

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 8-5432-00009/00033    Renewal Number: 1**



**09/12/2006**

**Facility Identification Data**

Name: SENECA FOODS MARION PLANT  
Address: 3736 S MAIN ST  
MARION, NY 14505

**Owner/Firm**

Name: SENECA FOODS CORP  
Address: 3736 S MAIN ST  
MARION, NY 14505-9777, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
Name: ROGER T MCDONOUGH  
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AVON, NY 14414-9519

Division of Air Resources:  
Name: SABRINA A SANDERSON  
Address: 6274 EAST AVON-LIMA ROAD  
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Phone:5852262466

Air Permitting Contact:  
Name: PETER BLANDINO  
Address: SENECA FOODS MARION PLANT  
3709 MILL STREET  
MARION, NY 14505  
Phone:3159260531

**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**

This permit is a Title V renewal for the Seneca Foods Corp. Marion Plant. The plant manufactures several sizes of aluminum cans, coats the interior of the cans, and processes and cans fruits and

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vegetables.

The original permit issued 10/3/2000, included 40 CFR 60 Subpart Dc "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Unit" monitoring conditions for emission points 1-4. However, only emission point 4 is subject to this regulation. Emission points 1, 2 and 3 were constructed before the Subpart Dc deadline date of June 9, 1989.

No other major changes were included in this permit renewal.

**Attainment Status**

SENECA FOODS MARION PLANT is located in the town of MARION in the county of WAYNE. 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.)

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
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**

The Facility: 1) processes purchased materials into cans and ends: and 2) cans fruit and vegetables. Four dual-fuel boilers (natural gas and No. 6 oil) provide steam for the processes.

**Permit Structure and Description of Operations**

The Title V permit for SENECA FOODS MARION PLANT 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



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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.

SENECA FOODS MARION PLANT is defined by the following emission unit(s):

Emission unit 001CAN - The Can Plant is separated into two can lines: SBW-4400 can line 1 and FBB-5501 can line 2. Can line 1 manufactures 404 X 700 and 603 X 700 cans, and consists of a splitter/stacker, body maker, side stripe welder and applicator, horizontal drying ovens, can crimper, jet ink applicator, 360 degree spray booth, and curing oven. Can line 2 manufactures 211 X 304 and 300 size cans, and consists of a splitter/stacker, body maker, side stripe welder and applicator, natural gas fired drying oven, can crimper and a flanger. When needed, the new 300 spray booth (300 Can Line) will operate, instead of 404 Can Line, to meet production needs. Since both 300 and 404 Can Lines share the same curing oven, only one line can operate at any given time (physical limitation).

Emission unit 001CAN is associated with the following emission points (EP): 00005, 00006, 00007, 00008, 00009, 00010, 00011, 00012, 00013, 0008A, 0008B

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

Process: 102 is located at Building CAN - The Can Plant is separated into two can lines: SBW-4400 Can line 1 and FBB-5501 Can line 2. Can line 1 manufactures 404 x 700 and 603 x 700 size cans, and consists of a splitter/stacker, body maker, side stripe welder and applicator, horizontal drying ovens, can crimper, jet ink applicator, 360 degree spray booth, and curing oven. Can line 2 manufactures 211 x 300 size cans, and consists of a splitter/stacker, body maker, side stripe welder and applicator, natural gas fired drying oven, can crimper and flanger. When needed, the new 300 spray booth (300 Can Line) will operate, instead of the 404 Can line, to meet production needs. Since 300 and 404 Can lines share the same curing oven, only one line can operate at any given time (physical limitation).

Emission unit 01BOIL - This emission unit consists of a 36 mmBtu/hr boiler, a 42 mmBtu/hr boiler and two 22 mmBtu/hr boilers.

Emission unit 01BOIL is associated with the following emission points (EP):

00001, 00002, 00003, 00004

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

Process: 101 is located at Building BOILER -

This emission unit consists of a 36 mmBtu/hr boiler (EP00001) and a 22 mmBtu/hr boiler (EP00002) burning No. 6 fuel oil and natural gas, a 22 mmBtu/hr boiler (EP00003) and a 46 mmBtu/hr boiler (EP00004) burning natural gas only.

**Title V/Major Source Status**

SENECA FOODS MARION PLANT is subject to Title V requirements. This determination is based on the following information:

Seneca Foods - Marion has the potential to emit more than 100 TPY of NO<sub>x</sub> , 50 TPY VOC and 25 TPY total HAPs.

**Program Applicability**

The following chart summarizes the applicability of SENECA FOODS MARION PLANT with regards to the principal air pollution regulatory programs:

<b>Regulatory Program</b>	<b>Applicability</b>
PSD	NO
NSR (non-attainment)	YES
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	YES
SIP	YES

**NOTES:**

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

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

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

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

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

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

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

**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.

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### 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
2033	CANNED FRUITS AND VEGETABLES
3411	METAL CANS

### SCC Codes

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

SCC Code	Description
2-02-004-02	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION LARGE BORE ENGINE Dual Fuel (Oil/Gas)
4-02-040-04	SURFACE COATING OPERATIONS SURFACE COATING OPERATIONS - FABRIC PRINTING FABRIC PRINTING, ROLLER: STEAM CANS/DRYING

### Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Series code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for

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that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term ‘HAP’ refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
0NY100-00-0	HAP	46000	
0NY210-00-0	OXIDES OF NITROGEN		>= 50 tpy but < 100 tpy
0NY075-00-0	PARTICULATES		>= 100 tpy but < 250 tpy
007446-09-5	SULFUR DIOXIDE		>= 50 tpy but < 100 tpy
0NY998-00-0	VOC		>= 250 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

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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 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;

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

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

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

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

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

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

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

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

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

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

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

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	56
0-1BOIL	40CFR 60-Dc.48c(g)	Reporting and Recordkeeping Requirements.	54
0-1BOIL	40CFR 60-Dc.48c(i)	Reporting and Recordkeeping Requirements.	55
FACILITY	40CFR 63-A	Subpart A - General Provisions apply to all NESHAP affected sources	31
FACILITY	40CFR 63-KKKK	Metal can Surface Coating (PART 63 NESHAPS)	27
FACILITY	40CFR 68	Chemical accident prevention provisions	21
FACILITY	40CFR 82-F	Protection of Stratospheric Ozone - recycling and emissions reduction	22, 32
FACILITY	6NYCRR 200.6	Acceptable ambient air quality.	1
FACILITY	6NYCRR 200.7	Maintenance of equipment.	10
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	57
FACILITY	6NYCRR 201-1.7	Recycling and Salvage	11
FACILITY	6NYCRR 201-1.8	Prohibition of reintroduction of collected contaminants to the air	12
FACILITY	6NYCRR 201-3.2(a)	Exempt Activities - Proof of eligibility	13
FACILITY	6NYCRR 201-3.3(a)	Trivial Activities - proof of eligibility	14
FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	23, 33, 34
FACILITY	6NYCRR 201-6.5(a)(4)	General conditions	15
FACILITY Fees 2	6NYCRR 201-6.5(a)(7)	General conditions	
FACILITY	6NYCRR 201-6.5(a)(8)	General conditions	16
FACILITY	6NYCRR 201-6.5(c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	3
FACILITY	6NYCRR 201-6.5(c)(2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	4
FACILITY	6NYCRR 201-6.5(c)(3)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	24
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	Permit conditions for Recordkeeping and	5

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		Reporting of Compliance Monitoring	
FACILITY	6NYCRR 201-6.5(d) (5)	Compliance schedules	17
FACILITY	6NYCRR 201-6.5(e)	Compliance Certification	6
FACILITY	6NYCRR 201-6.5(f)	Operational flexibility	25
FACILITY	6NYCRR 201-6.5(f) (6)	Off Permit Changes	18
FACILITY	6NYCRR 201-7.2	Emissions capping using synthetic minor permits	26, 27
FACILITY	6NYCRR 202-1.1	Required emissions tests.	19
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	7
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	8
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	58
FACILITY	6NYCRR 211.3	General Prohibitions - visible emissions limited	20
0-01CAN	6NYCRR 212.10	NOx and VOC RACT required at major facilities	37, 38
0-01CAN	6NYCRR 212.11(a)	Sampling and monitoring	39
0-01CAN	6NYCRR 212.3(a)	General Process Emission Sources - emissions from existing emission sources	59
0-01CAN	6NYCRR 212.3(b)	General Process Emission Sources - emissions from existing emission sources	35
0-01CAN	6NYCRR 212.4(a)	General Process Emission Sources - emissions from new sources and/or modifications	60
0-1BOIL	6NYCRR 212.4(a)	General Process Emission Sources - emissions from new sources and/or modifications	65
0-01CAN	6NYCRR 212.4(b)	New processes	61
0-1BOIL	6NYCRR 212.4(b)	New processes	66
0-01CAN	6NYCRR 212.4(c)	General Process Emission Sources - emissions from new processes and/or modifications	36
0-01CAN	6NYCRR 212.5(a)	Applicable emission standards	62
0-1BOIL	6NYCRR 212.5(a)	Applicable emission standards	67
0-01CAN	6NYCRR 212.5(b)	Applicable emission standards	63
0-1BOIL	6NYCRR 212.5(b)	Applicable emission standards	68
0-01CAN	6NYCRR 212.5(c)	Applicable emission standards	64
0-1BOIL	6NYCRR 212.5(c)	Applicable emission standards	69
FACILITY	6NYCRR 215	Open Fires	9
0-1BOIL	6NYCRR 227.2(b) (1)	Particulate emissions.	52
FACILITY	6NYCRR 227-2	Reasonably available control technology for NOx	28
0-1BOIL	6NYCRR 227-2.4(d)	RACT for Oxides of	51



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		Nitrogen - small boilers.	
FACILITY	6NYCRR 228.3 (a)	Recordkeeping, reports for VOCs	29
0-01CAN	6NYCRR 228.3 (c)	Solids as applied	40
0-01CAN	6NYCRR 228.3 (d)	Coating system as a control strategy	41
0-01CAN	6NYCRR 228.4	Opacity	42
0-01CAN	6NYCRR 228.5 (a)	VOC recordkeeping by the facility	43
0-01CAN	6NYCRR 228.5 (b)	Use of Methods 311 or 24.	44
0-01CAN	6NYCRR 228.5 (d)	Department Access to Obtain Samples	45
0-01CAN	6NYCRR 228.5 (f)	Testing and monitoring; Methods 18, 25 and 25A	46
0-01CAN	6NYCRR 228.7	Table 1	47, 48
0-01CAN/00009	6NYCRR 228.7	Table 1	49
0-01CAN/00010	6NYCRR 228.7	Table 1	50
0-1BOIL	6NYCRR 231-2.2 (b)	Applicability	53
FACILITY	6NYCRR 231-2.4	Permit Requirements	30

**Applicability Discussion:**

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

ECL 19-301.

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

6NYCRR Part 200-.6

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

6NYCRR Part 200-.7

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

6NYCRR Part 201-1.4

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

6NYCRR Part 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

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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.

6NYCRR 201-6.5(a)(4)

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

6NYCRR 201-6.5(a)(7)

This is a mandatory condition that requires the owner or operator of a facility

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subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6NYCRR 201-6.5(a)(8)

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

6NYCRR Part 201-6.5(c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; 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)

This regulation specifies that the permit incorporate all reporting requirements associated with an applicable federal rule, the submittal of any required monitoring reports at least every 6 months, and 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(c)(3)(ii)

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

6NYCRR 201-6.5(d)(5)

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

6NYCRR Part 201-6.5(e)

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

#### 6NYCRR 201-6.5(f)(6)

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

#### 6NYCRR Part 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 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.

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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, SENECA FOODS MARION PLANT has been determined to be subject to the following regulations:

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.

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 descibe 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;

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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-KKKK

Facilities which are major sources of Hazardous Air Pollutants (HAP) are subject to 40 CFR 63 Subpart KKKK "Metal Can surface Coating NESHAP. Major sources of HAPs emit more than 25 tons per year. This rule limits HAP emissions at HAP major sources.

6NYCRR 201-6.5 (f)

This regulation defines in general terms under what circumstances changes would be allowed without a permit modification provided the permit contains sufficient operational flexibility provisions.

6NYCRR 201-7.2

This regulation allows facilities to restrict or cap emissions of contaminant(s) in order to avoid being subject to one or more applicable regulations. The facility must comply with permit monitoring conditions, record keeping and reporting strategies that will be used to demonstrate emissions remain below the federally enforceable cap.

6NYCRR 212 .10

Surface coating processes, not subject to 6 NYCRR Part 228, with a maximum volatile organic compound (VOC) content of 3.5 pounds VOC per gallon comply with reasonably available control technology (RACT)

6NYCRR 212 .11 (a)

Seneca Foods shall conduct stack testing to demonstrate compliance with 6 NYCRR Part 212, upon the request of the Department.

6NYCRR 212 .3 (a)

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

6NYCRR 212 .3 (b)

This rule requires existing sources (in operation on or before 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 0.15 grains per dry standard cubic foot.

6NYCRR 212 .4 (a)

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

6NYCRR 212 .4 (b)

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

6NYCRR 212 .4 (c)

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

6NYCRR 212 .5 (a)

This section establishes an emission rate when two or more control devices exit to the atmosphere through a single emission point.

6NYCRR 212 .5 (b)

This section establishes emission rates for a single control device that exits to the atmosphere through more than one emission point

6NYCRR 212 .5 (c)

This section provides emission rates when two control devices exhaust to one emission point and the concentration is in grains per standard cubic foot

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 227-2

This regulation limits the emission of oxides of nitrogen (NOx) from stationary combustion installations (boilers, combustion turbines and internal combustion engines).

6NYCRR 227-2.4 (d)

This rule specifies that the reasonably available control technology (RACT) requirement for small boilers (< or = 50 million BTUs/hr) at Title V facilities consists of an annual tune-up.

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6NYCRR 228 .3 (a)

This citation prohibits the use of coatings that exceed the maximum permitted pounds of volatile organic compounds per gallon, unless a coating system meeting certain requirements is used.

6NYCRR 228 .3 (c)

This citation specifies a minimum 85 percent overall removal efficiency for an air cleaning device used as a control strategy and how to determine this efficiency.

6NYCRR 228 .3 (d)

This citation requires an owner or operator of a coating line which utilizes a coating system as a control strategy (which may also employ a control device) to comply with specified requirements for computing efficiency and for Department approval.

6NYCRR 228 .4

This citation prohibits any person from emitting (or to allow emissions) to the outdoor atmosphere having an average opacity of 20 percent or greater for any consecutive six-minute period from any emission source subject to this Part.

6NYCRR 228 .5 (a)

This citation requires the owner or operator of any emission source subject to 6 NYCRR Part 228 to maintain and, upon request, provide the Department with a certification from the coating supplier/manufacturer which verifies the parameters used to determine the actual volatile organic compound (VOC) content of each as applied coating. In addition it requires the purchase, usage and/or production records of the coating material, including solvents and any additional information required to determine compliance with Part 228, to be maintained in a format acceptable to the Department; and upon request, submitted to the Department.

6NYCRR 228 .5 (b)

This citation requires the owner and operator of any emission source subject to Part 228 to, upon request by the Department, use Method 311 or Method 24 as presented in Appendices A of both 40 CFR Parts 63 and 60, to measure the volatile content, water content, density, volume of solids and weight of solids in order to determine the actual VOC content of an applied coating during a compliance demonstration.

6NYCRR 228 .5 (d)

This citation allows representatives of the Department to obtain coating samples during reasonable business hours, for the purpose of determining compliance.

6NYCRR 228 .5 (f)

Facility must follow notification, protocol and test procedures for testing and monitoring the VOC concentration of a gas stream.

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### 6NYCRR 228.7

Table 1 lists the processes and a description of products that are regulated by Part 228 and the maximum permitted pounds of volatile organic compounds per gallon of coating at application.

### 6NYCRR 231-2.2 (b)

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

The purpose of Section 231-2.2 is to define what new or modified facilities are subject to the requirements set forth in the other sections of the rule. Under subsection (b) of the section, facilities located in the severe ozone non-attainment area have an option regarding the level of pollution controls provided that certain requirements are met.

### 6NYCRR 231-2.4

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

The permitting requirements for proposed source projects and new major facilities are set forth in section 231-2.4.

### **Compliance Certification**

Summary of monitoring activities at SENECA FOODS MARION PLANT:

<b>Location Facility/EU/EP/Process/ES</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
0-1BOIL	record keeping/maintenance procedures	54
0-1BOIL	record keeping/maintenance procedures	55
FACILITY	record keeping/maintenance procedures	31
FACILITY	record keeping/maintenance procedures	24
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
FACILITY	record keeping/maintenance procedures	25
FACILITY	work practice involving specific operations	27
FACILITY	record keeping/maintenance procedures	7
0-01CAN	intermittent emission testing	35
0-01CAN	monitoring of process or control device parameters as surrogate	36



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0-1BOIL	intermittent emission testing	52
FACILITY	record keeping/maintenance procedures	28
0-1BOIL	record keeping/maintenance procedures	51
0-01CAN	record keeping/maintenance procedures	41
0-01CAN	monitoring of process or control device parameters as surrogate	42
0-01CAN	record keeping/maintenance procedures	43
0-01CAN	record keeping/maintenance procedures	44
0-01CAN	record keeping/maintenance procedures	46
0-01CAN	work practice involving specific operations	47
0-01CAN	work practice involving specific operations	48
0-01CAN/00009	work practice involving specific operations	49
0-01CAN/00010	work practice involving specific operations	50
0-1BOIL	monitoring of process or control device parameters as surrogate	53

**Basis for Monitoring**

Condition 26, 27, 31: Facility-wide hazardous air pollutants (HAP) emissions are limited to below 23 tons per year which is below the major source status. This emission cap allows the facility to avoid 40CFR 63 Subpart KKKK "Metal Can Surface Coating NESHAP" requirements.

Condition 28: The facility will release less than 190,0000 pounds of nitrogen oxides (NOx) during any consecutive 12-month period. This cap on emissions allows the facility to be exempt from the 6 NYCRR Part 227-2 monitoring requirements.

Condition 29: The facility can't use coatings which exceed the maximum pounds of VOC (volatile organic compounds) per gallon listed in Table 1 of 6NYCRR Part 228.7 or Table 2 of Part 228.8

Condition 35 : For existing sources, facility emission points shall not release concentrations of particles greater than 0.15 grains per cubic foot of exhaust gas.

Condition 36: For new and modified sources, particles must be less than 0.05 grains per cubic foot of exhaust gas.

Condition 37: Reasonably available control technology (RACT) must be used at emission points emitting volatile organic compounds (VOCs). Emission points equipped with a capture system and control device combined for an 81% overall removal efficiency comply with RACT.

Condition 38: Coating processes which use a VOC content of 3.5 pounds or less, and are not subject to 6 NYCRR 228, comply with RACT.

Condition 39: If the Department requests stack testing under 6 NYCRR Part 212, the facility must comply with notification and capture efficiency requirements in 6 NYCRR Part 202.

Condition 40: Overall removal efficiency of an air cleaning device used as a control strategy must be determined using the equation in Part 228.3(c).

Condition 41: A coating system used as a control strategy can't include coatings applied via handheld

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spray guns, must determine the emission differential (ED) according to the equation in 228.3(d), and must be approved by the Department.

Condition 42: Emissions can't have an opacity 20 percent or greater for more than 6 consecutive minutes.

Condition 43: The facility must maintain and provide the Department with a coating supplier/manufacturer certification verifying the VOC content of each coating.

Condition 44: The facility must use Method 311 or Method 24 to determine actual VOC content as applied.

Condition 46: The facility must follow notification, protocol and test procedures of Part 202 to measure VOC concentrations of a gas stream from a control device.

Condition 47: For three-piece metal can side-seam lines, the coating can contain a maximum 5.5 pounds VOC per gallon of coating.

Condition 48: For two and three-piece metal can interior body spray lines, the coating can contain a maximum 4.2 pounds VOC per gallon of coating.

Condition 49, 50: For metal can end sealing lines (EP 00009, 00010), the coating can contain a maximum 3.7 pounds VOC per gallon of coating.

Condition 51: Boilers must have an annual tune-up and the operator must maintain a log of tune-ups.

Condition 52: Boilers firing fuel oil must not emit more than 0.1 pound particulates per million Btus. The facility must perform a stack test to determine emission rate.

Condition 53: Nitrogen oxide emissions from emission points 00003 and 00004, combined, are limited to 39 tons per year. This cap is less than the 6 NYCRR Part 231 New Source Review applicability of 40 tons.

Condition 54: For EP 00004, the facility shall maintain records of the amount of fuel combusted each day.

Condition 55: For EP 00004, records shall be kept for two years.