



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

**Permit ID: 9-2911-00111/00105
10/31/2014**

Facility Identification Data

Name: DUREZ NIAGARA
Address: 5000 PACKARD RD
NIAGARA FALLS, NY 14302-0863

Owner/Firm

Name: DUREZ CORPORATION
Address: 14131 MIDWAY RD STE 500
ADDISON, TX 75001, USA
Owner Classification: Corporation/Partnership

Permit Contacts

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Air Permitting Contact:
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NIAGARA FALLS, NY 14302-0863
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**Permit Description
Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This project is the initial Title V facility permit for Durez Niagara. The facility is required to obtain a Title V facility permit by 40 CFR 63 Subpart EEE because they operate a hazardous waste incinerator for their process wastewater. In addition, this project will consolidate and update the facility's existing certificates to operate into a single Title V facility permit.

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

Attainment Status

DUREZ NIAGARA is located in the town of NIAGARA FALLS 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:

Durez Niagara is a manufacturer of phenolic resins which are mainly used as glues (bonding agents) or coatings to protect surfaces. The site consists of two main resin production buildings, a waste water treatment plant that treats all sanitary water, storm water, and non-hazardous process waste water, two tank farms containing bulk storage for raw materials, finished product and hazardous/non-hazardous waste waters and a process waste water hazardous waste incinerator. The Durez Niagara incinerator is an aqueous liquid disposal system consisting of a 20 million BTU/hour enclosed flame thermal oxidizer and waste heat boiler. The feed to the incinerator consists primarily of water (77 to 98 percent) with phenol, formaldehyde, solvents and trace quantities of other organics.

Permit Structure and Description of Operations

The Title V permit for DUREZ NIAGARA 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



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

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.

DUREZ NIAGARA is defined by the following emission unit(s):

Emission unit 0UMISC - This emission unit consists of all miscellaneous facility emission sources including: a welding booth, belt flaker cooling fans, a liquid resin filter changing booth, resin cooling floor fans, pilot plant resin production equipment, and a boiler.

Emission unit 0UMISC is associated with the following emission points (EP):

OB011, OFL02, OFL03, OMS21, OPB08, OVF01, OWH40, FFR04, TM103

Process: 004 All miscellaneous facility sources involved in the production of phenolic resins. Includes a welding booth, belt flaker, cooling fans, a liquid resin filter changing booth fan, resin cooling floor ventilation fans, pilot plant resin production equipment, and a boiler.

Emission unit UINCIN - This emission unit consists of a hazardous waste incinerator for process wastewater. Emission point FBH20 is the vent for the distillate feed to the incinerator.

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

OIN01, FBH20

Process: 005 Process wastewater incinerator.

Emission unit UKETTL - This emission unit includes all facility production kettles and their associated condensers, vacuum pumps, receivers, and agitators. The vacuum pumps associated with kettles #1-#6 vent to a regenerative thermal oxidizer during normal operation, but a bypass is present for periods of malfunction. The bypass will only be used when a kettle has been charged and the regenerative thermal oxidizer is malfunctioning. This emission unit also includes a small solvent metal cleaning process.

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

OLR21, OLR22, OLR25, OLR26, OPB07, OPB22, OPB24, OPB25, OPB26, OPB27, OPB29, OPB30, OPR30, OV315, OV316

Process: 006 is located at Building M3 - Kettle 1 (OPB22) and Kettle 4 (OPB26). These kettles are used only to make liquids (there is no drop floor available). Steam is used as the heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. caustic, ammonium hydroxide) are added to the reactor to make a phenolic resin. Water or a solvent (i.e. methanol, ethanol, butanol, etc.) are added to make a liquid. The resin is filtered (PB-08) and then sent to a resin storage tank (ST-74, 77, 78), or placed in drums or totes.

Process: 007 is located at Building M3 - Kettle 2 (OPB24) and Kettle 3 (OPB25). These kettles are typically used for solids, but they can also be used for liquids. Steam is used as the heat source on the reactor jacket. Phenol, bis-phenol A, or para tertiary butyl phenol and formaldehyde with a catalyst (i.e. caustic, ammonium hydroxide) are added to the reactor to make a phenolic resin. For solid phenolic resin, the resin is placed on the cooling floor (OVF01).



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

Process: 008 is located at Building M3 - Kettle 5 (0PB27). This kettle is not used to produce liquid resins. Hot oil is used as a heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. sulfuric acid, oxalic acid) are added to the reactor to make phenolic resin. The phenolic resin material is either sent to the flaker or to the cooling floor.

Process: 009 is located at Building M3 - Kettle 6 (0PB29). This kettle is not used to produce liquid resins and cannot be put to the cooling floor. Hot oil is used as a heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. sulfuric acid, oxalic acid) are added to the reactor to make phenolic resin. The phenolic resin material is sent to the flaker.

Process: 010 is located at Building M7 - Kettle 7 (0LR21, 0LR22, 0LR25, and 0LR26). This kettle is used only to produce liquids. There is no drop floor available. Kettle 7 is the only kettle to use allyl chloride. Steam is used as the heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. caustic, ammonium hydroxide) are added to the reactor to make a phenolic resin. Water or a solvent (i.e. methanol, ethanol, butanol, etc.) are added to make a liquid. The resin is filtered and then sent to a resin storage tank (ST-74, 77, 78), or placed in drums.

Process: 011 is located at Building M3 - Vacuum pumps for kettles 1 through 6. These pumps are tied to the regenerative thermal oxidizer.

Emission unit USOLID - This emission unit includes all facility solid material handling units, dust collectors and ribbon mixers at resin grinding and drumming operations.

Emission unit USOLID is associated with the following emission points (EP):
0WH51, 0WH53, 0WH55, 0WH60, 0WH61, DC801, DM604, DM605
Process: 003 Flaker drumming with dust collector.

Molten phenolic resin is cooled on a stainless steel conveyor belt. This thin sheet of phenolic resin is broken up into flakes by a rotating crusher. The flakes are conveyed by a bucket elevator to a hopper that fills drums or super sacks. The flaker dust collector pulls any nuisance dust created by the breaking of the brittle phenolic resin or when drumming or filling super sacks.

Process: 013 is located at Building M5 - #3 crusher with dust collector. Brittle phenolic resin is reduced in size by a crusher and placed in a hopper where the material is either drummed off or placed in bags as final product. Nuisance dust is pulled into the dust collector at the crusher and packaging areas.

Process: 014 is located at Building M6 - Resin drumming with dust collector. The powdered material from the mixer in process 012 is conveyed to a drum filling station, super sack filler, or bag filling station where a dust collector pulls any nuisance dust while packaging the final product.

Process: 015 is located at Building M5 - Vacuum resin transport.

Process: 12A is located at Building M3 - #5 grinder crusher with dust collector. Drums or super sacks of phenolic resin are put through a crusher to break up the resin before pulverizing it into a powder.
Nuisance

Process: 12B is located at Building M5 - #5 Grinder with dust collector. The crushed resin from process 12A is passed through a grinder which pulverizes the crushed resin into a powder. The powder is pneumatically conveyed to a product dust collector and then sent to one of two mixers. The mixers have



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

**Permit ID: 9-2911-00111/00105
10/31/2014**

bin vents on them to collect any nuisance dust.

Emission unit UTANKS - This emission unit consists of all facility process tanks including: storage tanks, weigh tanks, filter tanks, drums, and tank wagons.

Emission unit UTANKS is associated with the following emission points (EP):
FM322, RCRAV

Process: 001 All facility process tanks used in the production of phenolic resin. Includes storage tanks, weigh tanks, filter tanks, drums, and tank wagons.

Title V/Major Source Status

DUREZ NIAGARA is subject to Title V requirements. This determination is based on the following information:

Durez Niagara is not currently a major source of any regulated air contaminants. The facility has provided the Department with a series of emissions calculations that demonstrate that it is not major. The Department has reviewed those calculations in detail and agrees with their results. Durez Niagara is required to obtain a Title V permit by 40 CFR 63 Subpart EEE because the facility operates a hazardous waste incinerator.

Program Applicability

The following chart summarizes the applicability of DUREZ NIAGARA with regards to the principal air pollution regulatory programs:

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



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

(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.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of



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

**Permit ID: 9-2911-00111/00105
10/31/2014**

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

2821

PLASTICS MATERIALS AND RESINS

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

3-01-018-05

CHEMICAL MANUFACTURING
CHEMICAL MANUFACTURING - PLASTICS
PRODUCTION
Phenolic Resins

3-01-018-11

CHEMICAL MANUFACTURING
CHEMICAL MANUFACTURING - PLASTICS
PRODUCTION
Storage

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 | |
|-------------|-------------------------|--------|------------------|
| | | lbs/yr | Range |
| 000084-74-2 | 1,2-BENZENEDICARBOXYLIC | | > 0 but < 10 tpy |

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

| | | |
|-------------|--------------------------------------|------------------------|
| 000107-06-2 | ACID, DIBUTYL ESTER | |
| 001746-01-6 | 1,2-DICHLOROETHANE | > 0 but < 10 tpy |
| | 2,3,7,8- | > 0 but < 10 tpy |
| | TETRACHLORODIBENZO-P- | |
| | DIOXIN | |
| 000091-57-6 | 2-METHYL NAPHTHALENE | > 0 but < 2.5 tpy |
| 000083-32-9 | ACENAPHTHENE | > 0 but < 10 tpy |
| 000208-96-8 | ACENAPHTHYLENE | > 0 but < 10 tpy |
| 007429-90-5 | ALUMINUM | > 0 but < 2.5 tpy |
| 000120-12-7 | ANTHRACENE | > 0 but < 10 tpy |
| 007440-38-2 | ARSENIC | > 0 but < 10 tpy |
| 007440-39-3 | BARIUM | >= 10 tpy but < 25 tpy |
| 000071-43-2 | BENZENE | > 0 but < 10 tpy |
| 000098-82-8 | BENZENE, (1-METHYLETHYL) | > 0 but < 10 tpy |
| 000192-97-2 | BENZO (E) PYRENE | > 0 but < 2.5 tpy |
| 000056-55-3 | BENZO (A) ANTHRACENE | > 0 but < 10 tpy |
| 000050-32-8 | BENZO (A) PYRENE | > 0 but < 10 tpy |
| 000205-99-2 | BENZO [B] FLUORANTHENE | > 0 but < 10 tpy |
| 000191-24-2 | BENZO [G, H, I] PERYLENE | > 0 but < 10 tpy |
| 000207-08-9 | BENZO [K] FLUORANTHENE | > 0 but < 10 tpy |
| 000065-85-0 | BENZOIC ACID C7H6O2 | > 0 but < 2.5 tpy |
| 007440-41-7 | BERYLLIUM | > 0 but < 10 tpy |
| 000117-81-7 | BIS (2-ETHYLHEXYL) PHTHALATE | > 0 but < 10 tpy |
| 000075-27-4 | BROMODICHLOROMETHANE | > 0 but < 2.5 tpy |
| 007440-43-9 | CADMIUM | > 0 but < 10 tpy |
| 000075-15-0 | CARBON DISULFIDE | > 0 but < 10 tpy |
| 000630-08-0 | CARBON MONOXIDE | >= 10 tpy but < 25 tpy |
| 000056-23-5 | CARBON TETRACHLORIDE | > 0 but < 10 tpy |
| 007782-50-5 | CHLORINE | > 0 but < 10 tpy |
| 000108-90-7 | CHLOROBENZENE | > 0 but < 10 tpy |
| 000124-48-1 | CHLORODIBROMOMETHANE | > 0 but < 2.5 tpy |
| 007440-47-3 | CHROMIUM | > 0 but < 10 tpy |
| 018540-29-9 | CHROMIUM (VI) | > 0 but < 10 tpy |
| 000218-01-9 | CHRYSENE | > 0 but < 10 tpy |
| 007440-48-4 | COBALT | > 0 but < 10 tpy |
| 007440-50-8 | COPPER | > 0 but < 2.5 tpy |
| 000075-09-2 | DICHLOROMETHANE | > 0 but < 10 tpy |
| 000067-64-1 | DIMETHYL KETONE | > 0 but < 2.5 tpy |
| 000079-00-5 | ETHANE, 1,1,2-TRICHLORO | > 0 but < 10 tpy |
| 000100-41-4 | ETHYLBENZENE | > 0 but < 10 tpy |
| 000206-44-0 | FLUORANTHENE | > 0 but < 10 tpy |
| 000086-73-7 | FLUORENE | > 0 but < 10 tpy |
| 000050-00-0 | FORMALDEHYDE | > 0 but < 10 tpy |
| 007647-01-0 | HYDROGEN CHLORIDE | > 0 but < 10 tpy |
| 000193-39-5 | INDENO [1,2,3-CD] PYRENE | > 0 but < 10 tpy |
| 007439-92-1 | LEAD | > 0 but < 10 tpy |
| 007439-96-5 | MANGANESE | > 0 but < 10 tpy |
| 007439-97-6 | MERCURY | > 0 but < 10 tpy |
| 000067-56-1 | METHYL ALCOHOL | > 0 but < 10 tpy |
| 000074-83-9 | METHYL BROMIDE | > 0 but < 10 tpy |
| 000074-87-3 | METHYL CHLORIDE | > 0 but < 10 tpy |
| 000078-93-3 | METHYL ETHYL KETONE | > 0 but < 2.5 tpy |
| 000091-20-3 | NAPHTHALENE | > 0 but < 10 tpy |
| 007440-02-0 | NICKEL METAL AND INSOLUBLE COMPOUNDS | > 0 but < 10 tpy |
| 0NY210-00-0 | OXIDES OF NITROGEN | >= 25 tpy but < 40 tpy |
| 0NY075-00-0 | PARTICULATES | >= 10 tpy but < 25 tpy |



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

**Permit ID: 9-2911-00111/00105
10/31/2014**

| | | |
|-------------|------------------------|------------------------|
| 000085-01-8 | PHENANTHRENE | > 0 but < 10 tpy |
| 000108-95-2 | PHENOL | > 0 but < 10 tpy |
| 007723-14-0 | PHOSPHORUS (YELLOW) | > 0 but < 10 tpy |
| 0NY075-00-5 | PM-10 | >= 10 tpy but < 25 tpy |
| 000129-00-0 | PYRENE | > 0 but < 10 tpy |
| 007440-22-4 | SILVER | > 0 but < 2.5 tpy |
| 007446-09-5 | SULFUR DIOXIDE | > 0 but < 2.5 tpy |
| 000108-88-3 | TOLUENE | > 0 but < 10 tpy |
| 0NY100-00-0 | TOTAL HAP | >= 10 tpy but < 25 tpy |
| 000079-01-6 | TRICHLOROETHYLENE | > 0 but < 10 tpy |
| 007440-62-2 | VANADIUM | > 0 but < 2.5 tpy |
| 0NY998-00-0 | VOC | >= 25 tpy but < 40 tpy |
| 001330-20-7 | XYLENE, M, O & P MIXT. | > 0 but < 10 tpy |
| 007440-66-6 | ZINC | > 0 but < 2.5 tpy |

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

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

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

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

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

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

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

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

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 201-6.2(a)(4)

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

Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)

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

Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)

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

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)

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

Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)

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

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

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

Item I: Severability - 6 NYCRR Part 201-6.4(a)(9)

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

Item J: Permit Shield - 6 NYCRR Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

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 201-6.4(i)

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

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

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
 10/31/2014

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

| Location Facility/EU/EP/Process/ES | Regulation | Condition | Short Description |
|---------------------------------------|-------------|-----------|---|
| FACILITY | ECL 19-0301 | 71 | Powers and Duties of the Department with respect to air pollution control |
| FACILITY | 40CFR 61-A | 28 | General Provisions - |

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

| | | | |
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| FACILITY | 40CFR 61-FF | 29 | applicability of part 61 |
| U-INCIN | 40CFR 63- EEE.1206(b) (5) | 66 | Benzene Emissions from Benzene waste operations Hazardous Waste Combustor NESHAP - Changes in design, maintenance, etc. |
| FACILITY | 40CFR 63-EEE.1206(c) | 30 | Operating requirements |
| FACILITY | 40CFR 63- EEE.1206(c) (5) | 31, 32 | Hazardous Waste Combustor NESHAP - Combustion system leaks |
| FACILITY | 40CFR 63- EEE.1207(b) (1) | 33, 34, 35, 36, 37, 38, 39, 40, 41 | Hazardous Waste Combustor NESHAP - Comprehensive performance tests |
| FACILITY | 40CFR 63- EEE.1207(b) (2) | 42 | Hazardous Waste Combustor NESHAP - Confirmatory performance test |
| FACILITY | 40CFR 63-EEE.1207(e) | 43 | Hazardous Waste Combustor NESHAP - Performance Testing Notifications |
| FACILITY | 40CFR 63- EEE.1207(m) (1) | 44 | Hazardous Waste Combustor NESHAP - Waiver of Performance Test |
| FACILITY | 40CFR 63- EEE.1209(a) (2) | 45 | Hazardous Waste Combustor NESHAP - performance specifications |
| U-INCIN | 40CFR 63- EEE.1209(c) (4) | 67 | Hazardous Waste Combustor NESHAP - Compliance with feedrate limits |
| FACILITY | 40CFR 63- EEE.1209(j) (1) | 46 | Hazardous Waste Combustor NESHAP - DRE monitoring |
| FACILITY | 40CFR 63- EEE.1209(j) (2) | 47 | Hazardous Waste Combustor NESHAP - DRE monitoring |
| FACILITY | 40CFR 63- EEE.1209(j) (3) | 48, 49 | Hazardous Waste Combustor NESHAP - DRE monitoring requirements |
| FACILITY | 40CFR 63- EEE.1209(j) (4) | 50 | Hazardous Waste Combustor NESHAP - DRE standards - operation of waste firing system |
| FACILITY | 40CFR 63- EEE.1209(k) (1) | 51 | Hazardous Waste Combustor NESHAP - Dioxins and Furans monitoring provisions |
| FACILITY | 40CFR 63- EEE.1209(l) (1) | 52 | Hazardous Waste Combustor NESHAP - Mercury monitoring - feedrate of total mercury limit |
| FACILITY | 40CFR 63- EEE.1209(m) (1) | 53, 54, 55, 56 | Hazardous Waste Combustor NESHAP - PM |

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
 10/31/2014

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|----------|--------------------------------|------------|---|
| FACILITY | 40CFR 63- EEE.1209(m) (3) | 57 | monitoring - other particulate matter control devices Hazardous Waste Combustion NESHAP - Monitoring Standards - PM maximum ash feedrate |
| FACILITY | 40CFR 63- EEE.1209(n) (2) | 58, 59 | Hazardous Waste Combustor NESHAP - monitoring provisions for semivolatile and low-volatile metals |
| FACILITY | 40CFR 63- EEE.1209(o) (1) | 60 | Hazardous Waste Combustor NESHAP - Hydrochloric acid and chlorine gas monitoring provisions |
| FACILITY | 40CFR 63-EEE.1219(a) | 61 | Hazardous Waste Combustion NESHAP - Replacement Standards - Emission limits for existing sources |
| FACILITY | 40CFR 68 | 19 | Chemical accident prevention provisions |
| FACILITY | 40CFR 82-F | 20 | Protection of Stratospheric Ozone - recycling and emissions reduction |
| FACILITY | 6NYCRR 200.6 | 1 | Acceptable ambient air quality. |
| FACILITY | 6NYCRR 200.7 | 10 | Maintenance of equipment. |
| FACILITY | 6NYCRR 201-1.4 | 72, 73 | 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 | 21, 62, 63 | Title V Permits and the Associated Permit Conditions |
| FACILITY | 6NYCRR 201-6.4(a) (4) | 15 | General Conditions - Requirement to Provide Information |
| FACILITY | 6NYCRR 201-6.4(a) (7) | 2 | General Conditions - Fees |
| FACILITY | 6NYCRR 201-6.4(a) (8) | 16 | General Conditions - Right to Inspect |
| FACILITY | 6NYCRR 201-6.4(c) | 3 | Recordkeeping and Reporting of Compliance Monitoring |
| FACILITY | 6NYCRR 201-6.4(c) (2) | 4 | Records of Monitoring, Sampling and Measurement |
| FACILITY | 6NYCRR 201- 6.4(c) (3) (ii) | 5 | Reporting Requirements - Deviations and |



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

**Permit ID: 9-2911-00111/00105
10/31/2014**

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|---------------|------------------------|--------|--|
| FACILITY | 6NYCRR 201-6.4 (d) (4) | 22 | Noncompliance |
| FACILITY | 6NYCRR 201-6.4 (e) | 6 | Compliance Schedules - Progress Reports |
| FACILITY | 6NYCRR 201-6.4 (f) (6) | 17 | Compliance Certification |
| FACILITY | 6NYCRR 201-6.4 (g) | 23 | Off Permit Changes |
| FACILITY | 6NYCRR 202-1.1 | 18 | Permit Shield |
| FACILITY | 6NYCRR 202-2.1 | 7 | Required emissions tests. |
| FACILITY | 6NYCRR 202-2.5 | 8 | Emission Statements - Applicability |
| FACILITY | 6NYCRR 211.1 | 24, 25 | Emission Statements - record keeping requirements. |
| FACILITY | 6NYCRR 211.2 | 74 | General Prohibitions - air pollution prohibited |
| 0-UMISC/0FL03 | 6NYCRR 212 | 64, 65 | General Prohibitions - visible emissions limited. |
| U-TANKS | 6NYCRR 212.4 | 70 | General Process Emission Sources |
| FACILITY | 6NYCRR 212.4 (c) | 26 | General Process Emission Sources - emissions from new sources and/or modifications |
| U-SOLID | 6NYCRR 212.6 (a) | 68, 69 | General Process Emission Sources - emissions from new processes and/or modifications |
| FACILITY | 6NYCRR 215.2 | 9 | General Process Emission Sources - opacity of emissions limited |
| FACILITY | 6NYCRR 226.2 | 27 | Open Fires - Prohibitions |
| | | | General 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



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (d) (5)

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

6 NYCRR 201-6.4 (e)

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

6 NYCRR 201-6.4 (f) (6)

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 201-6.4 (g)

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

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.



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

**Permit ID: 9-2911-00111/00105
10/31/2014**

6 NYCRR 211.2

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

6 NYCRR 215.2

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

40 CFR Part 68

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

40 CFR 63.1206 (b) (5)

This condition requires the facility to notify NYSDEC any time there is a change in the operation, design, or maintenance of the incinerator. This is necessary because when the facility calculated the amount of hazardous air pollutants emitted during the stack test, any change to the operation of the incinerator could affect this rate of emission. We then wouldn't necessarily have a grasp on the amount of emissions for the new operation.

The facility, however, is allowed to make changes if they don't affect their compliance status with regards to this rule as long as they make record of the changes.

40 CFR 63.1206 (c)

This regulation describes how the facility must investigate and report operating limit exceedences during each 60-day period.

40 CFR 63.1206 (c) (5)

This condition requires the facility to reduce leaks of hazardous air pollutants (HAPs) by taking steps to reduce the leaking of HAPs in the combustion chamber.

40 CFR 63.1207 (b) (1)

This condition lists the standards that the facility must meet when a comprehensive performance test is required.

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

40 CFR 63.1207 (b) (2)

This condition explains that the facility must do a confirmatory performance test in order to monitor the emissions of dioxins and furans.

40 CFR 63.1207 (e)

This section outlines the deadlines for submitting comprehensive and confirmatory performance test plans.

40 CFR 63.1207 (m) (1)

This section outlines the procedures the facility owner or operator may choose to follow in order to obtain a waiver from certain required performance tests.

40 CFR 63.1209 (a) (2)

This condition requires the facility to ensure that the installed continuous monitoring system that is properly maintained and operated so that the emission results it reads are accurate.

40 CFR 63.1209 (c) (4)

This condition describes how the facility is expected to comply with the feedstream parameter limits. The condition requires a continuous monitoring system to measure the proper parameters of the feedstream so that the facility can calculate and record the parameter to ensure the parameter's limit is not exceeded.

40 CFR 63.1209 (j) (1)

This condition requires that the facility demonstrate it is complying with the destruction and removal efficiency standard by establishing the minimum combustion temperature during the comprehensive performance test. This temperature is representative of the minimum temperature necessary to destroy the constituents of the waste that are responsible for hazardous air pollutant emissions to satisfy the emission limits in this subpart.

40 CFR 63.1209 (j) (2)

This condition requires that the facility demonstrate it is complying with the destruction and removal efficiency standard by establishing a maximum flue gas flow rate during the comprehensive performance test. This flowrate is the maximum value that will ensure that the exhaust gases have sufficient residence time in the air pollution control equipment to reduce emissions and satisfy the emission limits in this subpart.

40 CFR 63.1209 (j) (3)

This condition requires that the facility demonstrate it is complying with the destruction and removal efficiency standard by establishing the maximum hazardous waste feedrate the comprehensive

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

performance test. This feedrate is the maximum value that ensures that the facility will meet the emission limits in this subpart.

40 CFR 63.1209 (j) (4)

This condition requires that the facility demonstrate it is complying with the destruction and removal efficiency standard by establishing parameters during the comprehensive performance test which indicate proper operation of the waste firing system.

40 CFR 63.1209 (k) (1)

This condition requires that the facility demonstrate it is complying with the dioxin and furan emission standard by establishing the maximum control device inlet temperature during the comprehensive performance test. Staying below this temperature also limits the ability of dioxins and furans to reform in the control device, further limiting potential emissions.

40 CFR 63.1209 (l) (1)

During the comprehensive performance test, the maximum level of mercury is established which will ensure that the hazardous waste combustor does not exceed the emission limit for mercury. The facility will then need to monitor the mercury content of the hazardous waste to prove that the limit has not been exceeded.

40 CFR 63.1209 (m) (1) (iv)

In order to determine whether the hazardous waste combustor is meeting the emission limit for particulate matter (PM), the facility must monitor certain parameters to ensure that the control device(s) being used are working properly. This condition requires the facility to determine certain parameters during the performance test that reflect emissions from the hazardous waste combustor that are under the PM limit and then monitor those parameters to ensure that the facility is constantly in compliance.

40 CFR 63.1209 (m) (3)

This condition requires that the facility limit the amount of ash fed to the incinerator in order to control emissions of particulate matter.

40 CFR 63.1209 (n) (2) (ii)

When the facility is monitoring the hazardous waste feedstream for the amount of metals being loaded into the hazardous waste combustor, the facility must set a limit based on the loading during the comprehensive performance test. This condition allows the facility to use extrapolation if they wish to feed more metals into the combustor, as long as the calculation shows that the facility will still be under the emission limits for metals.

40 CFR 63.1209 (o) (1)

In order for the hazardous waste combustor to meet the emission limits for hydrochloric acid and chlorine gas, then during the comprehensive performance test the facility must establish operating limits



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

that prove that the facility will be in compliance with the metal limits as long as the operating parameter is being met. This condition specifically requires the facility to set a limit for the maximum amount of chlorine and chloride in the hazardous waste feedstream.

40 CFR 63.1219 (a)

This regulation sets the emission limits for various contaminants from the incinerator.

40 CFR Part 61, Subpart A

This regulation, 40 CFR 61 Subpart A, lists the general provisions that a facility subject to a National Emissions Standard for Hazardous Air Pollutant is subject to.

40 CFR Part 61, Subpart FF

This Subpart regulates the emission standards for benzene waste operations.

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

This requirement applies to all facilities subject to Title V requirements and specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (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 211.1

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

6 NYCRR 212.4

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 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 226.2

This regulation specifies work practices to be followed by operators of solvent metal cleaning processes.

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
 10/31/2014

6 NYCRR Part 212

This regulation outlines the control requirements for process emission sources.

Non Applicability Analysis

List of non-applicable rules and regulations:

| Location Facility/EU/EP/Process/ES | Regulation | Short Description |
|---|----------------------------|--|
| FACILITY | 40 CFR Part 60, Subpart Kb | NSPS for volatile organic liquid storage vessels- applicability and designation of affected facilities |

Reason: 40 CFR 60 Subpart Kb applies to certain bulk storage tanks with capacities greater than 75 cubic meters installed after July 23, 1984. This facility includes three tanks that are potentially subject to 40 CFR 60 Subpart Kb. Those tanks are:

Tanks 32 and 65, storing phenol (vapor pressure 0.848 kPa), installed in August 1986; and

Tank 61, storing formalin (vapor pressure 2.93 kPa), installed in August 1986.

Each tank has a volume less than 39,900 gallons (151 cubic meters), and is storing a liquid with a maximum true vapor pressure less than 15 kilopascals. As a result, 40 CFR 60 Subpart Kb does not apply to these tanks as described in 40 CFR 60.110b(b).

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|----------|-----------------------------|----------------------------|
| FACILITY | 40 CFR Part 63, Subpart 000 | Amino/Phenolic Resins MACT |
|----------|-----------------------------|----------------------------|

Reason: Durez Niagara has submitted a series of emissions calculations to the Department demonstrating that the facility was not a major facility at any point since the promulgation of 40 CFR 63 Subpart 000. The Department has reviewed these calculations in detail, and agrees with their results. Accordingly, 40 CFR 63 Subpart 000 does not apply to their resin production operations as described in Section 63.1400(a) because Durez Niagara is not a major source as defined in 40 CFR 63.2

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|----------|----------------|---------------------------------|
| FACILITY | 40 CFR Part 64 | COMPLIANCE ASSURANCE MONITORING |
|----------|----------------|---------------------------------|

Reason: Durez Niagara has supplied the Department with a series of emissions calculations that demonstrate that the facility's emissions do not exceed the major facility thresholds. Accordingly, the facility is not subject to the Compliance Assurance Monitoring requirements of 40

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

CFR 64.

| | | |
|----------|----------------|---|
| FACILITY | 6 NYCRR 212.10 | NOx and VOC RACT required at major facilities |
|----------|----------------|---|

Reason: Durez Niagara has supplied the Department with a series of emissions calculations that demonstrate that the facility's emissions do not exceed the major facility thresholds. Since the facility is not major, it is not subject to the VOC RACT requirements of Section 212.10.

| | | |
|----------|------------------|--------------|
| FACILITY | 6 NYCRR Part 219 | Incinerators |
|----------|------------------|--------------|

Reason: This facility is not subject to 6 NYCRR Part 219 because it does not apply to hazardous waste incinerators.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification
Summary of monitoring activities at DUREZ NIAGARA:

| Location Facility/EU/EP/Process/ES | Cond No. | Type of Monitoring |
|---------------------------------------|----------|--|
| ----- | | |
| --- | | |
| FACILITY | 29 | record keeping/maintenance procedures |
| U-INCIN | 66 | record keeping/maintenance procedures |
| FACILITY | 30 | record keeping/maintenance procedures |
| FACILITY | 31 | monitoring of process or control device parameters as surrogate |
| FACILITY | 32 | monitoring of process or control device parameters as surrogate |
| FACILITY | 33 | intermittent emission testing |
| FACILITY | 34 | intermittent emission testing |
| FACILITY | 35 | intermittent emission testing |
| FACILITY | 36 | intermittent emission testing |
| FACILITY | 37 | intermittent emission testing |
| FACILITY | 38 | intermittent emission testing |
| FACILITY | 39 | intermittent emission testing |
| FACILITY | 40 | intermittent emission testing |
| FACILITY | 41 | intermittent emission testing |
| FACILITY | 42 | intermittent emission testing |
| FACILITY | 43 | record keeping/maintenance procedures |
| FACILITY | 44 | record keeping/maintenance procedures |
| FACILITY | 45 | record keeping/maintenance procedures |
| U-INCIN | 67 | record keeping/maintenance procedures |
| FACILITY | 46 | monitoring of process or control device parameters as surrogate |

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

| | | |
|---------------|----|---|
| FACILITY | 47 | monitoring of process or control device parameters as surrogate |
| FACILITY | 48 | monitoring of process or control device parameters as surrogate |
| FACILITY | 49 | monitoring of process or control device parameters as surrogate |
| FACILITY | 50 | monitoring of process or control device parameters as surrogate |
| FACILITY | 51 | monitoring of process or control device parameters as surrogate |
| FACILITY | 52 | monitoring of process or control device parameters as surrogate |
| FACILITY | 53 | monitoring of process or control device parameters as surrogate |
| FACILITY | 54 | monitoring of process or control device parameters as surrogate |
| FACILITY | 55 | monitoring of process or control device parameters as surrogate |
| FACILITY | 56 | monitoring of process or control device parameters as surrogate |
| FACILITY | 57 | monitoring of process or control device parameters as surrogate |
| FACILITY | 58 | monitoring of process or control device parameters as surrogate |
| FACILITY | 59 | monitoring of process or control device parameters as surrogate |
| FACILITY | 60 | monitoring of process or control device parameters as surrogate |
| FACILITY | 61 | continuous emission monitoring (cem) |
| FACILITY | 73 | record keeping/maintenance procedures |
| FACILITY | 5 | record keeping/maintenance procedures |
| FACILITY | 6 | record keeping/maintenance procedures |
| FACILITY | 7 | record keeping/maintenance procedures |
| FACILITY | 25 | monitoring of process or control device parameters as surrogate |
| 0-UMISC/0FL03 | 64 | intermittent emission testing |
| 0-UMISC/0FL03 | 65 | monitoring of process or control device parameters as surrogate |
| U-TANKS | 70 | monitoring of process or control device parameters as surrogate |
| FACILITY | 26 | monitoring of process or control device parameters as surrogate |
| U-SOLID | 68 | record keeping/maintenance procedures |
| U-SOLID | 69 | record keeping/maintenance procedures |
| FACILITY | 27 | record keeping/maintenance procedures |

Basis for Monitoring

Below is a description of the various regulations and monitoring activities that apply to this facility.

Condition 25 – 6 NYCRR Part 211.1: This condition requires that the facility continuously operate its regenerative thermal oxidizer whenever process materials are present in reaction kettles 1-6 in order to control odors from the resin production process. Reaction kettle 7 is not tied to the regenerative thermal oxidizer. In addition, the facility is required to continuously monitor and record the bed temperature of the oxidizer in order to demonstrate that the oxidizer is being properly operated.

Condition 26 – 6 NYCRR Part 212.4(c): This condition requires that the facility conduct daily visible emissions evaluations of each dust collector and monitor the pressure drop across each dust collector weekly in order to demonstrate compliance with the particulate matter emission limit in Part 212. A



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

pressure drop within the specified range indicates that the dust collector is operating properly, and therefore controlling particulate emissions.

Condition 27 – 6 NYCRR Part 226.2: This condition applies to a small solvent metal cleaning process used to clean cure sticks used during the resin production process. The facility is required to follow the listed work practices in order to minimize excess emissions of volatile organic compounds.

Condition 29 – 40 CFR 61 Subpart FF: This condition requires that the facility notify the Department within 30 days of any change in operations that causes or could cause the facility to process more than 1.1 tons per year of benzene containing materials. In addition, the facility must maintain records demonstrating how they determined the amount of benzene processed at the facility.

40 CFR 63 Subpart EEE:

Condition 30: This condition requires that the facility conduct an investigation into the cause of each group of 10 emission standard or operating parameter exceedences during a single 60-day period. The facility must also prepare and submit a report to the Department that documents each exceedence, the results of the investigation into its cause, and any corrective measures taken. The Department may require that the facility prepare and submit such a report on a more frequent basis where appropriate.

Condition 31: This condition requires that the facility keep the combustion zone sealed at all times to prevent leaks by maintaining the listed pressure. In addition, the facility is required to keep a record of the date, time, and duration of each soot blowing operation to demonstrate compliance with this condition. Soot blowing is necessary to maintain the waste heat boiler in the process wastewater incinerator exhaust train. A slightly higher pressure is needed to ensure that soot blowing is properly conducted. The facility is not allowed to have waste present in the combustion chamber during soot blowing. This condition does not apply during periods where soot blowing is not taking place.

Condition 32: This condition requires that the facility keep the combustion zone sealed at all times to prevent leaks by maintaining the listed pressure. This condition does not apply during periods of soot blowing, and represents the normal operating pressure of the combustion zone.

Conditions 33 – 41: These conditions require that the facility conduct periodic comprehensive performance testing as directed by 40 CFR 63.1207(b)(1) in order to demonstrate compliance with each emission standard as described in 40 CFR 63.1219 and the various monitored operating parameters described in other permit conditions. Testing must be conducted no later than 61 months (5 years) from the previous test. Each test will be conducted pursuant to a stack testing protocol that has been approved by the Department.

Condition 42: This condition requires the facility to conduct periodic confirmatory performance testing as directed by 40 CFR 63.1207(b)(2) in order to demonstrate compliance with the emission standard for dioxins and furans. Testing must be conducted no later than 31 months (2.5 years) from the previous test. Each test will be conducted pursuant to a stack testing protocol that has been approved by the Department.

Condition 43: This condition requires that the facility notify the Department of the intention to conduct both comprehensive and confirmatory performance testing in accordance with the listed deadlines. In addition, the facility is required to make each performance test plan available to the public as described in 40 CFR 63.1207(e)(2).

Condition 44: This condition provides an alternative monitoring strategy the facility owner or operator may use to demonstrate compliance with the mercury standard in 40 CFR 63.1219.

New York State Department of Environmental Conservation
Permit Review Report



Permit ID: 9-2911-00111/00105
10/31/2014

Condition 45: This condition requires that the facility install, operate, calibrate, and maintain continuous emission monitors for carbon monoxide and oxygen in accordance with Performance Specification 4B in 40 CFR 60 Appendix B. In addition, the facility is required to conduct periodic QA/QC checks of the CEMs in accordance with their approved QA/QC program and the requirements of the appendix to 40 CFR 63 Subpart EEE.

Condition 46: This condition requires that the facility continuously monitor, maintain, and record the process wastewater incinerator combustion chamber temperature. Data from this monitoring system is sent to the automatic waste feed cut off, and waste feed to the incinerator will be immediately terminated if the temperature falls below the specified lower limit. The combustion chamber temperature is an indicator of proper incinerator performance, and is useful for demonstrating both proper operation and compliance with the requirements of this permit.

Condition 47: This condition requires that the facility continuously monitor, maintain, and record the flow rate of exhaust gases exiting the wet electrostatic precipitator (stack gas flow rate). Data from the monitoring system is sent to the automatic waste feed cut off, and waste feed to the incinerator will be immediately terminated if the flow rate exceeds the specified value. A flow rate in excess of the specified value indicates that the exhaust gases are passing through the wet electrostatic precipitator too quickly.

Condition 48: The facility is required to limit the total organic content of the hazardous waste fed to the incinerator to less than 8 pounds per minute in order to control emissions of acid gases. The total feed rate (organic + inorganic) is monitored using a continuous monitoring system as described in Condition 48.

Condition 49: The facility is required to limit the total hazardous waste feed rate to the incinerator to less than 47 pounds per minute on an hourly rolling average basis. In addition, the maximum total organic content of that feed may not exceed 8 pounds per minute as described in Condition 47. The feed rate must be monitored using a continuous monitoring system. Data from that system is fed to the automatic waste feed cut off, and waste feed to the incinerator is immediately terminated if the flow rate exceeds the specified value.

Condition 50: This condition requires that the facility demonstrate that the hazardous waste firing system is maintained in good operating condition by monitoring the atomization air pressure of the system. An alarm is triggered if the pressure listed in this condition is not met. The facility is required to maintain a record of the date, duration, and cause of each alarm activation.

Condition 51: This condition requires that the facility continuously monitor, maintain, and record the inlet temperature to the wet electrostatic precipitator. Data from this monitoring system is sent to the automatic waste feed cut off, and waste feed to the incinerator will be immediately terminated should the temperature exceed the specified value. The inlet temperature is an indicator of proper wet electrostatic precipitator performance, and is useful for demonstrating both proper operation and compliance with the requirements of this permit. In addition, by limiting the inlet temperature the facility is also limiting the chance of dioxin and furan reformation in the control device, further limiting emissions.

Condition 52: This condition requires that the facility control emissions of mercury by limiting the amount of mercury fed to the incinerator on a 12 hour rolling average basis. Samples are taken from the feed stream(s) to the incinerator in accordance with an approved feed stream analysis plan at regular intervals to demonstrate compliance with this requirement.

Condition 53: This condition requires that the facility continuously monitor, maintain, and record the wet electrostatic precipitator secondary power. Data from this monitoring system is sent to the automatic waste feed cut off, and waste feed to the incinerator will be immediately terminated should the secondary



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

power fall below the specified value. The secondary power is an indicator of proper wet electrostatic precipitator performance, and is useful for demonstrating both proper operation and compliance with the requirements of this permit.

Condition 54: This condition requires that the facility continuously monitor, maintain, and record the pH of the sump liquor exiting the wet electrostatic precipitator. An alarm is triggered should the pH deviate from the listed value. The facility is required to maintain a record of the date, duration, and cause of each alarm activation. A pH in excess of the specified value indicates the excess buildup of acids and/or caustics in the sump liquor.

Condition 55: This condition requires that the facility continuously monitor, maintain, and record the flow rate of spray water to the wet electrostatic precipitator. An alarm is triggered should the spray water flow fall below the stated limit. The facility is required to maintain a record of the date, duration, and cause of each alarm activation. Low spray water flow could indicate a control equipment malfunction, and contributes to reduced control efficiency for particulate matter.

Condition 56: This condition requires that the facility continuously monitor, maintain, and record the wet electrostatic precipitator sump blow down rate. An alarm is triggered should the sump blow down fall below the stated limit. The facility is required to maintain a record of the date, duration, and cause of each alarm activation. The sump blow down rate controls the amount of suspended and dissolved solids within the wet electrostatic precipitator spray water, and is an indicator of proper performance.

Condition 57: In order to control particulate matter emissions, the facility must limit the amount of ash fed to the incinerator on a rolling 12 hour basis. Samples are taken from the feed stream(s) to the incinerator in accordance with an approved feed stream analysis plan at regular intervals to demonstrate compliance with this requirement.

Condition 58: This condition requires that the facility control emissions of beryllium, chromium, and arsenic by limiting the combined amount of these metals fed to the incinerator on a 12 hour rolling average basis. Samples are taken from the feed stream(s) to the incinerator in accordance with an approved feed stream analysis plan at regular intervals to demonstrate compliance with this requirement.

Condition 59: This condition requires that the facility control emissions of lead and cadmium by limiting the combined amount of these metals fed to the incinerator on a 12 hour rolling average basis. Samples are taken from the feed stream(s) to the incinerator in accordance with an approved feed stream analysis plan at regular intervals to demonstrate compliance with this requirement.

Condition 60: This condition requires that the facility control emissions of chlorine and hydrogen chloride by limiting the combined amount of chlorine fed to the incinerator on a 12 hour rolling average basis. Samples are taken from the feed stream(s) to the incinerator in accordance with an approved feed stream analysis plan at regular intervals to demonstrate compliance with this requirement.

Condition 61: This condition requires that the facility continuously maintain, monitor, and record the concentration of carbon monoxide in the flue gas. In addition, the facility must continuously monitor the oxygen content in the flue gas, and use the measured oxygen concentration to continuously correct the measured carbon monoxide concentration to a 7% oxygen basis. The carbon monoxide concentration is an indicator of the combustion performance of the incinerator.

Condition 64 – 6 NYCRR Part 212: This condition requires that the facility conduct an emissions test of the aqueous plate scrubber controlling the resin flaking operation once every five years to demonstrate that the stated control efficiency is still being met.



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2911-00111/00105
10/31/2014

Condition 65 – 6 NYCRR Part 212: This condition requires that the facility monitor the pressure drop across the aqueous plate scrubber controlling the resin flaking operation. A pressure drop within the specified range indicates proper fluidization within the scrubber, and therefore proper scrubber performance.

Condition 66 – 40 CFR 63 Subpart EEE: This condition outlines the procedures the facility owner or operator must follow if they decide to make any changes to the hazardous waste incinerator's monitoring system.

Condition 67 – 40 CFR 63.1209(c)(4): This condition outlines the procedures the facility must use when monitoring the feed rate of a compound as required by various other conditions (e.g. total feed rate, metals feed rates, etc.) related to compliance with 40 CFR 63 Subpart EEE.

Conditions 68 and 69 – 6 NYCRR 212.6(a): These conditions require that the facility perform a visual inspection of each dust collector at the facility in order to demonstrate compliance with the particulate matter and opacity standards of Part 212. In addition, they outline the procedure to be followed if and when visible emissions are observed.

Condition 70 – 6 NYCRR 212.4: This condition requires that the facility conduct weekly monitoring at each carbon canister controlling emissions of volatile organic compounds from the facility's various bulk storage tanks. The facility operator will use an H-Nu meter to check each canister system for breakthrough, and make any necessary repairs to ensure adequate control.

Condition 73 – 6 NYCRR 201-1.4: This condition restricts operation of the regenerative thermal oxidizer bypass stack to periods of oxidizer malfunction when a kettle has already been charged. This operation is allowed because it is difficult and dangerous to stop the resin production process once the kettle has been charged due to the chemical reactions that take place within the kettle. The facility owner or operator is required to keep records of each use of the bypass stack that include the date, duration, cause and an estimate of the emissions during the malfunction. In addition, the facility owner or operator is required to document any corrective action taken during or after the malfunction.