



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

Permit ID: 9-2909-00107/00001

Renewal Number: 2

12/08/2010

Facility Identification Data

Name: VANDEMARK CHEMICAL INC

Address: 1 NORTH TRANSIT RD

LOCKPORT, NY 14094

Owner/Firm

Name: VANDEMARK CHEMICAL INC

Address: 1 NORTH TRANSIT RD

LOCKPORT, NY 14094, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

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1 N TRANSIT RD

LOCKPORT, NY 14094-2399

Phone:7164336764

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 application represents the renewal of the Title V operating permit for VanDeMark Chemical, Inc in accordance with the provisions of 6NYCRR, Part 201-6.7.



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Attainment Status

VANDEMARK CHEMICAL INC is located in the town of LOCKPORT in the county of NIAGARA. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL 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:

VanDeMark Chemical, located in Lockport, New York, is a manufacturer of custom chemicals on a batch or semi-continuous basis. Custom chemicals include but are not limited to phosgene and phosgene derivatives. The facility is subject to the Title V major source permitting requirements of 40 CFR Part 70 and 6 NYCRR, Part 201-6 as determined by historical emissions of carbon monoxide in excess of 100 tons per year from the production of phosgene. The facility uses various batch chemical reactors, mixing vessels, process vents, tanks, dryers, condensers, scrubbers, fabric filters, and carbon vapor drums in the manufacture of its products and the control of air pollutants emitted from these processes.

Permit Structure and Description of Operations

The Title V permit for VANDEMARK CHEMICAL INC

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



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that is not included in the above categories.

VANDEMARK CHEMICAL INC is defined by the following emission unit(s):

Emission unit UDERV1 - VanDeMark phosgene and phosgene derivative production area. This emission unit includes emission points: 00SC4-the main scrubber exhaust; 00SC8-plant ventilation and emergency scrubbing system, 00P5-phosgene production area ventilation and emergency scrubber, 00S17-drum filling station; 00S19-D3 vent condenser; 00S20-vent condenser; 00S21-solids addition baghouse in C-1 for D-3; 00S22-solids addition baghouse in C-1 for D-7; 00S23-vac-u-max filter for D-7; 00S24-Vac-u-max filter in D-3; 00S28-dust collector for solids addition room in C-1 for room ventilation; 00S29- baghouse in D-7; 00S40-filter dryer vent condenser; 00S41 filter Neutche activated carbon drum; OPT20-vacuum pump cooling tank; OPT33-receiver tank; OPT34-wash tank; 00S30-HCL purification unit; OPT29-waste water holding tank.

Emission unit UDERV1 is associated with the following emission points (EP):

00P5, 00S17, 00S19, 00S20, 00S21, 00S22, 00S23, 00S24, 00S28, 00S29, 00S30, 00S40, 00S41, 00SC4, 00SC8, OPT20, OPT29, OPT33, OPT34

Process: CM1 is located at First, Building D-AREA - This is the D-area production unit.

Phosgene is used as a reactant to produce phosgene derivatives. A scrubbing system consisting of two packed towers S3 and S4, emission point 00SC4 is used to control emissions of phosgene, hydrogen chloride, chloroformates, sulfur dioxide and chlorine. There is a large scrubbing tower, S8, emission point 00SC8, which is used in by-pass and emergency situations for emissions normally venting to emission point 00SC4. This scrubber column normally handles plant ventilations, pressure relief devices, vacuum pumps in D-Area and the D-3 addition blower.

Process: DMI is located at Building B-AREA - Phosgene production gases are vented to the main scrubber columns S3 and S4, emission point point 00SC4. Phosgene production fugitive emissions and chlorine are vented to emission point 00P5, a caustic scrubber. This scrubber may be used in an emergency situation for phosgene production.

Emission unit UPLAB1 - U-PLAB1 describes exempt laboratory activities and at times may have production activities. This unit has two potentially regulated emission points LAB01, a scrubber, and LAB02, an activated carbon drum. If commercial products are being made and there are applicable requirements, the appropriate monitoring will be conducted.

Emission unit UPLAB1 is associated with the following emission points (EP):

LAB01, LAB02

Process: PL1 is located at A-10, Building A-AREA - Pilot lab off-gases vent through emission point LAB01 and are destroyed in a caustic scrubber. Emission point LAB01 is located in the B-Area while processes are located in the A-Area. Pilot lab processes off-gases vented through emission point LAB02 are located in A-Area and absorbed in the activated carbon units.



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Emission unit UTANK1 - VanDeMark storage vessels. Volatile organic compound storage tanks include emission points ST119, OST21, OST22, OST25, ST26A, OST27, OST28, OST29, and OST30 in C-Area and emission points 00ST7, OST32, OST35, and OST36 in the D-Area.

Emission unit UTANK1 is associated with the following emission points (EP):
00ST7, OST14, OST21, OST22, OST25, OST27, OST28, OST29, OST30, OST32, OST35, OST36, ST119, ST26A

Process: ST1 is located at 1, Building C-AREA - Volatile organic compound storage tanks.

Emission unit UFUG01 - This emission unit defines process fugitive emissions from the phosgene derivatives laboratory, A-area; phosgene production B-area; C-area; and D-area.

Process: FUG is located at A-B-C-D AREAS, Building FUG AREA - Process fugitive emissions.

Title V/Major Source Status

VANDEMARK CHEMICAL INC is subject to Title V requirements. This determination is based on the following information:

The facility is subject to the Title V major source permitting requirements of 40 CFR Part 70 and 6 NYCRR, Part 201-6 as determined by historical emissions of carbon monoxide in excess of 100 tons per year from the production of phosgene

Program Applicability

The following chart summarizes the applicability of VANDEMARK CHEMICAL INC with regards to the principal air pollution regulatory programs:

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

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52) - requirements which pertain to major



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stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

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

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

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

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

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

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

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

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

Compliance Status

Facility is in compliance with all requirements.



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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

2834
2869

PHARMACEUTICAL PREPARATIONS
INDUSTRIAL ORGANIC CHEMICALS, NEC

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents

a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

3-01-830-01

3-01-999-99

CHEMICAL MANUFACTURING
CHEMICAL MANUFACTURING - GENERAL PROCESSES
Storage/Transfer
CHEMICAL MANUFACTURING
CHEMICAL MANUFACTURING - OTHER NOT
CLASSIFIED
Specify in Comments Field

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

Cas No.	Contaminant Name	PTE
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		lbs/yr	Range
000123-91-1	1,4-DIETHYLENE DIOXIDE		> 0 but < 10 tpy
000121-69-7	BENZENAMINE, N, N-DIMETHYL		> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE		>= 250 tpy but < 75,000 tpy
007782-50-5	CHLORINE		>= 10 tpy
000108-90-7	CHLOROBENZENE		>= 10 tpy
000075-09-2	DICHLOROMETHANE		> 0 but < 10 tpy
000068-12-2	FORMAMIDE, N,N-DIMETHYL		> 0 but < 10 tpy
ONY100-00-0	HAP		>= 40 tpy but < 50 tpy
000110-54-3	HEXANE		> 0 but < 10 tpy
000302-01-2	HYDRAZINE		> 0 but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE		>= 10 tpy
000067-56-1	METHYL ALCOHOL		> 0 but < 10 tpy
000079-22-1	METHYL CHLOROCARBONATE (C2H3CLO2)		>= 10 tpy but < 25 tpy
001634-04-4	METHYL TERTBUTYL ETHER		> 0 but < 10 tpy
000121-44-8	N,N-DIETHYL ETHANAMINE		> 0 but < 10 tpy
ONY210-00-0	OXIDES OF NITROGEN		>= 2.5 tpy but < 10 tpy
ONY075-00-0	PARTICULATES		>= 2.5 tpy but < 10 tpy
000108-95-2	PHENOL		> 0 but < 10 tpy
000075-44-5	PHOSGENE		>= 10 tpy
ONY075-00-5	PM-10		> 0 but < 2.5 tpy
007446-09-5	SULFUR DIOXIDE	79999	
000108-88-3	TOLUENE		>= 10 tpy
ONY998-00-0	VOC	99999	
001330-20-7	XYLENE, M, O & P MIXT.		> 0 but < 10 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 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



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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 B: 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 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 - 6 NYCRR 201-6.5(a)(5)

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

Item H: Property Rights - 6 NYCRR 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

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of a challenge, the remainder of this permit shall continue to be valid.

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

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

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



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

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

Item L: Permit Exclusion - ECL 19-0305

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

Regulatory Analysis

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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-A.21(i)(1)	27	Review of Major Stationary Sources and Major Modifications - Source Applicability
U- TANK1/OST36/ST1/OST36	40CFR 60-Kb.116b	52	NSPS for volatile organic liquid storage vessels- monitoring of operations
FACILITY	40CFR 68	21	Chemical accident prevention provisions
U-DERV1	40CFR 68-A.10(a)	41	Applicability
U-DERV1	40CFR 68-A.10(e)	42	Applicability
FACILITY	40CFR 82-A	30	Protection of Stratospheric Ozone - production and consumption controls
FACILITY	40CFR 82-F	22, 23	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	40CFR 82-F.154	31	Protection of Stratospheric Ozone - recycling and emissions reduction - prohibitions
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	54	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	24, 32, 33	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5(a)(4)	15	General conditions
FACILITY	6NYCRR 201-6.5(a)(7)	2	General conditions
FACILITY	6NYCRR 201-6.5(a)(8)	16	Fees
FACILITY	6NYCRR 201-6.5(c)	3	General conditions
FACILITY			Permit conditions for Recordkeeping and Reporting of

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FACILITY	6NYCRR 201-6.5(c)(2)	4	Compliance Monitoring Permit conditions for Recordkeeping and Reporting of
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	5	Compliance Monitoring Permit conditions for Recordkeeping and Reporting of
FACILITY	6NYCRR 201-6.5(d)(5)	17	Compliance Monitoring
FACILITY	6NYCRR 201-6.5(e)	6	Compliance schedules
FACILITY	6NYCRR 201-6.5(f)(2)	25	Certification
FACILITY	6NYCRR 201-6.5(f)(6)	18	Protocol
FACILITY	6NYCRR 201-7	26, 27, 28	Off Permit Changes
FACILITY	6NYCRR 202-1.1	19	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-2.1	7	Required emissions tests.
FACILITY	6NYCRR 202-2.5	8	Emission Statements - Applicability
FACILITY	6NYCRR 211.2	55, 56	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.3	20	General Prohibitions - air pollution prohibited.
FACILITY	6NYCRR 212.10(a)(2)	28	General Prohibitions - visible emissions limited
U-DERV1	6NYCRR 212.4(a)	34, 35, 36, 37, 38	NOx and VOC RACT required at major facilities
U-PLAB1/LAB02	6NYCRR 212.4(a)	59	General Process Emission Sources - emissions from new sources and/or modifications
U-DERV1	6NYCRR 212.4(c)	39	General Process Emission Sources - emissions from new processes and/or modifications
U-DERV1	6NYCRR 212.6(a)	40	General Process Emission Sources - opacity of emissions limited
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 221.2	57	Prohibition.
FACILITY	6NYCRR 229.1(d)(2)(vii)	28	New requirements outside NYCMA/LOCMA VOL tanks 10000-20000 gallons
U-TANK1	6NYCRR 229.1(d)(2)(vii)	46	New requirements outside NYCMA/LOCMA VOL tanks 10000-20000 gallons
FACILITY	6NYCRR 229.1(d)(2)(viii)	28	New requirements outside NYCMA/LOCMA



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U-TANK1	6NYCRR 229.1(d)(2)(viii)	47	VOL tanks less than 10000 gallons New requirements outside NYCMA/LOCMA VOL tanks less than 10000 gallons
U- DERV1/00SC4/CM1/SIST3	6NYCRR 229.3(e)(2)(iv)	44	Volatile organic liquid storage tanks
U- TANK1/0ST21/ST1/0ST21	6NYCRR 229.3(e)(2)(iv)	50	Volatile organic liquid storage tanks
U- TANK1/0ST22/ST1/0ST22	6NYCRR 229.3(e)(2)(iv)	51	Volatile organic liquid storage tanks
U- DERV1/00SC4/CM1/SIST2	6NYCRR 229.3(e)(2)(v)	43	Volatile organic liquid storage tanks
U- DERV1/00SC4/CM1/SIST8	6NYCRR 229.3(e)(2)(v)	45	Volatile organic liquid storage tanks
U- TANK1/00ST7/ST1/00ST7	6NYCRR 229.3(e)(2)(v)	48	Volatile organic liquid storage tanks
U- TANK1/0ST14/ST1/0ST14 FACILITY	6NYCRR 229.3(e)(2)(v)	49	Volatile organic liquid storage tanks
FACILITY	6NYCRR 236.6(e)(3)	29	Exemptions.
FACILITY	6NYCRR 617.11(d)	58	Decision-making and findings requirements

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,



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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 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 201-6.5 (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.

6 NYCRR 201-6.5 (a) (7)

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

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR 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



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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 201-6.5 (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.

6 NYCRR 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.

6 NYCRR 201-6.5 (e)

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

6 NYCRR 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.

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 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 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 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.



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40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

Facility Specific Requirements

In addition to Title V, VANDEMARK CHEMICAL INC has been determined to be subject to the following regulations:

40 CFR 52.21 (i) (1)

Any stationary source or modification to which the requirements of this regulation apply cannot begin construction without a valid permit.

40 CFR 60.116b

This regulation sets forth the parameters and test methods to be used to monitor the operations of Subpart Kb applicable storage vessels.

40 CFR 68.10 (a)

(a) An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance is required to comply with the requirements to have an accidental release plan within a defined time, which is no later than:

- (1) June 21, 1999;
- (2) Three years after the date on which a regulated substance is first listed; or
- (3) The date on which a regulated substance is first present above a threshold quantity.

40 CFR 68.10 (e)

If at any time a covered process has a change in its eligibility criteria, the owner or operator shall comply with the requirements associated with the new criteria that applies to the process and update the RMP.



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40 CFR 82.154

This section specifies the following prohibitions:

Effective June 14, 1993, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any class I or class II substance used as refrigerant in such equipment. De minimis releases associated with good faith attempts to recycle or recover refrigerants are not subject to this prohibition.

Effective July 13, 1993, no person may open appliances except MVACs for maintenance, service, or repair, and no person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances.

Effective November 15, 1993, no person may manufacture or import recycling or recovery equipment for use during the maintenance, service, or repair of appliances except MVACs, and no person may manufacture or import recycling or recovery equipment for use during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances, unless the equipment is certified.

Effective June 14, 1993, no person shall alter the design of certified refrigerant recycling or recovery equipment in a way that would affect the equipment's ability to meet the certification standards set forth in § 82.158 without resubmitting the altered design for certification testing. Until it is tested and shown to meet the certification standards the equipment so altered will be considered uncertified.

Effective August 12, 1993, no person may open appliances except MVACs for maintenance, service, or repair, and no person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances, unless such person has certified to the Administrator pursuant to § 82.162 that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart.

Effective August 12, 1993, no person may recover refrigerant from small appliances, MVACs, and MVAC-like appliances for purposes of disposal of these appliances unless such person has acquired recovery equipment that meets the standards set forth in § 82.158 (l) and/or (m).

No person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant.

No person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant.

Effective August 12, 1993, no person reclaiming refrigerant may release more than 1.5% of the refrigerant received by them.

Effective November 15, 1993, no person may sell or distribute, or offer for sale or distribution, any



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appliances, except small appliances, unless such equipment is equipped with a servicing aperture to facilitate the removal of refrigerant at servicing and disposal.

Effective November 15, 1993, no person may sell or distribute, or offer for sale or distribution any small appliance unless such equipment is equipped with a process stub to facilitate the removal of refrigerant at servicing and disposal.

No technician training or testing program may issue certificates pursuant to § 82.161 unless the program complies with all of the standards of § 82.161 and appendix D, and has been granted approval.

Effective November 14, 1994, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance for use as a refrigerant to any person unless:

40 CFR Part 82, Subpart A

This subpart is intended to implement the Montreal Protocol on Substances that Deplete the Ozone Layer and sections 602, 603, 604, 605, 606, 607, 614 and 616 of the Clean Air Act Amendments of 1990, Public Law 101-549. It imposes limits on the production and consumption (defined as production plus imports minus exports, excluding transshipments and used controlled substances) of certain ozone-depleting substances according to specified schedules. The requirement applies to any person that produces, transforms, destroys, imports or exports a controlled substance or imports or exports a controlled product.

6 NYCRR 201-6.5 (f) (2)

This regulation defines, in general terms, the protocol component of the operational flexibility provisions. Protocols are to specify how proposed compliance changes are to be evaluated with respect to applicable requirements and in particular Part 212. This regulation requires the protocol to include provisions for notifying the Department of changes, assessing control requirements, determining compliance with applicable rules and maintaining the source inventory.

6 NYCRR 212.10 (a) (2)

Facilities with an annual potential to emit of 50 tons or more of volatile organic compounds located outside of New York City metropolitan areas must apply RACT. Vandemark has chosen to limit its VOC emissions to less than major source.

6 NYCRR 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.

6 NYCRR 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



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0.05 grains per dry standard cubic foot.

6 NYCRR 212.6 (a)

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

6 NYCRR 221.2

No person shall engage in or allow surface coating by the spraying of asbestos or asbestos-containing materials.

6 NYCRR 229.1 (d) (2) (vii)

This requires the owners or operators of specific types of sources located at facilities in areas other than the New York City metropolitan area or the Lower Orange County metropolitan area, which were designated as nonattainment areas for ozone on or after August 23, 1979, to comply with this Part according to a specific date or compliance schedule (subdivision(g)) and specified control requirements of section 229.3 of this Part.

6 NYCRR 229.1 (d) (2) (viii)

The owner or operator of processes subject to this requirement must have been in compliance with this Part or have had its permits modified to limit its annual potential to emit below the applicability criteria by 6/1/95.

6 NYCRR 229.3 (e) (2) (iv)

This section requires a tank with submerged fill for storage of volatile organic liquids

6 NYCRR 229.3 (e) (2) (v)

This section requires the tank to be equipped with conservation vents for storage of volatile organic liquids.

6 NYCRR 236.6 (e) (3)

VanDeMark as a producer of Phosgene is subject to the Reasonably Available Control Technology(RACT) requirements of 6NYCRR, Part 236 for Synthetic Organic Chemical Manufacturing Facility Component Leaks. As per 236.6(e)(3) the facility has submitted an alternative method of compliance with the requirements of this Part and this Department has determined these procedures to exceed the control and repair requirements of this Part and therefore constitute RACT.

6 NYCRR 617.11 (d)

617.11 DECISION-MAKING AND FINDINGS REQUIREMENTS.

(a) Prior to the lead agency's decision on an action that has been the subject of a final EIS, it shall afford agencies and the public a reasonable time period (not less than 10 calendar days) in which to consider the final EIS before issuing its written findings statement. If a project modification or



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change of circumstance related to the project requires a lead or involved agency to substantively modify its decision, findings may be amended and filed in accordance with subdivision 617.12(b) of this Part.

(b) In the case of an action involving an applicant, the lead agency's filing of a written findings statement and decision on whether or not to fund or approve an action must be made within 30 calendar days after the filing of the final EIS.

(c) No involved agency may make a final decision to undertake, fund, approve or disapprove an action that has been the subject of a final EIS, until the time period provided in subdivision 617.11(a) of this section has passed and the agency has made a written findings statement. Findings and a decision may be made simultaneously.

(d) Findings must:

- (1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
- (2) weigh and balance relevant environmental impacts with social, economic and other considerations;
- (3) provide a rationale for the agency's decision;
- (4) certify that the requirements of this Part have been met;
- (5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

(e) No state agency may make a final decision on an action that has been the subject of a final EIS and is located in the coastal area until the agency has made a written finding that the action is consistent with applicable policies set forth in 19 NYCRR 600.5. When the Secretary of State has approved a local government waterfront revitalization program, no state agency may make a final decision on an action, that is likely to affect the achievement of the policies and purposes of such program, until the agency has made a written finding that the action is consistent to the maximum extent practicable with that local waterfront revitalization program.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is Actual emissions of volatile organic compounds(VOCs), as of 03/13/1997 are limited to less than 50 tons per each rolling twelve month period in order to avoid the Reasonably Available Control Requirements (RACT) of 6NYCRR, Part 212.10 and Part 229.

VanDeMark will accept federally enforceable permit conditions to limit its potential to emit of sulfur dioxide from the production of Carbester to less than the 40 ton significant emissions increase for a major modification subject to Prevention of Significant Deterioration.

Compliance Certification

Summary of monitoring activities at VANDEMARK CHEMICAL INC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
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U-TANK1/OST36/ST1/OST36	52	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	25	record keeping/maintenance procedures
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	7	record keeping/maintenance procedures
FACILITY	56	record keeping/maintenance procedures
U-DERV1	34	monitoring of process or control device parameters as surrogate
U-DERV1	35	monitoring of process or control device parameters as surrogate
U-DERV1	36	monitoring of process or control device parameters as surrogate
U-DERV1	37	monitoring of process or control device parameters as surrogate
U-DERV1	38	monitoring of process or control device parameters as surrogate
U-PLAB1/LAB02	59	monitoring of process or control device parameters as surrogate
U-DERV1	39	monitoring of process or control device parameters as surrogate
U-DERV1	40	monitoring of process or control device parameters as surrogate
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	58	monitoring of process or control device parameters as surrogate

Basis for Monitoring

6NYCRR, Part 2229.3(e)(2)(v) requires VOC tanks < 10,000 gallons to be equipped with submerged fill.

6NYCRR, Part 2229.3(e)(2)(iv) requires VOC tanks >10,000 gallons but < 20,000 gallons to be equipped with submerged fill.

6NYCRR, Part 212.4(a) requires the emission rate potential of a rated contaminant to be controlled to the degree set forth in Table 2. For chlorine, phosgene, methyl chlorocarbonate, sulfur dioxide and hydrogen chloride, the ERP is required to be controlled to a minimum of 99%. Scrubber flow rate and caustic concentration is monitored.

6NYCRR, Part 212.4(c) limits particulate emissions to a maximum of 0.05 grains per dscf. Monitoring is daily visual.



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