 8
NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: LA

Item 37.9:

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

Emission Unit: U-00010

Emission Point: 10P28
Height (ft.): 30 Diameter (in.): 12
NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: BR

Item 37.10:

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

Emission Unit: U-00011

Emission Point: 11P20
Height (ft.): 69 Diameter (in.): 28

Building: HY

Item 37.11:

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

Emission Unit: U-00012

Emission Point: 12P29
Height (ft.): 37 Diameter (in.): 10
NYTMN (km.): 4711.422 NYTME (km.): 457.232 Building: BL

Condition 38: Process Definition By Emission Unit
Effective between the dates of 06/01/2006 and 05/31/2011

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Applicable Federal Requirement: 6NYCRR 201-6

Item 38.1:

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

Emission Unit: U-00001

Process: A01

Source Classification Code: 1-02-005-01

Process Description:

Boiler #1 is a 40 MMBTU/HR heat input boiler. Boiler #1 can fire either no. 2 fuel oil or natural gas as fuel.

Emission Source/Control: 0001A - Combustion

Item 38.2:

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

Emission Unit: U-00002

Process: A02

Source Classification Code: 1-02-005-01

Process Description:

Boiler #2 is a 40 MMBTU/HR heat input boiler. Boiler #2 can fire either no. 2 fuel oil or natural gas as fuel.

Emission Source/Control: 0002A - Combustion

Item 38.3:

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

Emission Unit: U-00003

Process: A03

Source Classification Code: 1-02-005-01

Process Description:

Boiler #3 is a 40 MMBTU/HR heat input boiler. Boiler #3 can fire either no. 2 fuel oil or natural gas as fuel.

Emission Source/Control: 0003A - Combustion

Item 38.4:

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

Emission Unit: U-00004

Process: A4A

Source Classification Code: 3-02-030-99

Process Description:

Roto-Louve drum dryer with air discharged to atmosphere through a cyclone.

Emission Source/Control: 0004A - Process

Item 38.5:



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

Emission Unit: U-00004
Process: A4B Source Classification Code: 3-02-030-99
Process Description: Roller dryer exhausted through a wet scrubber.

Emission Source/Control: 0004C - Control
Control Type: WET SCRUBBER

Emission Source/Control: 0004B - Process

Item 38.6:

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

Emission Unit: U-00005
Process: A05 Source Classification Code: 3-02-030-99
Process Description:
Lactose mill dust is collected by a baghouse. Clean air
is exhausted to atmosphere.

Emission Source/Control: 0005B - Control
Control Type: FABRIC FILTER

Emission Source/Control: 0005A - Process

Item 38.7:

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

Emission Unit: U-00006
Process: A06 Source Classification Code: 3-02-030-99
Process Description:
Dust from one dump station is drawn through one dust
collector before discharging to the atmosphere.

Emission Source/Control: 0006B - Control
Control Type: FABRIC FILTER

Emission Source/Control: 0006A - Process

Item 38.8:

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

Emission Unit: U-00008
Process: A08 Source Classification Code: 3-99-999-94
Process Description:
Toluene recovery system consists of a vacuum pump, flash
evaporator and condenser system to recover toluene from



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various products produced at the facility.

Emission Source/Control: 0008A - Process

Item 38.9:

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

Emission Unit: U-00008

Process: B08

Source Classification Code: 4-07-999-99

Process Description:

Recovered toluene is stored in a vented atmospheric tank for reuse.

Emission Source/Control: 0008B - Process

Item 38.10:

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

Emission Unit: U-00009

Process: A09

Source Classification Code: 3-02-030-99

Process Description:

Lactose product discharge from mill is separated in a baghouse and packaged. Clean air is exhausted to atmosphere.

Emission Source/Control: 0009A - Process

Emission Source/Control: 0009B - Process

Item 38.11:

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

Emission Unit: U-00010

Process: 010

Source Classification Code: 3-02-030-99

Process Description:

Dust from lactose and carbon black mixing tanks is drawn into a wet scrubber. Blowdown from the scrubber is ultimately routed and treated in the site wastewater treatment facility while cleaned air is exhausted to atmosphere.

Emission Source/Control: 0010B - Control

Control Type: WET SCRUBBER

Emission Source/Control: 0010A - Process

Item 38.12:



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

Emission Unit: U-00011

Process: 011

Source Classification Code: 3-02-030-99

Process Description:

Hydrolyzed protein dryer, cyclone, NIRO demister and IAP centrifugal wet exhaust fan.

Emission Source/Control: 0011B - Control

Control Type: WET SCRUBBER

Emission Source/Control: 0011A - Process

Item 38.13:

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

Emission Unit: U-00012

Process: 012

Source Classification Code: 3-02-030-99

Process Description:

Ribbon blender material charging station with baghouse exhausted to atmosphere.

Emission Source/Control: 0012B - Control

Control Type: FABRIC FILTER

Emission Source/Control: 0012A - Process

Condition 39: Compliance Certification

Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 40CFR 52, Subpart HH

Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Pursuant to Section 110 of the Federal Clean Air Act, the EPA approved, as part of New York's State Implementation



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Plan, a regulation for the control of particulate matter. The Department has since revised this rule, changing the applicability criteria and the numerical limits. The revisions, however, have not been approved by the EPA. This condition requires compliance with the rule as it is contained in the federally-approved SIP.

No person shall cause, permit or allow a two hour average emission into the outdoor atmosphere of particulates in excess of 0.10 pound per million Btu heat input from any oil fired stationary combustion installation. The source owner shall verify the emission limit upon written request of the Department and report this information to the Department within 60 days after verification.

Upper Permit Limit: 0.1 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 40: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 40CFR 52, Subpart HH

Item 40.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Pursuant to Section 110 of the Federal Clean Air Act, the EPA approved, as part of New York's State Implementation Plan, a regulation for the control of particulate matter. The Department has since revised this rule, changing the applicability criteria and the numerical limits. The revisions, however, have not been approved by the EPA.



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This condition requires compliance with the rule as it is contained in the federally-approved SIP.

No person shall cause, permit or allow a two hour average emission into the outdoor atmosphere of particulates in excess of 0.10 pound per million Btu heat input from any oil fired stationary combustion installation. The source owner shall verify the emission limit upon written request of the Department and report this information to the Department within 60 days after verification.

Upper Permit Limit: 0.1 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 41: Compliance Certification
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable Federal Requirement: 40CFR 52, Subpart HH

Item 41.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Pursuant to Section 110 of the Federal Clean Air Act, the EPA approved, as part of New York's State Implementation Plan, a regulation for the control of particulate matter. The Department has since revised this rule, changing the applicability criteria and the numerical limits. The revisions, however, have not been approved by the EPA. This condition requires compliance with the rule as it is contained in the federally-approved SIP.

No person shall cause, permit or allow a two hour average



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emission into the outdoor atmosphere of particulates in excess of 0.10 pound per million Btu heat input from any oil fired stationary combustion installation. The source owner shall verify the emission limit upon written request of the Department and report this information to the Department within 60 days after verification.

Upper Permit Limit: 0.1 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING
DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

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

**Condition 42: Contaminant List
Effective between the dates of 06/01/2006 and 05/31/2011**

Applicable State Requirement: ECL 19-0301

Item 42.1:

Emissions of the following contaminants are subject to contaminant specific requirements in this



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permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

CAS No: 000108-88-3

Name: TOLUENE

CAS No: 0NY998-00-0

Name: VOC

Condition 43: Unavoidable noncompliance and violations
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable State Requirement: 6NYCRR 201-1.4

Item 43.1:

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.



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(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 44: Air pollution prohibited
Effective between the dates of 06/01/2006 and 05/31/2011

Applicable State Requirement: 6NYCRR 211.2

Item 44.1:

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.