

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 2-6007-00140/00011 Modification Number: 1



10/27/2005

Facility Identification Data

Name: NYOFKO SLUDGE PELLETIZATION FACILITY
Address: 1108 OAK POINT AVE
BRONX, NY 10474

Owner/Firm

Name: NEW YORK ORGANIC FERTILIZER CO
Address: 1108 OAK POINT AVE
BRONX, NY 10474, USA
Owner Classification: Corporation/Partnership

Permit Contacts

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Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

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Summary Description of Proposed Project

Draft/Proposed Permit:

The project for this facility is a permit modification (Mod 1) to the Title V permit that was issued to New York Organic Fertilizer Company's Sludge Pelletization Facility (NYOFCO) on 8/30/2002. This permit modification is the result of an EPA order responding to NYPIRG's Petition Number II-2002-12 for objection to the issuance of the Title V permit for NYOFCO's Sludge Pelletization Facility. EPA has denied in part and has granted in part the petition of NYPIRG requesting objection to the issuance of the NYOFCO Title V permit.

This permit modification involves the following changes:

1. Relating to Condition # 31, adding the opacity requirements of 6 NYCRR § 212.6 for visible emissions to the emission units at the facility (including the sludge drying trains and pelletization processes).
2. Relating to Condition # 51, adding the particulate matter emission requirements of 6 NYCRR § 212.4(b) to the six sludge dryers trains emission unit at the facility.
3. Correcting the citation for Condition 34 from 6 NYCRR § 212.10 to 6 NYCRR § 212.11.
4. Correcting the citation for Condition # 37 from 6 NYCRR § 225-1.2(a)(2) to 6 NYCRR § 225.1(a)(3), to reflect the federally-enforceable SIP regulation for the allowable sulfur content in the fuel oil for the New York City area.
5. Revising Condition # 39 for 40 CFR 61-E.50 to an "Intermittent Emission Testing" condition. Also, clarifying the monitoring description for the requirements of the NESHAP regulation to reflect the limits emissions of mercury. Also, requiring NYOFCO to periodic monitor the mercury emissions through a "one stack test per permit term" in order to assure compliance with the mercury emission limitation.

Re-Proposed/Final Permit:

In the draft/proposed Title V (Mod 1) that was sent to EPA on 2/17/2005, there were two conditions, Condition # 1-18 & Condition # 1-20, for annual emission rate limit of 5.45 tons/yr and the hourly emission rate limit of 1.244 lbs/hr for Particulates, respectively. In this re-proposed/final Title V modification for NYOFCO, two new conditions (Conditions # 1-22 & 1-23) for Particulates will replace Conditions # 1-18 & 1-20 (which were in the applicable state requirement part of the permit). Conditions # 1-18 & 1-20 were removed because there is no legal basis in the regulations to support such an annual and hourly Particulate emission limit. But there is legal basis to support adding the two replacing conditions, Conditions # 1-22 & 1-23 to the federally applicable requirement part of the permit. They are as follows:

I. Condition # 1-22 for 6 NYCRR 212.4(a), is for conducting a stack test once every three years to demonstrate compliance with the Particulate concentration emission limit of 0.008 grains per dry standard cubic foot (Corrected to 1% CO₂) from each of the six stacks. This Particulate limit is from the federally applicable requirement and was listed in the State construction and operating permits of the early 1990s. This Particulate emission limit was also listed in the old Air-100 permits, and was left out in

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the original Title V permit (Mod 0). This Particulate limit also better complies with the requirements delineated in EPA's Order, and finally there were no adverse public comments on this issue.

II. Condition # 1-23 is for 6 NYCRR 212.9(b), requiring NYOFCo to comply with BACT (Best Available Control Technology) or 99 % control or greater. Based on particulates emission rates from the 9/1993 stack testing, BACT or 99 % degree of control (contaminant capture) or greater. The degree of 99% of air cleaning required has been achieved by NYOFCo through control equipments such as cyclones and scrubbers, which are connected to each of the six dryer trains. The Department has determined that NYOFCo has been achieving more than 99% control.

According to EPA, this re-proposal is considered to be a minor modification, and therefore re-noticing it in the ENB is not required. Once the two re-proposed conditions that are described above in (I) & (II) get added to the proposed permit, the re-proposed permit then is re-submitted to EPA for a new 45-day review.

Attainment Status

NYOFCo SLUDGE PELLETIZATION FACILITY is located in the town of BRONX in the county of BRONX.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor

Facility Description

NYOFCo consists of 6 sludge drying trains and pelletizing processes. All trains are identical. The drying and pelletizing process is more fully described in the original NYOFCo construction permit application

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on file with the Department. There has been no material changes in the facility processes. Each drying train is equipped with a cyclone, wet scrubber and regenerative thermal oxidizer (RTO) for air pollution control. These control devices are also described conceptually in the original construction application.

The NYOFCO facility accepts de-watered sewage sludge from New York City and surrounding area de-watering facilities and processes the sludge using a drying process. The processed sludge is converted into a pellet and used beneficially as fertilizer. A basic process block flow drawing is shown in figure 3-1 (taken from Appendix B of the NYOFCO air permit to construct). The NYOFCO facility has the capacity to receive a maximum of 1,250 wet tons of sludge with a 24% solids content-300 dtpd (135 dtpd annual average)-seven days a week, 52 weeks per year. Sludge is delivered to NYOFCO by truck and discharged from the trucks in an indoor tipping area to one of three sludge storage hoppers, each with a capacity of 150 cubic yards. The sludge cake is then transferred by one of two belt conveyors to the wet cake bin at the beginning of the pelletizing process. From the cake bins the sludge is transferred by screw conveyors mixed with previously processed (recycled) sludge and discharged into the completely enclosed drying/pelletizing process. Six separate completely identical and independent process trains are used at NYOFCO. Each dryer train is designed to process 50 dry tons per day (dtpd) of sludge. The drying process begins at the pin mixer. Sludge received from the cake bins is mixed thoroughly with recycled process material to raise the solids content to approximately seventy percent. The blended material from the pin mixer is then re-transferred by gravity to the dryer drum where it moves in a stream of hot air at an initial temperature range of 800-900 degrees Fahrenheit through a triple pass drum dryer which consists of three concentric horizontal cylinders. The 11 foot diameter dryer drum rotates at approximately 10 revolutions per minute. The air stream is heated in a separate combustion chamber located upstream of the dryer inlet. This combustion unit is fueled primarily with natural gas with kerosene as a back-up and stand-by fuel. At the maximum facility design sludge processing rate, each of the six dryer burners uses 22,111 cubic feet of natural gas per hour. The hot air stream and rotational motion of the dryer transport the sludge through the dryer. Sludge particles first pass through the inner cylinder then reverse direction, travel through the middle passage, and then reverse direction again and travel through the outside passage. At the end of the third traverse, the pellets and air discharge to the separator can. Sludge/pellet retention time in the dryer is approximately 30 minutes to one hour depending on process rates. At the separator can, the velocity of the air stream is slowed to allow the pellets to drop to the bottom of the separator and are conveyed to the screening device where they pass through the stainless steel mesh screens. Oversized particles are sent to the crusher which contains two steel rolls with a narrow opening between them. This crushed material as well as the undersized fraction coming off the screening device, is conveyed to the recycle bin. This material eventually is conveyed to the pin mixer to again start the process. Product size material (2-3 mm in diameter) is screened out and diverted to the pneumatic system for conveyance to the product storage separator can to the wet venturi scrubbers. These high-efficiency venturi scrubbers remove essentially all particulate matter from the air stream before a fan directs the air stream to the regenerative thermal oxidizer for volatile organic compound (VOC) destruction. This air is preheated between the wet scrubber and the RTO for additional odor control. The RTO consists of multiple chambers which operate in alternating inlet and outlet modes. Process air enters the RTO through one or more chambers operating in the inlet mode. Inside the chamber, the temperature of the air stream is increased as it passes through a ceramic matrix bed. Upon exiting the air stream enters a high temperature combustion chamber where pollutants are oxidized into water vapor and carbon dioxide. Each of the six RTOs uses 3,973 cubic feet of natural gas per hour. After oxidation in the combustion chamber, the air stream exits the RTO by passing through a second ceramic bed in a chamber operating in the outlet mode. The second ceramic bed absorbs the heat energy of the

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cleaned air and reduces the temperature of the exhaust air to approximately the intake air. Clean exhaust air is then released to the process air stack.

Destruction of virtually odorous and volatile compounds is achieved in accordance with emission limits set out in NYOFCO's current permit to operate. Further, because make-up air for the dryers come within the pelletizing and processing building and adjacent tipping areas, odors from sludge storage and transfer are routed through the air pollution control system. Pellets of the proper size (2-3 mm) are conveyed pneumatically to the eight product storage silos where they are loaded by screw conveyors into the trucks or rail cars. Dust created by the pneumatic conveying drying silo loading is contained in a bag-house. Prior to loading the rail and truck hoppers, pellets are sprayed with an oil to prevent dusting at this site as well as at the end user site. A berm surrounds the pellet storage area to minimize migration of pellets in the event of a spill. The catch-basin that drains the pellet storage area is equipped with a gate valve that will be closed in the event that a pellet spill and rain fall event occur simultaneously. This measure is to minimize the potential for storm-water contamination prior to discharge to the East River. The eight product storage silos have a combined storage capacity of approximately 5,000 tons of pellets. At average sludge production rates of 135 dtpd, this equals approximately 37 days of storage capacity. Table 8-1 of August 30,1991 air construction permit application describes the above emission sources and control design for NYOFCO. In this application they are addressed as follows:

1. Emissions from sludge drying are identified in the emission unit section of the application.
2. Emissions from the combustion of natural gas and fuel oil are also identified in the emission unit section of the application.
3. Pellet storage and handling is an exempt emission source identified in this application.
4. Sludge and pellet transport is also an exempt emission source identified in this application.

Permit Structure and Description of Operations

The Title V permit for NYOFCO SLUDGE PELLETIZATION FACILITY is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device.

[NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from

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an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

NYOFCO SLUDGE PELLETIZATION FACILITY is defined by the following emission unit(s):

Emission unit U00001 - Six identical sludge drying trains. The flue gas from each train is conveyed through six separate, but, identical air pollution control trains, each with its own individual vent. The 6 individual vents are housed in a single stack. Note that all unit specified as Federal and as State emissions standards, as specified, either through the current permit to operate or by code are applicable to each train and Emission Unit (including the monitoring requirements). The emission unit specific application requirements for Emission Units 1-6 are the same. In addition the description of the unit operations for each of the 6 trains are identical. The six trains are identified in this application as 6 Emission Sources. Train number 1 is the same as Emission Source 0001A, train number 2 is the same as Emission Source 0001B, train number 3 is the same as Emission Source 0001C, train number 4 is the same as Emission Source 0001D, train number 5 is the same as Emission S0001E, and train number 6 is the same as Emission Source S0001F. The drying process is accomplished with natural gas with air pollution control serving the dryer trains. The Emission Sources and air pollution control devices are as follows for each dryer train:

1. Each dryer train is equipped with a dryer (natural gas fired), the maximum gas firing rate is 22,111 cubic feet/ hr of gas, pollutants from the dryer consist of the products of combustion.
2. The sludge drying process results in carry over to the flue gas of trace pollutants present in the sludge itself.
3. A cyclone then follows for particulate control,
4. A wet scrubber then follows for additional particulate control,
5. A regenerative thermal oxidizer (RTO) then follows for VOC control.

Emission unit U00001 is associated with the following emission points (EP):

00001

It is further defined by the following process(es):

Process: 001 is located at Building 001 - Process 001 is the drying process of 6 identical sludge dryer trains, with a nominal combined capacity of 300 tons per day. Each of these 6 dryer trains has a nominal capacity of 50 tons of sludge per day.

Title V/Major Source Status

NYOFCO SLUDGE PELLETIZATION FACILITY is subject to Title V requirements. This determination is based on the following information:

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The facility emits Nitrogen Oxides (NOX) in excess of 25 tons per year; it also emits volatile organic compounds (VOC) in excess of 25 tons per year. In a severe non-attainment area for ozone (such as New York City), an air pollution source is a major source when it emits NOx and/ or VOC in excess of 25 tons per year.

Program Applicability

The following chart summarizes the applicability of NYOFCO SLUDGE PELLETIZATION FACILITY with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	YES
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	NO
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR Part 231) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's)

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MACT Maximum Achievable Control Technology (40 CFR 63) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification



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of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
4952	SEWERAGE SYSTEMS
5191	FARM SUPPLIES

SCC Codes

SCC or Source Classification Code is a code developed and used by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
3-01-045-01	CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - ORGANIC FERTILIZER General: Mixing/Handling

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Series code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE

		lbs/yr Range

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007440-36-0	ANTIMONY (HAP)	> 0 but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0 but < 10 tpy
007440-41-7	BERYLLIUM (HAP)	> 0 but < 10 tpy
007440-43-9	CADMIUM (HAP)	> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 40 tpy but < 50 tpy
007440-47-3	CHROMIUM (HAP)	> 0 but < 10 tpy
0NY100-00-0	HAP	> 0 but < 2.5 tpy
007783-06-4	HYDROGEN SULFIDE	> 0 but < 2.5 tpy
007439-92-1	LEAD (HAP)	> 0 but < 10 tpy
007439-97-6	MERCURY (HAP)	> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 50 tpy but < 100 tpy
0NY075-00-0	PARTICULATES	>= 2.5 tpy but < 10 tpy
0NY075-00-5	PM-10	>= 2.5 tpy but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 2.5 tpy but < 10 tpy
0NY998-00-0	VOC	>= 50 tpy but < 100 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

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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 - 6NYCRR Part 201-1.2

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

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

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

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

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

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

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

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

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

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

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and corrective actions taken.

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

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

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

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

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

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

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

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

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

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

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

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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 K: 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 L: 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 M: 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 N: 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.

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Item O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)

The permittee 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. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

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

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item Q: 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 R: Fees - 6 NYCRR Part 201-6.5(a)(7)

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility 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 facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

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iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Item T: 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 U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

- i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)

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 provisions 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 in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

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

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

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

Item X: 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

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pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

Item Y: Required Emission Tests - 6 NYCRR Part 202-1.1

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

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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Item AA: Open Fires - 6 NYCRR Part 215

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

Item BB: 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 CC: 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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	1-27
U-00001/00001/001	40CFR 61-E.50	Standard for Mercury: Mercury Ore Processing, chlorine gas production, and sludge incineration	1-25
U-00001/00001/001	40CFR 61-E.53 (d)	Standard for Mercury: Mercury Ore Processing, chlorine gas production, and sludge incineration-stack sampling	1-26
FACILITY	40CFR 68	Chemical accident prevention provisions	1-8
FACILITY	6NYCRR 201-1.1 (a)	Permitting - purpose	1-9
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	43
FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	24, 41, 42
FACILITY	6NYCRR 201-6.5 (a) (4)	General conditions	1-4
FACILITY	6NYCRR 201-6.5 (a) (7)	General conditions	1-4
Fees 1-1	6NYCRR 201-6.5 (a) (8)	General conditions	1-5
FACILITY	6NYCRR 201-6.5 (c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-2
FACILITY	6NYCRR 201-6.5 (c) (2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-3
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	25
FACILITY	6NYCRR 201-6.5 (d) (5)	Compliance schedules	1-6
FACILITY	6NYCRR 201-6.5 (e)	Compliance Certification	26
FACILITY	6NYCRR 201-6.5 (f) (6)	Off Permit Changes	1-7
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	29
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	30
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution	47, 48, 49, 50



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U-00001	6NYCRR 211.2	prohibited. General Prohibitions - air pollution	1-30, 1-31
FACILITY	6NYCRR 212.10	prohibited. NOx and VOC RACT required at major facilities	1-11, 1-12, 1-13, 1-14
FACILITY	6NYCRR 212.10 (a) (1)	NOx and VOC RACT required at major facilities	35
FACILITY	6NYCRR 212.11	Sampling and monitoring	1-15
U-00001/00001/001	6NYCRR 212.4 (a)	General Process Emission Sources - emissions from new sources and/or modifications	1-22
U-00001/00001/001	6NYCRR 212.4 (b)	New processes	1-32, 1-33
FACILITY	6NYCRR 212.6 (a)	General Process Emission Sources - opacity of emissions limited	1-10
U-00001/00001/001	6NYCRR 212.9 (b)	General Process Emission Sources - tables	1-23
FACILITY	6NYCRR 225.1 (a) (3)	Sulfur in Fuel Limitations (SIP)	1-17, 1-18, 1-19, 1-20, 1-21
FACILITY	6NYCRR 225-1.8	Reports, sampling and analysis.	1-16
U-00001/00001/001	6NYCRR 227-1.3 (a)	Smoke Emission Limitations.	1-24
FACILITY	6NYCRR 231-1.2 (a) (4)	Applicability	1-28, 1-29
FACILITY	6NYCRR 617.7	Determining Significance	38

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-301.

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6NYCRR Part 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance,



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monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6NYCRR Part 201-6.5(c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6NYCRR Part 201-6.5(c)(2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6NYCRR Part 201-6.5(c)(3)(ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR Part 201-6.5(e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6NYCRR Part 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6NYCRR Part 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

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6NYCRR Part 211-.2

This regulation prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

40 CFR Part 68.

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

Facility Specific Requirements

In addition to Title V, NYOFCO SLUDGE PELLETIZATION FACILITY has been determined to be subject to the following regulations:

40CFR 61-E.50

This regulation sets the NESHAP emission standard for Mercury. Sludge Sampling-Sludge incineration and drying plants (may be used as an alternative to stack testing). This regulation is for wastewater treatment sludge incineration and drying plants. Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3200 grams of Mercury per 24-hour period. Stack testing Method 101A of Appendix B to 40 CFR 61 shall be used to test Mercury emissions.

As an alternative to stack sampling, an owner or operator may use Method 105 of Appendix B for 40 CFR 61 for determination of Mercury in wastewater treatment plant sewage sludges.

All sources for which Mercury emissions exceed 1,600 grams per 24-hour period, demonstrated either by stack sampling according to 40 CFR 61.53 or sludge sampling according to 40 CFR 61.54, shall monitor Mercury emissions at intervals of at least once per year by use of Method 105 of 40 CFR 61 Appendix B or use the procedures specified in 40 CFR 61.53 (d)(2) and (4). The results of monitoring shall be reported by a registered letter dispatched within 15 calendar days following the date samples are analyzed. Records of sampling results shall be retained at the source and made available for inspection for a minimum of 2 years.

40CFR 61-E.53 (d)

This regulation sets the stack testing procedure for the wastewater treatment sludge incineration and drying plants for compliance with the NESHAP emission standard for Mercury. Sludge Sampling for Sludge incineration and drying plants (may be used as an alternative to stack testing). Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3200 grams of Mercury per 24-hour period. Stack testing Method 101A of Appendix B to 40 CFR 61 shall be used to test Mercury emissions.

6NYCRR 201-1.1 (a)

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This Part requires owners and/or operators of air contamination sources to obtain a permit or registration certificate from the Department for the operation of such sources.

6NYCRR 201-6.5 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide any information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6NYCRR 201-6.5 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6NYCRR 201-6.5 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6NYCRR 201-6.5 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6NYCRR 201-6.5 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6NYCRR 212 .10

This regulation is for NO_x and VOC RACT required at major facilities. This regulation requires major facilities to install NO_x RACT, which has been determined to be low NO_x burners. The direct combustion unit for the control of NO_x must be functioning at all times the process is in operation.

This regulation requires major facilities for volatile organic compound to install and be equipped with reasonably available control technology (RACT) with a capture system and a control device with an overall removal efficiency of at least 81%.

6NYCRR 212 .10 (a) (1)

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Owners and/ or operators of facilities located in New York City with an annual potential to emit of 25 tons or more of nitrogen oxides or 25 tons or more of volatile organic compounds must comply with the Reasonably Available Control Requirements of Part 212.

6NYCRR 212 .11

This section sets the requirements for sampling, monitoring, recordkeeping, and reporting from process sources.

6NYCRR 212 .4 (a)

This rule requires compliance with the degree of control specified in Tables 2, 3 and 4 for new (after July 1, 1973) process emission sources.

6NYCRR 212 .4 (b)

212.4(b) establishes a limit on gas and liquid particulates.

6NYCRR 212 .6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6NYCRR 212 .9 (b)

This section refers to Table 2 which specifies the degree of control required for Gases and Liquid Particulate Emissions (Environmental Rating of A, B, C or D) and Solid Particulate Emissions (Environmental Rating A or D) but excluding Volatile Organic Compound Emissions in the New York City Metropolitan Area.

6NYCRR 225 .1 (a) (3)

This regulation limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. **NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).**

6NYCRR 225-1.8

This regulation requires an owner or operator of a facility which purchases and fires coal and/or oil to submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1.

6NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6NYCRR 231-1.2 (a) (4)

Establishes the emission limit criteria for the applicability of Part 231-1.

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6NYCRR 617.7

617.7 DETERMINING SIGNIFICANCE.

(a) The lead agency must determine the significance of any Type I or Unlisted action in writing in accordance with this section.

(1) To require an EIS for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact.

(2) To determine that an EIS will not be required for an action, the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant.

(b) For all Type I and Unlisted actions the lead agency making a determination of significance must:

(1) consider the action as defined in subdivisions 617.2(b) and 617.3(g) of this Part;

(2) review the EAF, the criteria contained in subdivision (c) of this section and any other supporting information to identify the relevant areas of environmental concern;

(3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and

(4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.

(c) Criteria for determining significance.

(1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(vi) a major change in the use of either the quantity or type of energy;

(vii) the creation of a hazard to human health;

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(x) the creation of a material demand for other actions that would result in one of the above consequences;

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the

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environment; or

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

(2) For the purpose of determining whether an action may cause one of the consequences listed in paragraph (1) of this subdivision, the lead agency must consider reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof; or
- (iii) dependent thereon.

(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) should be assessed in connection with:

- (i) its setting (e.g., urban or rural);
- (ii) its probability of occurrence;
- (iii) its duration;
- (iv) its irreversibility;
- (v) its geographic scope;
- (vi) its magnitude; and
- (vii) the number of people affected.

(d) Conditioned negative declarations.

(1) For Unlisted actions involving an applicant, a lead agency may prepare a conditioned negative declaration (CND) provided that it:

- (i) has completed a full EAF;
- (ii) has completed a coordinated review in accordance with paragraph 617.6(b)(3) of

this Part;

(iii) has imposed SEQR conditions pursuant to subdivision 617.3(b) of this Part that have mitigated all significant environmental impacts and are supported by the full EAF and any other documentation;

(iv) has published a notice of a CND in the ENB and a minimum 30-day public comment period has been provided. The notice must state what conditions have been imposed. An agency may also use its own public notice and review procedures, provided the notice states that a CND has been issued, states what conditions have been imposed and allows for a minimum 30-day public comment period; and

- (v) has complied with subdivisions 617.7(b) and 617.12(a) and (b) of this Part.

2) A lead agency must rescind the CND and issue a positive declaration requiring the preparation of a draft EIS if it receives substantive comments that identify:

- (i) potentially significant adverse environmental impacts that were not previously identified and assessed or were inadequately assessed in the review; or
- (ii) a substantial deficiency in the proposed mitigation measures.

(3) The lead agency must require an EIS if requested by the applicant.

(e) Amendment of a negative declaration.

(1) At any time prior to its decision to undertake, fund or approve an action, a lead agency, at its discretion, may amend a negative declaration when substantive:

- (i) changes are proposed for the project; or
- (ii) new information is discovered; or
- (iii) changes in circumstances related to the project arise; that were not previously

considered and the lead agency determines that no significant adverse environmental impacts will occur.

(2) The lead agency must prepare, file and publish the amended negative declaration in

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accordance with section 617.12 of this Part. The amended negative declaration must contain reference to the original negative declaration and discuss the reasons supporting the amended determination.

(f) Rescission of negative declarations.

(1) At any time prior to its decision to undertake, fund or approve an action, a lead agency must rescind a negative declaration when substantive:

(i) changes are proposed for the project; or

(ii) new information is discovered; or

(iii) changes in circumstances related to the project arise; that were not previously considered and the lead agency determines that a significant adverse environmental impact may result.

(2) Prior to any rescission, the lead agency must inform other involved agencies and the project sponsor and must provide a reasonable opportunity for the project sponsor to respond.

(3) If, following reasonable notice to the project sponsor, its determination is the same, the lead agency must prepare, file and publish a positive declaration in accordance with section 617.12 of this Part.

Compliance Certification

Summary of monitoring activities at NYOFCO SLUDGE PELLETIZATION FACILITY:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
U-00001/00001/001	intermittent emission testing	1-25
U-00001/00001/001	intermittent emission testing	1-26
FACILITY	record keeping/maintenance procedures	1-9
FACILITY	record keeping/maintenance procedures	25
FACILITY	record keeping/maintenance procedures	26
FACILITY	record keeping/maintenance procedures	29
FACILITY	monitoring of process or control device parameters as surrogate	48
FACILITY	record keeping/maintenance procedures	49
FACILITY	intermittent emission testing	50
U-00001	monitoring of process or control device parameters as surrogate	1-30
U-00001	intermittent emission testing	1-31
FACILITY	intermittent emission testing	1-11
FACILITY	monitoring of process or control device parameters as surrogate	1-12
FACILITY	intermittent emission testing	1-13
FACILITY	continuous emission monitoring (cem)	1-14
FACILITY	continuous emission monitoring (cem)	1-15
U-00001/00001/001	intermittent emission testing	1-22
U-00001/00001/001	intermittent emission testing	1-32
U-00001/00001/001	intermittent emission testing	1-33
FACILITY	monitoring of process or control device parameters as surrogate	1-10
U-00001/00001/001	monitoring of process or control device parameters as surrogate	1-23
FACILITY	monitoring of process or control device parameters as surrogate	1-17
FACILITY	monitoring of process or control device parameters as surrogate	1-18
FACILITY	monitoring of process or control device parameters as surrogate	1-19



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FACILITY	monitoring of process or control device parameters as surrogate	1-20
FACILITY	monitoring of process or control device parameters as surrogate	1-21
FACILITY	record keeping/maintenance procedures	1-16
U-00001/00001/001	monitoring of process or control device parameters as surrogate	1-24
FACILITY	work practice involving specific operations	1-28
FACILITY	continuous emission monitoring (cem)	1-29
FACILITY	record keeping/maintenance procedures	38

Basis for Monitoring

Re-Proposed/Final Permit:

In the draft/proposed Title V (Mod 1) that was sent to EPA on 2/17/2005, there were two conditions, Condition # 1-18 & Condition # 1-20 , for annual emission rate limit of 5.45 tons/yr and the hourly emission rate limit of 1.244 lbs/hr for Particulates, respectively. In this re-proposed/final Title V modification for NYOFCo, two new conditions (Conditions # 1-22 & 1-23) for Particulates will replace Conditions # 1-18 & 1-20 (which were in the applicable state requirement part of the permit). Conditions # 1-18 & 1-20 were removed because there is no legal basis in the regulations to support such an annual and hourly Particulate emission limit. But there is legal basis to support adding the two replacing conditions, Conditions # 1-22 & 1-23 to the federally applicable requirement part of the permit. They are as follows:

I. Condition # 1-22 for 6 NYCRR 212.4(a), is for conducting a stack test once every three years to demonstrate compliance with the Particulate concentration emission limit of 0.008 grains per dry standard cubic foot (Corrected to 1% CO2) from each of the six stacks. This Particulate limit is from the federally applicable requirement and was listed in the State construction and operating permits of the early 1990s. This Particulate emission limit was also listed in the old Air-100 permits, and was left out in the original Title V permit (Mod 0). This Particulate limit also better complies with the requirements delineated in EPA's Order, and finally there were no adverse public comments on this issue.

II. Condition # 1-23 is for 6 NYCRR 212.9(b), requiring NYOFCo to comply with BACT (Best Available Control Technology) or 99 % control or greater. Based on particulates emission rates from the 9/1993 stack testing, BACT or 99 % degree of control (contaminant capture) or greater. The degree of 99% of air cleaning required has been achieved by NYOFCo through control equipments such as cyclones and scrubbers, which are connected to each of the six dryer trains. The Department has determined that NYOFCo has been achieving more than 99% control.

According to EPA, this re-proposal is considered to be a minor modification, and therefore re-noticing it in the ENB is not required. Once the two re-proposed conditions that are described above in (I) & (II) get added to the proposed permit, the re-proposed permit then is re-submitted to EPA for a new 45-day review.

This facility is subject to the requirements of Title V and has received a Title V general permit for Combustion Installation. The facility is required, under the provisions of 6 NYCRR Subpart 201-6, to submit quarterly, semiannual compliance reports and an annual Compliance Certification. This facility has to comply with the following monitoring conditions:

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Condition # 25 for 6 NYCRR 201-6.5(c)(3)(ii): This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

Condition # 26 for 6 NYCRR 201-6.5(e): This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition specifies the overall permit requirements for compliance certification, including emission limitations, standards or work practices.

Condition # 29 for 6 NYCRR 202-2.1: This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition sets forth the applicability criteria for submitting an annual statement of emissions. The criteria is based on annual emission threshold quantities and ozone attainment designation. This condition applies to all Title V facilities and these facilities must submit an annual emission statement by April 15th of each year.

Condition # 1-9 for 6 NYCRR 201-1.1(a): This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures for oxides of nitrogen. This condition requires owners and/or operators of air contamination sources to obtain a permit or registration certificate from the Department for the operation of such sources.

Condition # 1-10 for 6 NYCRR 212.6(a): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate. This condition specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

Condition # 1-11 for 6 NYCRR 212.10: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for an Intermittent Emission Testing for Oxides of Nitrogen.

This condition is for NO_x RACT required at major facilities. This condition requires major facilities to install NO_x RACT, which has been determined to be low NO_x burners. The direct combustion unit for the control of NO_x must be functioning at all times the process is in operation. The facility has to demonstrate the Oxides of Nitrogen emission limit of 19.2 pounds per hour through a stack test.

Condition # 1-12 for 6 NYCRR 212.10: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Oxides of Nitrogen.

This condition is for NO_x RACT required at major facilities. This condition requires major facilities to install NO_x RACT, which has been determined to be low NO_x burners. The direct combustion unit for the control of NO_x must be functioning at all times the process is in operation. The facility has to comply with the annual Oxides of Nitrogen emission limit of 75.05 tons per year.

Condition # 1-13 for 6 NYCRR 212.10: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for an Intermittent Emission Testing for VOC for 81 percent reduction by weight

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This condition is for VOC RACT required at major facilities. This condition requires major facilities for volatile organic compound to install and be equipped with reasonably available control technology (RACT) with a capture system and a control device with an overall removal efficiency of at least 81%.

The Overall Destruction Efficiency = RTO's destruction efficiency x capture efficiency (using Method 204 = 81 % (minimum)

NYOFCo is required to demonstrate compliance with the 81 % minimum overall reduction efficiency for VOC emission for each of the six drying trains through stack testing. In previous stack tests, NYOFCo has demonstrated the RTO's destruction efficiency to be about 97.7 %.

Condition # 1-14 for 6 NYCRR 212.10: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Continuous Emission Monitoring (CEM) for VOC. This condition is for VOC RACT required at major facilities. This condition requires major facilities for volatile organic compound to install and be equipped with reasonably available control technology (RACT) with a capture system and a control device to limit the annual VOC emission to 50 tons per year.

Condition 1-15 for 6 NYCRR 212.11: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Continuous Emission Monitoring (CEM) for VOC. This condition sets the requirements for sampling, monitoring, recordkeeping, and reporting from process sources. The facility has to demonstrate the VOC emission limit of 9.57 pounds per hour through CEM.

Condition # 1-16 for 6 NYCRR 225-1.8: This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures per fuel delivery. This condition requires an owner or operator of a facility which purchases and fires coal and/or oil to submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1.

Condition # 1-17 for 6 NYCRR 225.1(a)(3): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Sulfur Dioxide in kerosene.

This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP). The facility has to demonstrate compliance with the 25,406 gallons per day of kerosene consumption limit.

Condition # 1-18 for 6 NYCRR 225.1(a)(3): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Sulfur Dioxide in kerosene.

This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. NOTE: This citation has been

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replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP). The facility has to demonstrate compliance with the 1,200 gallons per hour of kerosene consumption limit.

Condition # 1-19 for 6 NYCRR 225.1(a)(3): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Sulfur Dioxide in kerosene.

This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP). The facility has to demonstrate compliance with the 508,133 gallons per year of kerosene consumption limit.

Condition # 1-20 for 6 NYCRR 225.1(a)(3): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Sulfur Dioxide in kerosene.

This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP). The facility has to demonstrate compliance with the 0.04 percent by weight sulfur content limit in the kerosene purchased/burned.

Condition # 1-21 for 6 NYCRR 225.1(a)(3): This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Sulfur Dioxide in kerosene.

This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP). The facility has to demonstrate compliance with the 8.05 tons per year of sulfur dioxide emission limit.

Condition # 38 for 6 NYCRR 617.7: This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures for Particulates. This condition is for determining significance.

NYOFCO is required to compile and assess all available scientific data relevant to analyzing the potential for releases to the ambient environment of pathogens, bacteria and spores from bio-solids at the NYOFCO facility, and compare that data to the same categories of data at all other similar sludge handling facilities in the United States. This compilation and assessment shall be submitted to NYSDEC no later than December 31, 2002. On the basis of that report the State will determine what if any, additional tests, studies or measures may be required.

Condition # 1-22 for 6 NYCRR 212.4(a): This condition is an emission unit level, emission point level



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and process level condition that applies to EU: U-00001, EP: 00001 and Process 001. This condition is for Intermittent Emission Testing for Particulates. The Particulate concentration emission limit is 0.008 grains per dry standard cubic foot (Corrected to 1% CO₂) from each of the six stacks.

This condition establishes a limit on particulates. The facility has to demonstrate compliance with the particulate concentration emission limit of 0.008 grains per dry standard cubic foot of undiluted exhaust gas @ 1% CO₂. for each of the six dryer trains through stack testing.

Particulate emission from each flue of the six dryer trains shall not exceed a concentration of 0.008 grains per dry standard cubic foot of undiluted exhaust gas corrected to 1% CO₂ (Table 2 - Part 212.9(b)).

The Particulate emission concentration limitation shall be verified through stack test that will be conducted every three years. As per Condition # 1-32, NYOFCo must stack test all six drying trains by January 28, 2006. The stack test must be conducted as outlined in permit Condition # 1-32 (old Condition # 51).

NYOFCo must stack test all six drying trains for Particulate emissions by January 28, 2006. Stack testing of all six stacks should be performed three years after the completion of the previous test, which was achieved on January 28, 2003. Therefore, the next required stack test must be conducted by January 28, 2006. NYOFCo is to demonstrate compliance with the Particulate emission limit of 0.008 grains per dry standard cubic foot of undiluted exhaust gas (on a dry basis and corrected to 1% CO₂) for each of the six dryer trains stacks through stack testing.

Based on the definition of an "Environmental Rating" in 6 NYCRR 212.9, the Particulates emission from NYOFCo have been assigned an environmental rating of "A". For Particulates with an environmental rating of "A", where the emission rate potential is less than 1.0 lb/hr in Table 2, the permissible emission rate shall be specified by the Commissioner. Based on the facility's flow rate of 25,000 dscf/min and a Particulate emission rate of 1.6 lb/hr per dryer train (or 9.6 lb/hr for all six dryer trains), the degree of air cleaning required is 99% or greater or BACT must be installed. When the emission rate potential (ERP) is equal to or greater than 1.0 lb/hr for the New York City metropolitan area, then the degree of control of 99% or greater or install BACT is required. Therefore, either 99% or greater air cleaning or BACT (Best Available Control Technology) is required for Particulate emissions from this source (each of the six dryer trains).

Condition # 1-23 for 6 NYCRR 212.9(b): This condition is an emission unit level, emission point level and process level condition that applies to EU: U-00001, EP: 00001 and Process 001. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Particulates for 99% control.

Based on the definition of an "Environmental Rating" in 6 NYCRR 212.9, the Particulates emission from NYOFCo have been assigned an environmental rating of "A". The "A" environmental rating is defined as "An air contaminant whose discharge results, or may result, in serious adverse effects on receptors or the environment. These effects may be of a health, economic or aesthetic nature or any combination of these."

The degree of air cleaning required for Particulates is determined by Table 2 of 212.9(b), as defined by the emission rate potential (ERP) in lb/hr. Based on the emission rate potential in lb/hr for the Particulates, this facility is given an environmental rating of "A". The facility must control all "A" rated

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contaminants by 99 % from uncontrolled emissions, or use Best Available Control Technology (BACT) to control emissions from that emission source.

No person will cause or allow emissions that violate the requirement specified in Table 2, 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the Commissioner. Either 99% or greater air cleaning or BACT (Best Available Control Technology) is required for Particulate emissions from this source (each of the six dryer trains). The degree of air cleaning required as specified by the Commissioner depends on the emission rate potential and when it equals or exceeds 1.0 lb/hr for the New York City metropolitan area, the facility must achieve 99 % degree of control (air cleaning) or greater or install BACT. If the ERP was under 1.0 lb/hr, then the degree of air cleaning shall be specified by the Commissioner.

For Particulates with an environmental rating of "A", where the emission rate potential is less than 1.0 lb/hr in Table 2, the permissible emission rate shall be specified by the Commissioner. Based on the facility's flow rate of 25,000 dscf/min and a Particulate emission rate of 1.6 lb/hr per dryer train (or 9.6 lb/hr for all six dryer trains), the degree of air cleaning required is 99% or greater or BACT must be installed. When the emission rate potential (ERP) is equal to or greater than 1.0 lb/hr, then the degree of control of 99% or greater or install BACT is required.

At NYOFCo, each of the six dryer trains (Emission Sources 0001A, 0001B, 0001C, 0001D, 0001E and 0001F) is connected to control equipments of a cyclone and a venturi scrubber, and are identified as Emission Controls 001A1, 001B1, 001C1, 001D1, 001E1, and 001F1 for the cyclones, and as Emission Controls 001A2, 001B2, 001C2, 001D2, 001E2, and 001F2 for the venturi scrubbers. The control equipment must be in operation whenever the facility is operational, which is 365 days/year and 24 hours/day.

Condition # 1-24 for 6 NYCRR 227-1.3(a): This condition is an emission unit level, emission point level and process level condition for EU: U-00001, EP: 00001 and Process 001. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Opacity. This condition prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20 % opacity except for one six-minute period per hour of not more than 27 % opacity. These conditions require a Continuous Opacity Monitoring System (COMS) for visible emissions.

Condition # 1-25 for 40 CFR 61.50, NESHAP Subpart E: This condition is an emission unit level, emission point level and process level condition that applies to EU: U-00001 and EP: 00001 and Process: 001. This condition is for Intermittent Emission Testing for Mercury. The Mercury emission limit for this condition is 1,600 grams per 24-hour period.

This condition sets the NESHAP emission standard for Mercury. Sludge Sampling-Sludge incineration and drying plants (may be used as an alternative to stack testing). This condition is for wastewater treatment sludge incineration and drying plants. Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3200 grams of Mercury per 24-hour period. Stack testing Method 101A of Appendix B to 40 CFR 61 shall be used to test Mercury emissions.

As an alternative to stack sampling, an owner or operator may use Method 105 of Appendix B for 40

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CFR 61 for determination of Mercury in wastewater treatment plant sewage sludges.

All sources for which Mercury emissions exceed 1,600 grams per 24-hour period, demonstrated either by stack sampling according to 40 CFR 61.53 or sludge sampling according to 40 CFR 61.54, shall monitor Mercury emissions at intervals of at least once per year by use of Method 105 of 40 CFR 61 Allendix B or use the procedures specified in 40 CFR 61.53 (d)(2) and (4). The results of monitoring shall be reported by a registered letter dispatched within 15 calendar days following the date samples are analyzed. Records of sampling results shall be retained at the source and made available for inspection for a minimum of 2 years.

Emission results from the June, 2000 stack test resulted in the following Mercury emissions, in terms of pounds per day: 0.0035 For Unit # 1, 0.0000016 for Unit # 2, 0.0033 for Unit # 6. Emission results from the December, 2003 through January, 2004 stack test resulted in the following Mercury emissions, in terms of pounds per day: 0.0011 for Unit # 1, 0.00095 for Unit # 2, 0.00090 for Unit # 3, 0.0011 for Unit # 4, 0.0015 for Unit # 5, and 0.0014 for Unit # 6.

Condition # 1-26 for 40 CFR 61.53(d), NESHAP Subpart E: This condition is an emission unit level, emission point level and process level condition that applies to EU: U-00001 and EP: 00001 and Process: 001. This condition is for Intermittent Emission Testing for Mercury. The Mercury emission limit for this condition is 3,200 grams per 24-hour period.

This condition sets the stack testing procedure for the wastewater treatment sludge incineration and drying plants for compliance with the NESHAP emission standard for Mercury. Sludge Sampling for Sludge incineration and drying plants (may be used as an alternative to stack testing). Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3200 grams of Mercury per 24-hour period. Stack testing Method 101A of Appendix B to 40 CFR 61 shall be used to test Mercury emissions.

Emission results from the June, 2000 stack test resulted in the following Mercury emissions, in terms of pounds per day: 0.0035 For Unit # 1, 0.0000016 for Unit # 2, 0.0033 for Unit # 6. Emission results from the December, 2003 through January, 2004 stack test resulted in the following Mercury emissions, in terms of pounds per day: 0.0011 for Unit # 1, 0.00095 for Unit # 2, 0.00090 for Unit # 3, 0.0011 for Unit # 4, 0.0015 for Unit # 5, and 0.0014 for Unit # 6.

Condition # 48 for 6 NYCRR 211.2: This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Hydrogen Sulfide.

This condition prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyable of life or property regardless of the existence of any specific air quality standard or emission limit. The facility has to demonstrate compliance with the 0.001 parts per million by volume (dry, corrected to 7% O₂) hydrogen sulfide emission limit through continuous monitoring.

Condition # 49 for 6 NYCRR 211.2: This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures for Hydrogen Sulfide. This condition is for the facility's plan for controlling, monitoring and recording odor incidents on a daily basis.

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This condition prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyable of life or property regardless of the existence of any specific air quality standard or emission limit.

The facility is required to submit on the 1st and on the 15th of every month, a report that would include the following:

- (i) odor complaints received by NYOFCO; and
- (ii) of corrective measures implemented by NYOFCO in response to the odor complaints.

Condition # 50 for 6 NYCRR 211.2: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Intermittent Emission Testing for Hydrogen Sulfide.

This condition prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyable of life or property regardless of the existence of any specific air quality standard or emission limit. The facility has to demonstrate compliance with the hydrogen sulfide emission limit of 0.2475 pounds per hour through a stack test.

Condition # 1-28 for 6 NYCRR 231-1.2(a)(4): This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Work Practice Involving Specific Operations for hours per year operation.

The total facility operating hours for all six dryer-trains shall not exceed 47,304 hours for any consecutive 12-month period. The permittee shall log the hours of operation on a daily basis, and compute the operating hours on a monthly basis.

Condition # 1-29 for 6 NYCRR 231-1.2(a)(4): This condition is an emission unit level, emission point level, process level, and emission source/control level condition for Emission Unit U-00001, Emission Point: 00001, Process: 001 and the following Emission Sources:

0001A, 0001B, 0001C, 0001D, 0001E, 0001F, 001A1, 001A2, 001A3, 001AA, 001B1, 001B2, 001B3, 001BB, 001C1, 001C2, 001C3, 001CC, 001D1, 001D2, 001D3, 001DD, 001E1, 001E2, 001E3, 001EE, 001F1, 001F2, 001F3, 001FF, 0PITA, 0PITB & 0PITC

This condition is for Continuous Emission Monitoring (CEM) for Carbon Monoxide. The facility has to demonstrate compliance with the carbon monoxide annual emission limit of 47.3 tons per year. In addition, the facility has to demonstrate compliance with the following:

- (i) The Carbon Monoxide emission limit of 47.3 tons per year based on a 12-month rolling average computed on a monthly basis (compliance demonstration through CEM);
- (ii) The VOC emission limit of 50 tons per year based on a 365-day rolling average computed on a daily basis (compliance demonstration through CEM);

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(iii) The Particulates emission limit of 5.45 tons per year based on a 12-month rolling average computed on a monthly basis (compliance demonstration through stack testing);

(iv) The Oxides of Nitrogen emission limit of 75.05 tons per year based on a 12-month average computed on a monthly basis (compliance demonstration through stack testing);

(v) The Sulfur Dioxide emission limit of 8.05 tons per year based on a 12-month rolling average computed on a monthly basis (compliance demonstration through fuel sulfur content analysis);

(vi) For all six trans, the total facility operating hours limit of 47,304 hours for any consecutive 12-month period (compliance demonstration through logging the hours of operation daily and compute the operating hours on a monthly basis); and

(vii) Submitting quarterly (calendar) reports with the amounts and rolling averages of the above emission limits and hours of operation limit.

Condition # 1-30 for 6 NYCRR 211.2: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for Hydrogen Sulfide.

This condition prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyable of life or property regardless of the existence of any specific air quality standard or emission limit. The facility has to demonstrate compliance with the 1,950 pounds per hour hydrogen sulfide emission limit for all six dryers in aggregate.

Condition # 1-31 for 6 NYCRR 211.2: This is an emission unit level condition that applies to Emission Unit U-00001. This condition is for Intermittent Emission Testing for Hydrogen Sulfide.

This condition prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyable of life or property regardless of the existence of any specific air quality standard or emission limit. The facility has to demonstrate compliance with the 0.2475 pounds per hour hydrogen sulfide emission limit for all six dryers in aggregate.

Condition # 1-32 for 6 NYCRR 212.4(b): This condition is an emission unit level, emission point level and process level condition that applies to EU: U-00001, EP: 00001 and Process: 001. This condition is for Intermittent Emission Testing for HAP.

This condition establishes a limit on gas and liquid particulates. The facility has to demonstrate the 300 pounds per year particulates emission limit through stack testing of the following:

(i) The emission rate of the following Metals: Lead, Nickel, Mercury, Chromium, & Hexavalent Chromium;



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(ii) The emission rate of the following semi-volatile VOCs: Di-N-Buthyl-Phthalate (CAS # 84-74-2), Di-N-Octyl-Phthalate (CAS # 117-84-0) & Di-Octyl-Phthalate (CAS # 117-81-7);

(iii) The emission rate of the following Polycyclic Aromatic Hydrocarbons (PAH): Naphthalene, 2-Methylnaphthalene, Acenaphthalene, Acenaphthene, Fluorene, Phenanthrene, Anthracene, Fluoranthrene, Pyrene, Benze(a)anthracebe, Chrysene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(e)pyrene, Benzo (a)pyrene, Perylane, Indenol(1,2,3 -c,d) dyperene, Dibenzoa,(a,h) Anthracene & Benzo(g,h,1)perylane & total PAH; ;

(iv) The emission rate of the following Inorganics: Hydrogen Sulfide, Ammonia. Hydrogen Chloride, Carbon Disulfide, Total Particulate Matter, CO , NO₂ & Hydrochloric Acid;

(v) The emission rate of Total VOCs (not specified); and

(vi) The RTO's destruction efficiency, which must be equal or higher than 97.7%

NYOFCO must stack test all six stacks (one stack for each of the six drying trains, Emission Sources 0001A, 0001B, 0001C, 0001D, 0001E & 0001F) for the above listed pollutants.

Stack testing of all six stacks should be performed three years after the completion of the previous tests. As per Condition # 1-29, NYOFCO must stack test all six drying trains by January 28, 2006. Stack testing of all six stacks should be performed three years after the completion of the previous tests, which was achieved on January 28, 2003. Therefore, the next required stack test must be conducted by January 28, 2006. The stack test must be conducted as outlined in permit old Condition # 51 (Condition # 1-29).

Condition # 1-33 for 6 NYCRR 212.4(b): This condition is an emission unit level, emission point level and process level condition that applies to EU: U-00001 and EP: 00001 and Process: 001. This condition is for Intermittent Emission Testing for VOC.

This condition establishes a limit on gas and liquid particulates. The facility has to demonstrate compliance with the 97.7 percent destruction efficiency of the RTO through stack testing.

The RTO's destruction efficiency is measured by EPA's Method 25A, by measuring the overall reduction in volatile organic compound emissions, by measuring the amount of VOC entering the RTO, and the amount of VOC exiting the RTO. Therefore;

The RTO's destruction efficiency = (VOC entering RTO - RTO exiting RTO) / VOC entering RTO x 100 %

The Overall Destruction Efficiency = RTO's destruction efficiency x capture efficiency (using Method 204) = 81 % (minimum)

NYOFCO is required to demonstrate compliance with the 81 % minimum overall reduction efficiency for VOC emission for each of the six drying trains through stack testing. In previous stack tests, NYOFCO has demonstrated the RTO's destruction efficiency to be about 97.7 %.