

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 3-1328-00025/01028 Renewal Number: 1



12/05/2006

Facility Identification Data

Name: IBM EAST FISHKILL FACILITY
Address: 2070 ST RTE 52
HOPEWELL JUNCTION, NY 12533

Owner/Firm

Name: IBM CORP
Address: NEW ORCHARD RD
ARMONK, NY 10504, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
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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.

Summary Description of Proposed Project

The IBM East Fishkill facility is engaged in the development and manufacture of semiconductors for the computer and electronic industries. Emissions from the facility of Sulfur Dioxide, Oxides of Nitrogen



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(NOx) and Volatile Organic Compounds (VOCs) are above major source thresholds as defined by the Federal Clean Air Act and therefore required to obtain a Title V permit.

Emission Unit A00001 consists of eight (8) 72 MMBTU/hr natural gas fired boilers with low NOx burners utilizing #6 fuel oil as a backup.

All tanks at the facility are exempt from 6 NYCRR 229 requirements pursuant to 6NYCRR 229.1(f)(1) or 6 NYCRR 229.1(f)(4) (horizontal petroleum or volatile organic liquid storage tanks). The vertical tanks have conservation vents and are pressurized with nitrogen to prevent emissions of volatile organic compounds to the outside atmosphere. The nitrogen pressure system is monitored periodically to ensure the system is working properly.

The manufacturing portion of the facility is subject to 6 NYCRR 212 regulations. Three Eisenmann Regenerative Thermal Oxidizers (RTOs) are utilized for the destruction of emissions from process J1, Casting in Building 330. One Eisenmann Regenerative Thermal Oxidizer is used for the destruction of emissions from process J5, Sintering in Building 330. All four RTOs have continuous monitors and data recorders to document combustion and exhaust temperatures. The continuous monitors must be operated at all times when the associated process equipment is operating except during any quality assurance and routine maintenance activities. Each monitor must be operated according to a quality assurance program approved by the Department.

Three emission sources in Emission Unit C00001, Process J1 (Casting in Building 330), are subject to 6 NYCRR 226. The Solvent Metal Cleaning Processes regulations detail general and operating requirements as well as equipment specifications.

Attainment Status

IBM EAST FISHKILL FACILITY is located in the town of EAST FISHKILL in the county of DUTCHESS.

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*	MODERATE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT

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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

The facility has emission points, CH315, CH316, and CH690, for fugitive emissions of allowable releases from the chillers. The East Fishkill facility is engaged in the development and manufacture of semiconductors for the computer and electronic industries.

Permit Structure and Description of Operations

The Title V permit for IBM EAST FISHKILL 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 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.

IBM EAST FISHKILL FACILITY is defined by the following emission unit(s):

Emission unit A00001 - This emission unit consists of eight 72 MMBtu/hr natural gas fired boilers (with No. 6 fuel backup).

Emission unit A00001 is associated with the following emission points (EP):

00001, 00002, 00003, 00004, 00005, 00006, 00007, 00008

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

Process: MB6 is located at Building B/315 - EIGHT 72 MMBTU/HR BOILERS BURNING NO. 6

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FUEL OIL AS BACKUP.

Process: MBN is located at Building B/315 - EIGHT 72 MMBTU/HR BOILERS BURNING NATURAL GAS (WITH NO. 6 FUEL OIL AS BACKUP).

Emission unit B00001 - This emission unit consist of chemical packaging, storage tanks, hazardous waste storage and the Chemical Distribution Center.

Emission unit B00001 is associated with the following emission points (EP):
0NH31, 0NH32, 0T283, 0T284, PTWT2, T3228

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

Process: 316 is located at Building B/316 - CHEMICAL HANDLING IN B/316

Process: 317 is located at Building B/317 - Chemical Handling B/317

Process: 386 is located at Building B/386 - CHEMICAL HANDLING IN B/386

Emission unit C00001 - This emission unit consists of Raw Material Preparation/Casting operations (ball milling, casting of ceramics and cleaning of casters) and Ceramic Packaging.

Emission unit C00001 is associated with the following emission points (EP):

0HA23, 0HC32, 0HE26, 0HE33, 0HEF1, 0HF29, 0HH27, 0HJ41, 0HL37, 0HM31, 0HM33, 0HQ36, 0HR24, 0HS32, 0HS37, 0HT24, 0HT33, 0HX27, 0JEF3, 0JEF5, 0RTO3, 0RTO4, 0RTO5, AN27A, AN27B, BG27A, CHH30, CHL31, CHY27, DAZ34, HAB25, HAB31, HD29A, HQ432, HQ433, HZX24, JAZ30, JBA42, JBB38, JBB40, JBB42, JBB44, JBD28, JBD34, JBD43, JBG38, JEF10, JEF11, JEF12, T3501

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

Process: 0J1 is located at Building B/330C - CASTING IN B/330

Process: 0J3 is located at Building B/330C - SCREENING AND AQUEOUS MASK CLEANING

Process: 0J4 is located at Building B/330C - STACKING AND LAMINATION IN B/330

Process: 0J5 is located at Building B/330C - SINTERING IN B/330

Process: J58 is located at Building B/338 - J5 SINTERING IN B/338

Emission unit F00001 - This emission unit consists of multiple processes, thin film, ceramics package, wafer processing, resist application, spin platform, and tool cleaning.

Emission unit F00001 is associated with the following emission points (EP):

00LB2, 00LC9, 0FLC5, 0LB10, 0LC6N, FHE33, FHG30, FHS32

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

Process: FOA is located at Building B/334 - ACTIVITIES IN B/334

Emission unit G00001 - This emission unit consists of multiple processes, precision timing piece, and wafer applications.

Emission unit G00001 is associated with the following emission points (EP):

00CX9, 0CG24, 0CH20, 0CR10, 0CY10

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

Process: GOA is located at Building B/310 - ACTIVITIES IN B/310

Emission unit H00001 - This emission unit consists of the facility's chillers.

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

Process: CHI is located at Building SITE - CHILLERS

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Emission unit I00001 - This emission unit consists of wafer fabrication in B/323
 Emission unit I00001 is associated with the following emission points (EP):
 00ACD, 00CAS, 00VOC, 01ACD, 01CAS, 01VOC, GEN01, GEN02, GEN03, GEN04, GEN05
 It is further defined by the following process(es):
 Process: 0WF is located at Building B/323 - WAFER FABRICATION B/323

Emission unit J00001 - This emission unit will consist of wafer fabrication in B/323A.
 Emission unit J00001 is associated with the following emission points (EP):
 03ACD, 03CAS, 03VOC, GEN07
 It is further defined by the following process(es):
 Process: WFJ is located at Building B/323A - WAFER FABRICATION B/323A

Emission unit K00001 - C4 Plating Operations.
 Emission unit K00001 is associated with the following emission points (EP):
 00LC5, 00LC7, 0BC4A, 0BC4S, 0KLB2, 0KLC9, C4ACI, C4SOL, KLB10, KLC6N
 It is further defined by the following process(es):
 Process: C4P is located at Building B/320B&334 - C4 Plating Line operations.

Title V/Major Source Status

IBM EAST FISHKILL FACILITY is subject to Title V requirements. This determination is based on the following information:

The IBM East Fishkill facility is engaged in the development and manufacture of semiconductors for the computer and electronic industries. Emissions from the facility of Sulfur Dioxide, Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOCs) are above major source thresholds as defined by the Federal Clean Air Act and therefore required to obtain a Title V permit.

Program Applicability

The following chart summarizes the applicability of IBM EAST FISHKILL FACILITY with regards to the principal air pollution regulatory programs:

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

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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)

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.

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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 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
3471	ELECTROPLATING, POLISHING, ANODIZING, AND COLORING
3674	SEMICONDUCTORS & RELATED DEVICES
3679	ELECTRONIC COMPONENTS, NEC

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
3-13-070-01	ELECTRICAL EQUIPMENT ELECTRICAL EQUIPMENT - ELECTRICAL WINDINGS RECLAMATION Single Chamber Incinerator/Oven
3-13-999-99	ELECTRICAL EQUIPMENT ELECTRICAL EQUIPMENT - OTHER NOT CLASSIFIED



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- 3-13-065-01 Other Not Classified ELECTRICAL EQUIPMENT...
3-13-065-99 ELECTRICAL EQUIPMENT - SEMICONDUCTOR...
1-02-006-02 EXTERNAL COMBUSTION BOILERS - INDUSTRIAL...
1-02-004-02 EXTERNAL COMBUSTION BOILERS - INDUSTRIAL...
4-07-999-97 ORGANIC CHEMICAL STORAGE...
5-03-007-02 SOLID WASTE DISPOSAL - INDUSTRIAL...

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 of 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.

Table with 3 columns: Cas No., Contaminant Name, and PTE. The PTE column is further divided into lbs/yr and Range. Data includes 1,1-DIMETHYL HYDRAZINE (HAP) and 1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER (HAP).

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000120-80-9	1,2-BENZENEDIOL (HAP)	> 0 but < 10 tpy
000107-06-2	1,2-DICHLOROETHANE (HAP)	> 0 but < 10 tpy
000107-21-1	1,2-ETHANEDIOL (HAP)	> 0 but < 10 tpy
000098-86-2	1-PHENYLETHANONE (HAP)	> 0 but < 10 tpy
000108-10-1	2-PENTANONE, 4-METHYL (HAP)	> 0 but < 10 tpy
000079-10-7	2-PROPENOIC ACID (HAP)	> 0 but < 10 tpy
000137-05-3	2-PROPENOIC ACID, 2-CYANO-, METHYL ESTER	> 0 but < 2.5 tpy
000301-04-2	ACETIC ACID, LEAD(2+) SALT (HAP)	> 0 but < 10 tpy
000075-05-8	ACETONITRILE (HAP)	> 0 but < 10 tpy
000062-53-3	ANILINE (HAP)	> 0 but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0 but < 10 tpy
001327-53-3	ARSENIC OXIDE (HAP)	> 0 but < 10 tpy
003141-12-6	ARSENOUS ACID, TRIMETYL ESTER (HAP)	> 0 but < 10 tpy
007784-42-1	ARSINE (HAP)	> 0 but < 10 tpy
013967-50-5	AURATE (1-), BIS(CYANO-C)-, POTASSIUM (HAP)	> 0 but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 50 tpy but < 100 tpy
007782-50-5	CHLORINE (HAP)	> 0 but < 10 tpy
000067-66-3	CHLOROFORM (HAP)	> 0 but < 10 tpy
001308-38-9	CHROME (III) OXIDE (HAP)	> 0 but < 10 tpy
007789-12-0	CHROMIC ACID, DISODIUM SALT, DIHYDRATE (HAP)	> 0 but < 10 tpy
007440-47-3	CHROMIUM (HAP)	> 0 but < 10 tpy
001333-82-0	CHROMIUM OXIDE (HAP)	> 0 but < 10 tpy
000075-71-8	DICHLORODIFLUOROMETHANE	>= 2.5 tpy but < 10 tpy
000075-09-2	DICHLOROMETHANE (HAP)	> 0 but < 10 tpy
000076-14-2	ETHANE, 1,2-DICH LORO-1,1,2,2-TETRAFLURO C2CL2F4	>= 2.5 tpy but < 10 tpy
000075-68-3	ETHANE, 1-CHLORO-1,1-DIFLUORO-	>= 10 tpy but < 25 tpy
000111-96-6	ETHANE,1,1'-OXYBIS[-METHOXY] (H AP)	> 0 but < 10 tpy
013746-66-2	FERRATE (3-), HEXAKIS (CYANO-C)-, TRIPOTASSIUM, (OC-6-11)	> 0 but < 2.5 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0 but < 10 tpy
000554-07-4	GOLD POTASSIUM CYANIDE (HAP)	> 0 but < 10 tpy
0NY100-00-0	HAP	>= 10 tpy but < 25 tpy
000302-01-2	HYDRAZINE (HAP)	> 0 but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)	> 0 but < 10 tpy
007664-39-3	HYDROGEN FLUORIDE (HAP)	> 0 but < 10 tpy
007439-92-1	LEAD (HAP)	> 0 but < 10 tpy
007439-96-5	MANGANESE (HAP)	> 0 but < 10 tpy
000075-69-4	METHANE, TRICHLOROFLURO-	>= 2.5 tpy but < 10 tpy
000080-62-6	METHYL ACRYLIC ACIDMETHYL ESTER (HAP)	> 0 but < 10 tpy
000067-56-1	METHYL ALCOHOL (HAP)	> 0 but < 10 tpy
000078-93-3	METHYL ETHYL KETONE (HAP)	> 0 but < 10 tpy
000101-68-8	METHYLENE BISPHENYL ISOCYANATE (HAP)	> 0 but < 10 tpy
000091-20-3	NAPHTHALENE (HAP)	> 0 but < 10 tpy
007718-54-9	NICKEL CHLORIDE (HAP)	> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)	> 0 but < 10 tpy
010099-74-8	NITRIC ACID, LEAD(2+) SALT (HAP)	> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 100 tpy but < 250 tpy
0NY075-00-0	PARTICULATES	>= 50 tpy but < 100 tpy
000127-18-4	PERCHLOROETHYLENE (HAP)	> 0 but < 10 tpy
007723-14-0	PHOSPHORUS (YELLOW) (HAP)	> 0 but < 10 tpy

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0NY075-00-5	PM-10	>= 10 tpy but < 25 tpy
000151-50-8	POTASSIUM CYANIDE (HAP)	> 0 but < 10 tpy
000107-13-1	PROPENENITRILE (HAP)	> 0 but < 10 tpy
000123-38-6	PROPIONALDEHYDE (HAP)	> 0 but < 10 tpy
007803-62-5	SILANE	> 0 but < 2.5 tpy
000143-33-9	SODIUM CYANIDE (HAP)	> 0 but < 10 tpy
014017-41-5	SULFAMIC ACID, COBALT (2+) SALT (HAP)	> 0 but < 10 tpy
013770-89-3	SULFAMIC ACID, NICKEL (2+) SALT (2:1) (HAP)	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 250 tpy
010124-43-3	SULFURIC ACID, COBALT (2+) SALT (HAP)	> 0 but < 10 tpy
000333-20-0	THIOCYANIC ACID, POTASSIUM SALT	> 0 but < 2.5 tpy
000079-01-6	TRICHLOROETHYLENE (HAP)	> 0 but < 10 tpy
0NY998-00-0	VOC	>= 100 tpy but < 250 tpy
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	> 0 but < 10 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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have been necessary in order to maintain compliance with the conditions of this permit.

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

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

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

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

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

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

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

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information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

Item L: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring,

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

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

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

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 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.

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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	55
A-00001/-/MB6/00008	40CFR 60-Dc.42c(d)	Standard for Sulfur Dioxide Firing Oil. (see narrative)	37
A-00001/-/MB6/00008	40CFR 60-Dc.43c(c)	Standard for Opacity.	38
A-00001/-/MB6/00008	40CFR 60-Dc.44c(g)	Alternative Compliance and Performance Test Methods and Procedures for Sulfur Dioxide.	39, 40
A-00001/-/MB6/00008	40CFR 60-Dc.45c(a)	Compliance and Performance Test Methods and Procedures for Particulate Matter.	41
A-00001/-/MB6/00008	40CFR 60-Dc.46c(d) (2)	Alternative sulfur dioxide emissions monitoring.	42
A-00001/-/MB6/00008	40CFR 60-Dc.47c	Emission Monitoring for Particulate Matter.	43
A-00001/-/MB6/00008	40CFR 60-Dc.48c(a)	Reporting and Recordkeeping Requirements.	44
A-00001/-/MB6/00008	40CFR 60-Dc.48c(c)	Reporting and Recordkeeping Requirements.	45
A-00001/-/MB6/00008	40CFR 60-Dc.48c(d)	Reporting and Recordkeeping Requirements.	46
A-00001/-/MB6/00008	40CFR 60-Dc.48c(f) (2)	Reporting and Recordkeeping Requirements (residual oil).	47
A-00001/-/MB6/00008	40CFR 60-Dc.48c(g)	Reporting and Recordkeeping Requirements.	48
FACILITY	40CFR 68	Chemical accident prevention provisions	20
FACILITY	40CFR 82-F	Protection of Stratospheric Ozone - recycling and emissions reduction	21
FACILITY	6NYCRR 200.6	Acceptable ambient air quality.	1
FACILITY	6NYCRR 200.7	Maintenance of equipment.	10, 22
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	56
FACILITY	6NYCRR 201-1.7	Recycling and Salvage	11
FACILITY	6NYCRR 201-1.8	Prohibition of reintroduction of collected contaminants to the air	23
FACILITY	6NYCRR 201-3.2(a)	Exempt Activities - Proof of eligibility	12
FACILITY	6NYCRR 201-3.3(a)	Trivial Activities - proof of eligibility	13
FACILITY	6NYCRR 201-6	Title V Permits and the	24, 32,

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FACILITY	6NYCRR 201-6.5 (a) (7)	General conditions	
Fees 2			
FACILITY	6NYCRR 201-6.5 (a) (8)	General conditions	15
FACILITY	6NYCRR 201-6.5 (c)	Permit conditions for	3
		Recordkeeping and	
		Reporting of Compliance	
		Monitoring	
FACILITY	6NYCRR 201-6.5 (c) (2)	Permit conditions for	4
		Recordkeeping and	
		Reporting of Compliance	
		Monitoring	
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	Permit conditions for	5
		Recordkeeping and	
		Reporting of Compliance	
		Monitoring	
FACILITY	6NYCRR 201-6.5 (d) (5)	Compliance schedules	16
FACILITY	6NYCRR 201-6.5 (e)	Compliance Certification	6
FACILITY	6NYCRR 201-6.5 (f) (6)	Off Permit Changes	17
FACILITY	6NYCRR 201-6.5 (g)	Permit shield	25
FACILITY	6NYCRR 202-1.1	Required emissions tests.	18
FACILITY	6NYCRR 202-2.1	Emission Statements -	7
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FACILITY	6NYCRR 202-2.5	Emission Statements -	8
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FACILITY	6NYCRR 211.2	General Prohibitions -	57
		air pollution	
		prohibited.	
FACILITY	6NYCRR 211.3	General Prohibitions -	19
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		limited	
FACILITY	6NYCRR 212.10 (c) (1)	NOx and VOC RACT required	28
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FACILITY	6NYCRR 212.11 (b) (5)	Sampling and monitoring	29
B-00001	6NYCRR 212.4 (a)	General Process Emission	49
		Sources - emissions from	
		new sources and/or	
		modifications	
B-00001	6NYCRR 212.4 (b)	New processes	50
FACILITY	6NYCRR 212.4 (c)	General Process Emission	26
		Sources - emissions from	
		new processes and/or	
		modifications	
FACILITY	6NYCRR 212.6 (a)	General Process Emission	27
		Sources - opacity of	
		emissions limited	
FACILITY	6NYCRR 215	Open Fires	9
FACILITY	6NYCRR 225-1.2 (a) (2)	Sulfur in Fuel	30, 31
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C-00001/-/0J1	6NYCRR 226.4 (a)	Operating Requirements-	54
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6NYCRR 227-2.4(c)

Control Requirements for 35
midsized boilers.

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 200-.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6NYCRR Part 200-.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

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 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6NYCRR Part 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6NYCRR Part 201-3.2(a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

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6NYCRR Part 201-3.3(a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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, 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 201-6.5(a)(4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide 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 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;

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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 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 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 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 Part 201-6.5(g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6NYCRR Part 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including

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the preparation of the report are to be borne by the owner/operator of the source.

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.

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.

6 NYCRR Part 211.3

This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

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.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

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Facility Specific Requirements

In addition to Title V, IBM EAST FISHKILL FACILITY has been determined to be subject to the following regulations:

40CFR 60-Dc.42c (d)

This regulation requires that on or after the date on which the initial performance test is completed or required to be completed under section 60.8 of 40 CFR 60 Subpart A, no owner or operator of an affected facility that combusts oil, shall combust oil with a sulfur content in excess of 0.5 percent by weight.

40CFR 60-Dc.43c (c)

This regulation requires that on or after the date on which the initial performance test is completed or is required to be completed, an affected facility that combusts coal, wood, or oil and has a heat input of 30 million Btu per hour (8.7 MW) or greater, shall not cause any gases to be discharged to the atmosphere, that exhibit an opacity greater than 20% (based on a 6-minute average) or exceeds 27% for one 6-minute period per hour.

40CFR 60-Dc.44c (g)

This regulation requires that oil fired facilities, demonstrating compliance with the sulfur dioxide standard through sampling and analysis, must test every shipment of oil after the initial approval of the sampling plan.

40CFR 60-Dc.45c (a)

This regulation requires that the opacity of the emissions be monitored during the stack test. The opacity may not exceed 20%.

40CFR 60-Dc.46c (d) (2)

This regulation allows the owner or operator of an affected facility to determine the average sulfur dioxide emission rate by sampling the fuel prior to its combustion and calculating the emissions instead of installing and operating a continuous emissions monitor at the inlet of the control device

40CFR 60-Dc.47c

This regulation requires that all continuous emissions monitors measuring opacity to be operated in accordance with Appendix B of this part 40 CFR 60.

40CFR 60-Dc.48c (a)

This regulation requires the owner and operator of each affected facility to submit notification of the date of construction or reconstruction, anticipated startup, and actual startup of the facility. The notification must include the following information:

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

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based on all fuels fired and based on each individual fuel fired.

40CFR 60-Dc.48c (c)

This regulation requires the owner or operator of each coal-fired, residual, oil-fired, or wood-fired affected facility subject to the opacity limits under §60.43c(c) to submit excess emission reports, to the EPA semiannually. All reports shall be postmarked by the 30th day following the end of each semiannual reporting period

40CFR 60-Dc.48c (d)

This regulation requires the owner or operator of the facility subject to the SO₂ emission limits, fuel oil sulfur limits, or percent reduction requirements under §60.42c, to submit semi-annual reports to the EPA

40CFR 60-Dc.48c (f) (2)

This condition sets forth the requirements to be met by the fuel supplier. These requirements apply to both distillate and residual oil.

40CFR 60-Dc.48c (g)

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

6NYCRR 212 .10 (c) (1)

Reasonably available control technology compliance plans for major facilities. The compliance plan must identify reasonably available control technology (RACT) for each emission point which emits nitrogen oxides for major nitrogen oxide facilities or volatile organic compounds for major volatile organic compound facilities. The compliance plan must identify the emission points which do not employ reasonably available control technology (RACT), and a schedule for implementation of RACT must be included in the plan.

6NYCRR 212 .11 (b) (5)

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

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 .4 (c)

This rule requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to an particulate emission rate not to exceed 0.05 grains per dry standard cubic foot.

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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 225-1.2 (a) (2)

This regulation prohibits any person from selling, offering for sale, purchasing or using any fuel which contains sulfur in a quantity exceeding the limitations set forth in Table 1, Table 2, or Table 3 of this section.

6NYCRR 226 .2

This reference provides the general requirements that owners and operators of solvent metal cleaning machines must comply with in addition to the other applicable requirements in this part. The general requirements include the proper storage, transfer, and disposal of solvents, the integrity of the equipment must be maintained, a summary of the operating procedures must be displayed, covers are to be closed when a degreaser is not used, and a record of solvent consumption must be maintained for one year.

6NYCRR 226 .3

This reference provides the equipment specifications for cold cleaning degreasers, open-top vapor degreasers, and conveyORIZED degreasers. that conduct solvent metal cleaning.

6NYCRR 226 .3 (a)

This reference requires cold cleaning degreasers to have a cover, internal drainage system and a control system to limit VOC emissions from the unit unless the solvent being used has a low vapor pressure or the solvent is not heated above a specific temperature. A water blanket that lays on top of the solvent in the degreaser or a unit that is designed so that the height of the unit is much greater than the width of the opening, which will minimize VOC emissions, are considered acceptable methods of controlling VOC emissions

6NYCRR 226 .4 (a)

This reference requires cold cleaning degreasers to have a system in place which allows the solvent on cleaned parts to drain for at least 15 seconds, or until dripping ceases, prior to removing the parts from the unit. This operating requirement will reduce the amount of VOCs that are carried out of the unit.

6NYCRR 227 .2 (b) (1)

This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. The rule establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

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 227-2.4 (c)

To comply with this Subpart, emission requirements for mid-size boilers (boilers with a heat input between 50 and 100 mmBtu/hr), owners or operators of a mid-size boiler must meet the requirements of

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either paragraph (1) or (2) of this subdivision.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Short Description	Regulation
FACILITY	Non-applicability	6NYCRR 229.1(f) (1)
Reason: The tanks at this facility are pressurized fixed roof tanks with conservation vents which are capable of maintaining a working pressure to prevent emissions of VOCs. Per 6 NYCRR 229.1(f) (1), these tanks are exempt from Part 229.		

The Nitrogen pressure system on the tanks shall be checked periodically to ensure the system is operating properly. Corrective action will be taken immediately if necessary.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.5(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification

Summary of monitoring activities at IBM EAST FISHKILL FACILITY:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
A-00001/-/MB6/00008	work practice involving specific operations	37
A-00001/-/MB6/00008	monitoring of process or control device parameters as surrogate	38
A-00001/-/MB6/00008	record keeping/maintenance procedures	41
A-00001/-/MB6/00008	monitoring of process or control device parameters as surrogate	42
A-00001/-/MB6/00008	monitoring of process or control device parameters as surrogate	43
A-00001/-/MB6/00008	record keeping/maintenance procedures	44
A-00001/-/MB6/00008	record keeping/maintenance procedures	45
A-00001/-/MB6/00008	record keeping/maintenance procedures	46
A-00001/-/MB6/00008	record keeping/maintenance procedures	47
A-00001/-/MB6/00008	record keeping/maintenance procedures	48
FACILITY	record keeping/maintenance procedures	22
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
FACILITY	record keeping/maintenance procedures	7
FACILITY	record keeping/maintenance procedures	28
FACILITY	record keeping/maintenance procedures	29
FACILITY	monitoring of process or control device parameters as surrogate	26
FACILITY	monitoring of process or control device	27



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	parameters as surrogate	
FACILITY	work practice involving specific operations	30
FACILITY	work practice involving specific operations	31
C-00001/-/0J1	record keeping/maintenance procedures	52
C-00001	record keeping/maintenance procedures	51
C-00001/-/0J1	record keeping/maintenance procedures	53
C-00001/-/0J1	record keeping/maintenance procedures	54
A-00001	intermittent emission testing	36
A-00001	monitoring of process or control device	34
	parameters as surrogate	
A-00001	record keeping/maintenance procedures	35

Basis for Monitoring

The regulations and conditions in the permit provide detailed information as to the basis for monitoring