



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 7-0842-00017/00019

Renewal Number: 3

11/20/2018

Facility Identification Data

Name: KERRY

Address: 158 ST RTE 320

NORWICH, NY 13815

Owner/Firm

Name: KERRY BIOFUNCTIONAL INGREDIENTS INC

Address: 158 ST RTE 320

NORWICH, NY 13815, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: CYNTHIA M HILL

Address: NYSDEC - CORTLAND SUBOFFICE

1285 FISHER AVE

CORTLAND, NY 13045

Phone:

Division of Air Resources:

Name: THOMAS A ELTER

Address: 615 ERIE BLVD WEST

SYRACUSE, NY 13204

Air Permitting Contact:

Name: Sara Mele

Address: Kerry BioScience

158 State Highway 320

Norwich, NY 13815

Phone:3158025886

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 and addition of a new boiler.

Attainment Status

KERRY is located in the town of NORWICH in the county of CHENANGO.

The attainment status for this location is provided below. (Areas classified as attainment are those that



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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*	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:

The Norwich facility produces products that find application mainly in the food industry. Plant operations can be classified into the following main categories: (1) high-purity lactose production; (2) protein production; (3) enzyme production; and (4) flavorings/extract production.

Permit Structure and Description of Operations

The Title V permit for KERRY

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.

KERRY is defined by the following emission unit(s):

Emission unit U00017 - Hydrolyzed Proteins Reactor # 2 (Identical to Acid Reactir #1, U-00016)

Emission unit U00017 is associated with the following emission points (EP):



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17P17

Process: 017 is located at Building RB - Particulate emissions, hydrochloric acid, hydrogen sulfide emissions will vent to a packed bed scrubber, followed by a high efficiency mist eliminator.

Emission unit U00019 - Boiler # 4. B&W package boiler, 38.13 million Btu/hr heat input firing gas (36.8 mmBtu/hr firing oil), 30,000 lb/hr saturated steam max continuous rating. Capable of firing natural gas or ultra-low sulfur diesel.

The owner or operator shall not fire fuel in Boiler No. 1 simultaneous with firing fuel in Boiler No. 4. Boiler No. 1 shall be removed from service (fuel lines shall be removed) no later than 180 days after commencing operation of Boiler # 4.

Emission unit U00019 is associated with the following emission points (EP):

19P19

Process: 19A is located at Building BB - Firing natural gas in Boiler 4.

Process: 19B is located at Building BB - Firing No. 2 oil in Boiler 4.

Emission unit U00003 - Boiler #3 can fire either #2 fuel oil or natural gas as fuel.

Emission unit U00003 is associated with the following emission points (EP):

03P03

Process: A03 is located at FIRST FLOOR, Building BB - Boiler #3 is a 40 MMBTU/HR heat input boiler. Boiler #3 can fire either no. 2 fuel oil or natural gas as fuel.

Emission unit U00004 - Lactose drying process including Roto-Louve and Roller Dryers.

Emission unit U00004 is associated with the following emission points (EP):

04P06

Process: A4A is located at Second Floor, Building LA - Roto-Louve drum dryer with air discharged to atmosphere through a cyclone.

Process: A4B is located at Second Floor, Building LA - Roller dryer exhausted through a wet scrubber.

Emission unit U00005 - Lactose mill cyclone dust baghouse.

Emission unit U00005 is associated with the following emission points (EP):

05P09

Process: A05 is located at Second Floor, Building LA - Lactose mill dust is collected by a baghouse. Clean



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air is exhausted to atmosphere.

Emission unit U00008 - Toluene recovery system..

Emission unit U00008 is associated with the following emission points (EP):
08P25, 08P30

Process: A08 is located at FIRST FLOOR, Building HY - Toluene recovery system consists of a vacuum pump, flash evaporator and condenser system to recover toluene from various products produced at the facility.

Process: B08 is located at Building HY - Recovered toluene is stored in a vented atmospheric tank for reuse.

Emission unit U00009 - Lactose product baghouse.

Emission unit U00009 is associated with the following emission points (EP):
09P27

Process: A09 is located at Second Floor, Building LA - Lactose product discharge from mill is separated in a baghouse and packaged. Clean air is exhausted to atmosphere.

Emission unit U00010 - Lactose and carbon black mixing tanks.

Emission unit U00010 is associated with the following emission points (EP):
10P28

Process: 010 is located at FIRST FLOOR, Building BR - Dust from lactose and carbon black mixing tanks is drawn into a wet scrubber. Blowdown from the scrubber is ultimately routed and treated in the site wastewater treatment facility while cleaned air is exhausted to atmosphere.

Emission unit U00011 - Hydrolyzed protein dryer.

Emission unit U00011 is associated with the following emission points (EP):
11P20

Process: 011 is located at Building HY - Hydrolyzed protein dryer, cyclone, NIRO demister and IAP centrifugal wet exhaust fan.

Emission unit U00012 - Ribbon Blender Raw Material Charging Station.

Emission unit U00012 is associated with the following emission points (EP):
12P29

Process: 012 is located at Building BL - Ribbon blender material charging station with baghouse exhausted to atmosphere.



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Emission unit U00014 - Lubritose cyclone operations.

Emission unit U00014 is associated with the following emission points (EP):
14P14

Process: 014 Lubritose cyclone exhausted through a baghouse and then to atmosphere.

Emission unit U00015 - Various solid material emissions are controlled by a two-zone scrubber.

Emission unit U00015 is associated with the following emission points (EP):
15P15

Process: 015 is located at Building W5 - Blender #1 charging station, Blender #1 packaging station, Blender #2 charging station and Blender #2 exhaust vented to a two-zone scrubber using direct contact agglomeration pads followed by a high efficiency mist eliminator.

Emission unit U00016 - Hydrolyzed proteins reactor.

Emission unit U00016 is associated with the following emission points (EP):
16P16

Process: 016 is located at Building RB - Particulate emissions, acid emissions and odor from the hydrolyzed proteins reactor vent pass through a packed tower wet scrubber, followed by a high efficiency mist eliminator.

Emission unit U00020 - Wastewater Pretreatment Facility

Process: 020 is located at Building WW - Wastewater pretreatment operations.

Emission unit U00006 - Dump stations located in Building BR on the first floor servicing carbon black mixing/filter aid tanks.

Emission unit U00006 is associated with the following emission points (EP):
06P23

Process: A06 is located at FIRST FLOOR, Building BR - Dump station servicing the protein department's carbon black and filter aid tanks. Dust from one dump station is drawn through a wet scrubber before discharging to the atmosphere.



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Emission unit U00002 is associated with the following emission points (EP):
02P02

Process: A02 is located at FIRST FLOOR, Building BB - Boiler #2 is a 40 MMBTU/HR heat input boiler. Boiler #2 can fire either no. 2 fuel oil or natural gas as fuel.

Title V/Major Source Status

KERRY is subject to Title V requirements. This determination is based on the following information:
The facility is a major source under the Title V program because emissions of toluene exceed 10 tons per year.

Program Applicability

The following chart summarizes the applicability of KERRY 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)	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, 6 NYCRR 231-7, 231-8) - 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 231-5, 231-6) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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.



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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, 6 NYCRR 200.10) - 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, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - 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 212-3, 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, 6 NYCRR 200.10) - 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

2099

FOOD PREPARATIONS 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



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emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
1-02-005-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-005-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL 10-100MMBTU/HR **
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
3-02-030-99	FOOD AND AGRICULTURE FOOD AND AGRICULTURE - DAIRY PRODUCTS Other Not Classified
3-02-825-99	FOOD AND AGRICULTURE FOOD AND AGRICULTURE - WASTEWATER, POINTS OF GENERATION
3-99-999-94	WASTEWATER: SPECIFY POINT OF GENERATION MISCELLANEOUS MANUFACTURING INDUSTRIES MISCELLANEOUS INDUSTRIAL PROCESSES Other Not Classified
4-07-999-99	ORGANIC CHEMICAL STORAGE ORGANIC CHEMICAL STORAGE - MISCELLANEOUS OTHER NOT CLASSIFIED

Facility Emissions Summary

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

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
0NY507-00-0	40 CFR 63 SUBPART DDDDD TOTAL SELECTED METALS	0.1			
000630-08-0	CARBON MONOXIDE		47.5		
007647-01-0	HYDROGEN CHLORIDE		0.28		



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007783-06-4	HYDROGEN SULFIDE	700	
007439-97-6	MERCURY	0.1	
0NY210-00-0	OXIDES OF NITROGEN		72
0NY075-00-0	PARTICULATES		10
0NY075-02-5	PM 2.5		7
0NY075-00-5	PM-10		7.6
000108-88-3	TOLUENE		24
0NY100-00-0	TOTAL HAP		25
0NY998-00-0	VOC	98000	

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 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 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(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 C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(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 D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(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 E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(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 F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR



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201-6.4(a)(5)

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

Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)

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

Item H: Severability - 6 NYCRR Part 201-6.4(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 I: Permit Shield - 6 NYCRR Part 201-6.4(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 information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(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.



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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 K: Permit Exclusion - ECL 19-0305

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

Item L: 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: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.



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- (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 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 and maintained;
 - (3) During the period of the emergency the facility owner 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 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 or operator seeking to establish the occurrence of an emergency has the burden of proof.
- (c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item_02

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

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

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

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
FACILITY	ECL 19-0301	53	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 52-HH	34	Approval and Promulgation of

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U-00019	40CFR 60-A.12	50	Implementation Plans - New York
U-00019/19P19	40CFR 60-A.7	52	General provisions - Circumvention
U-00019	40CFR 60-A.8	49	General provisions - Notification and recordkeeping
U-00019/-/19B	40CFR 60-Dc.42c(d)	51	General provisions - Performance tests
FACILITY	40CFR 63-DDDDD.7500	35, 36, 37, 38	Standard for Sulfur Dioxide Firing Oil. (see narrative)
FACILITY	40CFR 63- DDDDD.7510(e)	39	ICI Boiler Major Source NESHAP - Emission and Operating Limits and Work Practice Standards
FACILITY	40CFR 63- DDDDD.7515(d)	40	ICI Boiler Major Source NESHAP - Initial Compliance Date for Existing Sources
FACILITY	40CFR 63- DDDDD.7540(a)	41	ICI Boiler Major Source NESHAP - Boiler Tune-ups
FACILITY	40CFR 63- DDDDD.7545(f)	42	ICI Boiler Major Source NESHAP - Continuous Compliance
FACILITY	40CFR 63- DDDDD.7545(h)	43	ICI Boiler Major Source NESHAP - Use of Alternative Fuel Notification
FACILITY	40CFR 63- DDDDD.7550(b)	44	ICI Boiler Major Source NESHAP - Fuel Switching Notification
FACILITY	40CFR 63-DDDDD.7555	45	ICI Boiler Major Source NESHAP - Reporting Requirements
FACILITY	40CFR 63-EEEE	46	ICI Boiler Major Source NESHAP - Recordkeeping
FACILITY	40CFR 68	19	Organic Liquid Distribution NESHAP
FACILITY	40CFR 82-F	20	Chemical accident prevention provisions
FACILITY	6NYCRR 200.2	21	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.3	22	Safeguarding information.
FACILITY	6NYCRR 200.6	1	False Statement.
FACILITY	6NYCRR 200.7	10, 23	Acceptable ambient air quality.
FACILITY	6NYCRR 201-1.4	54	Maintenance of equipment.
FACILITY	6NYCRR 201-1.7	11	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.8	12	Recycling and Salvage Prohibition of



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FACILITY	6NYCRR 201-3.2(a)	13	reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.3(a)	14	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-6	24, 47, 48	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6.4(a)(4)	15	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(c)	3	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)(2)	4	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(d)(4)	25	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(f)(6)	17	Compliance Certification
FACILITY	6NYCRR 201-7	26	Off Permit Changes
FACILITY	6NYCRR 202-1	28	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Emission Testing, Sampling and Analytical Determinations
FACILITY	6NYCRR 202-2.1	7	Required emissions tests.
FACILITY	6NYCRR 202-2.5	8	Emission Statements - Applicability
FACILITY	6NYCRR 211.1	29	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	55	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 212-1.6(a)	30	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212-2.1	56, 57, 58	Limiting of Opacity Requirements
FACILITY	6NYCRR 212-2.4(b)	31	Control of Particulate from New and Modified Process
FACILITY	6NYCRR 215.2	9	Emission Sources
FACILITY	6NYCRR 225-1.2(h)	32	Open Fires - Prohibitions
FACILITY	6NYCRR 227-1.3(a)	33	Sulfur-in-Fuel Limitations
			Smoke Emission Limitations.



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Applicability Discussion:

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

ECL 19-0301

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.

6 NYCRR 200.6

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

6 NYCRR 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

6 NYCRR 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.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR Subpart 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



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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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (f) (6)



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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.

6 NYCRR 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.

6 NYCRR 202-2.1

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

6 NYCRR 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.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

This Part lists the regulated substances and there 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, KERRY has been determined to be subject to the following regulations:

40 CFR 60.12

This regulation prohibits an owner or operator from concealing emissions in violation of applicable standards by any means.

40 CFR 60.42c (d)



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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.

40 CFR 60.7

The facility must submit to the DEC notifications.

40 CFR 60.8

This general provision of the New Source Performance Standards or NSPS, sets forth the performance test requirements for all NSPS applicable sources. Basically, all performance tests must be conducted within 60 days after achieving the maximum production rate but no later than 180 days after initial startup using procedures consistent with methods and procedures approved by the Administrator.

40 CFR 63.7500

The units are treated as "Gas 1" units under 40 CFR Part 63, Subpart DDDDD. In the event the units change to liquid fueled boilers, conditions in the permit establish emission limits for mercury, HCl, and metals, compliance with which may be determined using fuel sampling and analysis, and a condition limiting CO.

40 CFR 63.7510 (e)

This rule requires that the owner conduct an initial tune-up and energy assessment.

40 CFR 63.7515 (d)

This rule requires annual tune-ups.

40 CFR 63.7540 (a)

This condition states how to demonstrate continuous compliance with emission limits, work practice standards, and operating limits.

40 CFR 63.7545 (f)

This condition states the notification requirements for owners and operators that plan to switch from gas 1 category fuels to another fuel

40 CFR 63.7545 (h)

This condition states the notification requirements for owners and operators intending to switch fuel subcategories



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40 CFR 63.7550 (b)

This condition states when reports must be submitted.

40 CFR 63.7555

This condition specifies which records the facility must keep.

40 CFR Part 52, Subpart HH

40 CFR Part 63, Subpart EEEE

The toluene storage container and distribution system, including the toluene recovery system, is subject to 40 CFR Part 63, Subpart EEEE.

6 NYCRR 200.2

Information that is designated as secret or proprietary and meets the criteria set forth in 6 NYCRR Part 616, is required to be kept confidential. The quantity and physical and chemical characteristics of actual and allowable air emissions must remain as public information.

6 NYCRR 200.3

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

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 212-1.6 (a)

This provisions requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

6 NYCRR 212-2.1

Emissions of air contaminants to the outdoor atmosphere from any process emission source or emission point are restricted as follows:



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(a) For an air contaminant listed in section 212-2.2 table 2 – high toxicity air contaminant list, of this Subpart, the facility owner or operator shall either limit the actual annual emissions from all process operations at the facility so as to not exceed the mass emission limit listed for the individual HTAC; or demonstrate compliance with the air cleaning requirements for the HTAC as specified in subdivision 212-2.3(b), table 4 – degree of air cleaning required for non-criteria air contaminants, of this Subpart for the environmental rating assigned to the contaminant by the department.

(b) For any air contaminant not listed on table 2, unless it is a solid particulate described in subdivision (c) of this section, the facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in subdivision 212-2.3(a), table 3 – degree of air cleaning required for criteria air contaminants of this Subpart, or subdivision 212-2.3(b), table 4 – degree of air cleaning required for non-criteria air contaminants of this Subpart, as applicable, for the environmental rating assigned to the contaminant by the department.

(c) For a solid particulate assigned an environmental rating of B or C emitted from a process emission source, the facility owner or operator shall not allow emissions of particulate to exceed the requirements specified in section 212-2.4 of this Subpart.

6 NYCRR 212-2.4 (b)

Particulate emissions from any process emission source, which received a B or C Environmental Rating, and for which an application was received by the department after July 1, 1973 are restricted to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

6 NYCRR 225-1.2 (h)

Sulfur-in-fuel limitation for the firing of distillate oil on or after July 1, 2016.

6 NYCRR 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.

6 NYCRR Subpart 201-7

Emissions of VOC are capped at 49 tpy to avoid NOx RACT.

6 NYCRR Subpart 202-1

This subpart of Part 202 establishes the general criteria for verifying emissions by means of emissions sampling, testing and associated analytical determinations.

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Compliance Certification
Summary of monitoring activities at KERRY:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
FACILITY	34	intermittent emission testing
U-00019/19P19	52	record keeping/maintenance procedures
U-00019	49	record keeping/maintenance procedures
U-00019/-/19B	51	record keeping/maintenance procedures
FACILITY	35	monitoring of process or control device parameters as surrogate
FACILITY	36	monitoring of process or control device parameters as surrogate
FACILITY	37	intermittent emission testing
FACILITY	38	monitoring of process or control device parameters as surrogate
FACILITY	39	record keeping/maintenance procedures
FACILITY	40	record keeping/maintenance procedures
FACILITY	41	record keeping/maintenance procedures
FACILITY	43	record keeping/maintenance procedures
FACILITY	44	record keeping/maintenance procedures
FACILITY	45	record keeping/maintenance procedures
FACILITY	46	record keeping/maintenance procedures
FACILITY	23	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	30	monitoring of process or control device parameters as surrogate
FACILITY	56	intermittent emission testing
FACILITY	57	record keeping/maintenance procedures
FACILITY	58	record keeping/maintenance procedures
FACILITY	31	intermittent emission testing
FACILITY	32	monitoring of process or control device parameters as surrogate
FACILITY	33	monitoring of process or control device parameters as surrogate

Basis for Monitoring

The facility must monitor fuel use under 40 CFR Part 60, Subpart DDDDD.