

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 4-1228-00027/00015    Renewal Number: 1**



**12/22/2005**

**Facility Identification Data**

Name: DMV INTERNATIONAL NUTRITIONALS  
Address: 40196 STATE HIGHWAY 10  
DELHI, NY 13753

**Owner/Firm**

Name: DMV USA INC  
Address: 40196 STATE HIGHWAY 10  
DELHI, NY 13753, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

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SUITE 1  
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DELHI, NY 13753  
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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**

Application for renewal of Air Title V Facility.

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#### Attainment Status

DMV INTERNATIONAL NUTRITIONALS is located in the town of DELHI in the county of DELAWARE.

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* ATTAINMENT)	TRANSPORT REGION (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

DMV manufactures hydrolyzed proteins used for food and medical purposes. Significant air emission sources at the facility include: two "small" oil fired boilers, one spray tower dryer, one "V-Bottom" dryer, one diffusion tank, and several process reactors and digesters. In addition to these sources, DMV has various operations that are exempt under 6 NYCRR Part 201.

#### Permit Structure and Description of Operations

The Title V permit for DMV INTERNATIONAL NUTRITIONALS 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,

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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.

DMV INTERNATIONAL NUTRITIONALS is defined by the following emission unit(s):

Emission unit 1BLEND - This emission unit consists of a powdered protein mix station (normal blender) and a clean in place (CIP) station.

Emission unit 1BLEND is associated with the following emission points (EP):  
10046

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

Process: 005 is located at GROUND FLOOR, Building 1 - This process consists of a covered mix tank where powdered proteins are added to water. Emissions result from bag dumping and loading operations. A hood is used to capture the protein powder that results from the bags being emptied into the blender. Emissions are exhausted through Emission Point 10046.

Process: 006 is located at GROUND FLOOR, Building 1 - This process consists of a heated water bath (CIP station) that uses acids and caustics in the cleaning process. Emissions are exhausted through Emission Point 10046.

Emission unit 1BOILR - This emission unit consists of two No. 4 fuel oil fired boilers used to provide building heat and process steam. Boilers No.1 and 2 vent to a common exhaust.

Emission unit 1BOILR is associated with the following emission points (EP):  
10001

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

Process: B01 is located at Ground Floor, Building 1 - This process consists of one boiler firing No. 4 fuel oil. Boiler No. 1 is rated at 16.7 mmBtu/hr. Emissions are exhausted through Emission Point 10001.

Process: B02 is located at Ground Floor, Building 1 - This process consists of one boiler firing No. 4 fuel oil. Boiler No. 2 is rated at 29.3 mmBtu/hr. Emissions are exhausted through Emission Point 10001.

Emission unit 1DRYER - This emission unit consists of a spray tower dryer and V-Bottom dryer. The dryers are used to dry protein powders.

Emission unit 1DRYER is associated with the following emission points (EP):  
10003, 10004

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

Process: 003 is located at GROUND FLOOR, Building 1 - This process consists of a steam heated

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vertical spray tower dryer used to dry hydrolyzed protein powder (product). Four main cyclones are used to capture product for bagging and one wet scrubber is used for emissions control. Emissions are exhausted through Emission Point 10003.

Process: 004 is located at GROUND FLOOR, Building 1 - This process consists of a liquid propane gas fired (direct fired) horizontal dryer used to dry hydrolyzed protein powder (product). Four main cyclones are used to capture product for bagging and one fabric filter is used for emissions control. Emissions are exhausted through Emission Point 10004.

Emission unit 1PUMPS - This emission unit consists of a waste water diffusion tank and two vacuum pumps.

Emission unit 1PUMPS is associated with the following emission points (EP):  
10005, 10041

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

Process: 008 is located at GROUND FLOOR, Building 1 - This process consists of a holding tank with air diffusers. Air is diffused through waste water to remove toluene. Emissions are exhausted through Emission Point 10005.

Process: 009 is located at GROUND FLOOR, Building 1 - This process consists of two vacuum pumps that service the high temperature short time (HTST) reaction vessel. Emissions are exhausted through Emission Point 10041.

Emission unit 1TANKS - This emission unit consists of several tanks, digesters, and mix vessels that are exhausted to a wet scrubber.

Emission unit 1TANKS is associated with the following emission points (EP):  
10006

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

Process: 007 is located at GROUND FLOOR, Building 1 - Process 007 consists of several tanks, digesters, and mix vessels that are exhausted to a wet scrubber. Emissions are exhausted through Emission Point 10006.

**Title V/Major Source Status**

DMV INTERNATIONAL NUTRITIONALS is subject to Title V requirements. This determination is based on the following information:

The facility is major because the potential to emit (PTE) for several contaminants is greater than the Title V applicability thresholds. The PTE for sulfur dioxide (SO2) from the facility is greater than 100 tons per year which is the Title V applicability threshold. The PTE for toluene is greater than 10 tons per year which is the Title V threshold. The PTE for total hazardous air pollutants (HAP) is greater than 25 tons per year which is the Title V thresholds.

**Program Applicability**

The following chart summarizes the applicability of DMV INTERNATIONAL NUTRITIONALS with regards to the principal air pollution regulatory programs:

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



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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 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.

<b>SIC Code</b>	<b>Description</b>
2023	CONDENSED AND EVAPORATED MILK

**SCC Codes**

SCC or Source Classification Code is a code developed and used by the USEPA to categorize



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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.

Table with 2 columns: SCC Code and Description. Rows include codes like 1-02-005-04 for External Combustion Boilers and 3-02-999-98 for Food and Agriculture.

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.

Table with 3 columns: Cas No., Contaminant Name, and PTE. PTE is further divided into lbs/yr and Range. Lists hazardous air pollutants like Arsenic, Benzene, Beryllium, Cadmium, Carbon Monoxide, Chromium, Cobalt, Ethane, Ethylbenzene, and Formaldehyde.

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0NY100-00-0	HAP	>= 40 tpy but < 50 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)	> 0 but < 10 tpy
007439-92-1	LEAD (HAP)	> 0 but < 10 tpy
007439-96-5	MANGANESE (HAP)	> 0 but < 10 tpy
007439-97-6	MERCURY (HAP)	> 0 but < 10 tpy
000091-20-3	NAPHTHALENE (HAP)	> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)	> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 25 tpy but < 40 tpy
0NY075-00-0	PARTICULATES	>= 50 tpy but < 100 tpy
0NY075-00-5	PM-10	>= 50 tpy but < 100 tpy
130498-29-2	POLYCYCLIC AROMATIC HYDROCARBONS (HAP)	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 100 tpy but < 250 tpy
007664-93-9	SULFURIC ACID	>= 2.5 tpy but < 10 tpy
000108-88-3	TOLUENE (HAP)	>= 10 tpy
0NY998-00-0	VOC	>= 40 tpy but < 50 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

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1-BOILR/-/B02	40CFR 60-A.7(b)	Notification and Recordkeeping	42
1-BOILR/-/B02	40CFR 60-Dc.42c(d)	Standard for Sulfur Dioxide Firing Oil. (see narrative)	43
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1-BOILR/-/B02	40CFR 60-Dc.42c(i)	Standard for Sulfur Dioxide Period of Requirements.	45
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		Prohibitions.	

**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

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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.

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.

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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 202-1.1

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 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

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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.

### **Facility Specific Requirements**

In addition to Title V, DMV INTERNATIONAL NUTRITIONALS has been determined to be subject to the following regulations:

#### 40CFR 60-A

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

#### 40CFR 60-A.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

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40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

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.42c (h)

This regulation requires that compliance with emission limits and/or fuel oil sulfur limitations be based on a certification from the fuel supplier as stated in paragraph 40 CFR 60-Dc.48c(f)(1), (2), or (3) as applicable

40CFR 60-Dc.42c (i)

This regulation requires that the sulfur dioxide emission limits, percentage reductions, and fuel oil sulfur limitations apply at all times, including periods of startup, shutdown, and malfunction.

40CFR 60-Dc.46c (e)

This regulation allows facilities subject to paragraphs 40 CFR 60-Dc.42c(h)(1), (2), or (3) who show compliance through vendor certification, to be exempt from the monitoring requirements of section 40 CFR 60-Dc.46c

40CFR 60-Dc.48c (d)

This regulation requires the owner or operator of the facility subject to the SO<sub>2</sub> 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 (e) (11)

If fuel supplier certifications are used to demonstrate compliance with the distillate oil specifications under 40 CFR 60-Dc.41c, then reports shall include a certified statement signed by the owner or operator that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

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.

40CFR 60-Dc.48c (i)

This regulation requires the source owner or operator to retain all records for a minimum of two years for compliance with the NSPS. This does not supercede any requirement that is more stringent, including the Title V requirement to maintain records for for a minimum of 5 years.

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#### 40CFR 63-A

The General Provisions in 40CFR63, Subpart A apply to facilities subject to other National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP) regulations in 40CFR63. These rules are also known as MACT rules since they are based on attaining Maximum Achievable Control Technology. Each MACT rule has a table or section that describe which portions of the General Provisions apply to facilities covered by that particular rule and which portions are overridden or do not apply. Note that NESHAP regulations found in 40CFR61 do **not** trigger the general provisions of 40CFR63.

Section 63.1 relates to general applicability considerations both before and after promulgation of standards for a source category. Section 63.2 contains definitions common to the MACT rules. Section 63.3 contains units and abbreviations used in the MACT rules. Section 63.4 outlines generally prohibited activities such as operating in noncompliance with applicable standards and circumventing the rules. Section 63.5 describes how construction or reconstruction trigger requirements for preconstruction review.

Section 63.6 covers compliance issues such as how default new source and existing source compliance dates are calculated for each MACT rule; operation and maintenance requirements; startup, shutdown, and malfunction plan requirements; methods for determining compliance; alternative emission standards; compliance extensions; and compliance exemptions.

Section 63.7 covers performance testing requirements such as default notification and test deadlines; quality assurance programs: site-specific test plans; test facilities; general test conduct requirements; use of alternative test methods; data analysis, recordkeeping, and reporting; and performance test waivers.

Section 63.8 covers default monitoring requirements for continuous or periodic parameter monitoring, continuous opacity monitoring, and continuous emission monitoring.

Section 63.9 contains default notification requirements and deadlines for initial notifications, requests for extension of compliance, notification that a source is subject to special compliance requirements, continuous monitoring related notifications, and notifications of compliance status (also referred to as initial compliance reports).

Section 63.10 contains default general recordkeeping requirements as well as recordkeeping for applicability determinations and continuous monitoring systems. It also contains default reporting requirements for "one shot" items such as performance test results and immediate startup shutdown, malfunction reports. It also contains periodic (semi-annual) reporting requirements for startup, shutdown, and malfunction; excess emissions; and continuous monitoring performance.

#### 40CFR 63-DDDDD.7506 (b) (2)

This regulation states that existing large liquid fuel units (greater than 10 million Btu per hour) are only subject to the initial notification requirements in 40 CFR 63.9(b). Therefore, the units are **not** subject to the emission limits, work practice standards, performance testing, monitoring, SSMP, site specific monitoring plans, recordkeeping, and reporting requirements of 40 CFR 63 Subpart DDDDD or any other requirements in 40 CFR 63 Subpart A.

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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 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.

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 225-1.8 (a)

Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, 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. All records shall be available for a minimum of three years

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

This regulation requires a limitation and compliance monitoring for opacity from a 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 227-1.6 (a)

This regulation requires that any facility found in violation of the provisions of Part 227 must not operate the affected stationary combustion installation that is in violation unless it is equipped with approved emission control equipment, it is rehabilitated or upgraded in an approved manner; or the fuel is changed to an acceptable type

6NYCRR 227-1.6 (b)

This regulation states that the Department may seal the affected stationary combustion installation that does not comply with the provisions in subdivision 6 NYCRR 227-1.6(a) within the time provided.

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6NYCRR 227-1.6 (c)

This regulation state that no person may operate any affected stationary combustion installation sealed by the commissioner in accordance with this Part 227.

6NYCRR 227-1.6 (d)

This regulation states that no person except Department personnel may remove, tamper with, or destroy any seal affixed to any affected stationary combustion installation.

**Compliance Certification**

Summary of monitoring activities at DMV INTERNATIONAL NUTRITIONALS:

<b>Location Facility/EU/EP/Process/ES</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
1-BOILR/-/B02	work practice involving specific operations	43
1-BOILR/-/B02	record keeping/maintenance procedures	47
1-BOILR/-/B02	record keeping/maintenance procedures	48
1-BOILR/-/B02	record keeping/maintenance procedures	49
1-BOILR/-/B02	record keeping/maintenance procedures	50
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
FACILITY	record keeping/maintenance procedures	7
1-BLEND	intermittent emission testing	30
1-BLEND	record keeping/maintenance procedures	31
1-DRYER	intermittent emission testing	53
1-DRYER/10003/003	monitoring of process or control device parameters as surrogate	55
1-DRYER/10004/004	monitoring of process or control device parameters as surrogate	57
1-TANKS	intermittent emission testing	61
1-TANKS	monitoring of process or control device parameters as surrogate	62
1-BLEND	intermittent emission testing	32
1-BLEND	record keeping/maintenance procedures	33
1-DRYER	intermittent emission testing	54
1-DRYER/10003/003	monitoring of process or control device parameters as surrogate	56
1-DRYER/10004/004	monitoring of process or control device parameters as surrogate	58
1-PUMPS	record keeping/maintenance procedures	59
1-PUMPS	intermittent emission testing	60
1-TANKS	intermittent emission testing	63
1-BOILR/-/B01	record keeping/maintenance procedures	39
1-BOILR	intermittent emission testing	36
1-BOILR	work practice involving specific operations	37
1-BOILR	record keeping/maintenance procedures	34
1-BOILR	intermittent emission testing	35

**Basis for Monitoring**

Condition 31 --- 6 NYCRR Part 212.4(c) - This monitoring condition has been included to address the particulate emission requirements of 6 NYCRR Part 212 - General Process Emission Sources. The requirement to observe visible emissions once daily is justified by the fact that the rule does not specify

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any monitoring frequency to determine compliance with the regulation. Operating and maintaining the emission sources as stated in the monitoring condition will demonstrate compliance with the regulation.

Condition 33 --- 6 NYCRR Part 212.6(a) - This monitoring condition has been included to address the visible emissions requirements of 6 NYCRR Part 212 - General Process Emission Sources. The daily monitoring frequency is justified by the fact that the rule does not specify any monitoring frequency and any visible emissions that occur are not expected to cause any exceedances. Past experience has shown that the operations contained in the process referenced in this condition are unlikely to produce visible emissions of any magnitude.

Condition 34 --- 6 NYCRR Part 227-1.3(a) - This monitoring condition has been included to address the visible emissions requirements of 6 NYCRR Part 227 - Stationary Combustion Installations. The facility shall monitor the opacity on a daily basis using instantaneous observations. Monitoring the opacity in this manner and recording the results in accordance with the condition will be used to determine the compliance status with the regulation.

Condition 36 --- 6 NYCRR Part 227.2(b) - This regulation requires stationary combustion installations firing oil to meet a 0.1 pound per million Btu particulate emission limit. This condition requires the facility to perform a stack test once during the term of the permit to demonstrate compliance with the particulate emission limit.

Condition 37 --- 6 NYCRR Part 227.2(b) - This regulation requires stationary combustion installations firing oil to meet a 0.1 pound per million Btu particulate emission limit. The facility performed a stack test on April 1, 2004 to demonstrate compliance with the particulate emission limit. The results of the stack test indicated the particulate emissions were 0.057 pounds per million Btu of heat input. The boilers were firing #4 fuel oil with a sulfur content of less than 0.50 percent by weight during the stack test. The sulfur content of the fuel oil has an affect on the particulate emissions.

Therefore, the boilers are limited to firing #4 fuel oil with a sulfur content of less than 0.50 percent by weight in order to demonstrate compliance, on a continuous basis, with the particulate emission limit. Compliance with the 0.50 percent by weight sulfur content limit in this condition also demonstrates compliance with the sulfur content limits (1.5 percent by weight and 0.50 percent by weight) contained in 6 NYCRR Part 225-1.2(a)(2) and 40 CFR 60.42c(d).

Condition 39 --- 6 NYCRR Part 225-1.8 - This regulation requires the owner to maintain records of fuel analyses, quantity of fuel burned, quantity of fuel received, and results of stack tests or monitoring. Specifically, this condition requires the owner to maintain oil supplier certifications on a per delivery basis. The certifications shall include at a minimum supplier name, date of shipment, quantity of fuel received, oil sulfur content, and the method used to determine sulfur content.

Condition 43 --- 40 CFR 60.42c(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. The facility shall monitor the sulfur content for each delivery to demonstrate compliance with the regulatory limit. Compliance with this regulation and condition assures compliance with the sulfur content limit (1.5 percent by weight) contained 6 NYCRR Part 225-1.2(a)(2)

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since the limit in this regulation and condition is more restrictive.

Condition 49 --- 40 CFR 60.48c(f)(2) - This regulation requires the owner to maintain records of fuel oil supplier name, the location of the oil when the sample for analysis was collected, the sulfur content of oil from which the shipment came or the shipment itself, and the method used to determine sulfur content for each shipment of oil received.

Condition 50 --- 40 CFR 60.48c(g) - This regulation requires the facility to maintain records of the amounts of each fuel combusted during each day.

Condition 55 --- 6 NYCRR Part 212.4(c) - This monitoring condition has been included to address the particulate emission requirements of 6 NYCRR Part 212 - General Process Emission Sources. The requirement to log the wet scrubber outlet water pressure once daily is justified by the fact that the rule does not specify any monitoring frequency to determine compliance with the regulation. Operating and maintaining the emission sources as stated in the monitoring condition will demonstrate compliance with the regulation.

Condition 56 --- 6 NYCRR Part 212.6(a) - This monitoring condition has been included to address the visible emissions requirements of 6 NYCRR Part 212 - General Process Emission Sources. The requirement to log the wet scrubber outlet water pressure once daily is justified by the fact that the rule does not specify any monitoring frequency to determine compliance with the regulation and any visible emissions that occur are not expected to cause any exceedances. Past experience has shown that the operations contained in the process referenced in this condition are unlikely to produce visible emissions of any magnitude.

Condition 57 --- 6 NYCRR Part 212.4(c) - This monitoring condition has been included to address the particulate emission requirements of 6 NYCRR Part 212 - General Process Emission Sources. The requirement to log the pressure drop across the fabric filter once daily is justified by the fact that the rule does not specify any monitoring frequency to determine compliance with the regulation. Operating and maintaining the emission sources as stated in the monitoring condition will demonstrate compliance with the regulation.

Condition 58 --- 6 NYCRR Part 212.6(a) - This monitoring condition has been included to address the visible emissions requirements of 6 NYCRR Part 212 - General Process Emission Sources. The requirement to log the pressure drop across the fabric filter once daily is justified by the fact that the rule does not specify any monitoring frequency to determine compliance with the regulation and any visible emissions that occur are not expected to cause any exceedances. Past experience has shown that the operations contained in the process referenced in this condition are unlikely to produce visible emissions of any magnitude.

Condition 59 --- 6 NYCRR Part 212.6(a) - This monitoring condition has been included to address the visible emissions requirements of 6 NYCRR Part 212 - General Process Emission Sources. The daily monitoring frequency is justified by the fact that the rule does not specify any monitoring frequency and any visible emissions that occur are not expected to cause any exceedances. Past experience has shown that the operations contained in the emission unit referenced in this condition are unlikely to produce visible emissions of any magnitude.

Condition 62 --- 6 NYCRR Part 212.4(c) - This monitoring condition has been included to address the particulate emission requirements of 6 NYCRR Part 212 - General Process Emission Sources. The requirement to log the wet scrubber outlet water pressure once daily is justified by the fact that the rule does not specify any monitoring frequency to determine compliance with the regulation. Operating and

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maintaining the emission sources as stated in the monitoring condition will demonstrate compliance with the regulation.