



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-2726-00061/00001  
Mod 0 Effective Date: 05/12/2008 Expiration Date: No expiration date.  
Mod 1 Effective Date: 04/21/2009 Expiration Date: No expiration date.  
Mod 2 Effective Date: 09/19/2012 Expiration Date: No expiration date.

Permit Issued To: HERO GROUP INC  
100 HERO DR  
AMSTERDAM, NY 12010

Contact: BARBARA ROCKWELL  
BEECH NUT NUTRITION  
100 HERO DR  
AMSTERDAM, NY 12010  
(518) 839-0247

Facility: HERO GROUP INC (BEECH-NUT) MANUFACTURING PLANT  
100 HERO DR|FLORIDA BUSINESS PARK  
AMSTERDAM, NY 12010

Description:  
This is a modified Air State Facility permit for the manufacturing operations conducted at this facility which sets a new limit on the amount of natural gas usage the company is allowed to use. This will ensure that the emissions will always be below the new Title V thresholds for carbon dioxide emissions. The modifications also include small physical changes to actual existing emission points from what was conceptually designed, and other minor corrections in boiler size, emission point groupings, and small changes in the details for actual constructed processes.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: ANGELO A MARCUCCIO  
NYSDEC  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306-2014

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
  - Applications for permit renewals, modifications and transfers
  - Permit modifications, suspensions or revocations by the Department
  - Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



**Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 2-1.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**Condition 4: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

\*\*\*\* Facility Level \*\*\*\*

**Condition 5: Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 4 Headquarters  
Division of Environmental Permits  
1130 North Westcott Rd.  
Schenectady, NY 12306-2014  
(518) 357-2069

**New York State Department of Environmental Conservation**

Permit ID: 4-2726-00061/00001

Facility DEC ID: 4272600061



**Permit Under the Environmental Conservation Law (ECL)**

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY  
PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To:HERO GROUP INC  
100 HERO DR  
AMSTERDAM, NY 12010

Facility: HERO GROUP INC (BEECH-NUT) MANUFACTURING PLANT  
100 HERO DR|FLORIDA BUSINESS PARK  
AMSTERDAM, NY 12010

Authorized Activity By Standard Industrial Classification Code:  
2032 - CANNED SPECIALTIES

Mod 0 Permit Effective Date: 05/12/2008  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 04/21/2009  
date.

Permit Expiration Date: No expiration

Mod 2 Permit Effective Date: 09/19/2012  
date.

Permit Expiration Date: No expiration



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 2-1 6 NYCRR 202-1.1: Required Emissions Tests
- 1 6 NYCRR 201-7.2: Facility Permissible Emissions
- \*4 6 NYCRR 201-7.2: Capping Monitoring Condition
- \*2-2 6 NYCRR 201-7.2: Capping Monitoring Condition
- 2-3 6 NYCRR 211.1: Air pollution prohibited

#### Emission Unit Level

##### EU=1-STEAM

- 10 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 11 6 NYCRR 227-1.6: Corrective Action
- 12 6 NYCRR 227-1.7: General Provisions
- 13 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 14 40CFR 60.7(a), NSPS Subpart A: Date of construction notification -  
If a COM is not used.
- 15 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 16 40CFR 60.7(c), NSPS Subpart A: Compliance Demonstration
- 17 40CFR 60.7(d), NSPS Subpart A: Excess Emissions Report
- 18 40CFR 60.7(e), NSPS Subpart A: Monitoring frequency waiver.
- 19 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 20 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or  
Local Agency
- 21 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 22 40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver EU  
Level
- 23 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 24 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 25 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 26 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 27 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 28 40CFR 60.9, NSPS Subpart A: Availability of information.
- 29 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 30 40CFR 60.12, NSPS Subpart A: Circumvention.
- 31 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 32 40CFR 60.14, NSPS Subpart A: Modifications.
- 33 40CFR 60.15, NSPS Subpart A: Reconstruction.
- 35 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 36 40CFR 60.48c(g)(2), NSPS Subpart Dc: Compliance Demonstration
- 37 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Demonstration

##### EU=2-FOODS

- 56 6 NYCRR 212.4 (a): Emissions from new emission sources and/or  
modifications
- 57 6 NYCRR 212.6 (a): Compliance Demonstration
- 58 6 NYCRR 212.6 (a): Compliance Demonstration

##### EU=3-GRAIN



- 59 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications
- 60 6 NYCRR 212.4 (c): Compliance Demonstration
- 61 6 NYCRR 212.6 (a): Compliance Demonstration
- 62 6 NYCRR 212.6 (a): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 63 ECL 19-0301: Contaminant List
- 2-4 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 65 6 NYCRR Subpart 201-5: Emission Unit Definition
- 66 6 NYCRR 211.2: Air pollution prohibited
- 2-5 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 67 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 68 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

**EU=1-STEAM**

- 1-1 6 NYCRR 201-5.3 (b): Compliance Demonstration

NOTE: \* preceding the condition number indicates capping.





**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,



required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6 NYCRR 201-1.2**

If an existing emission source was subject to the permitting requirements of 6 NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: 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 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 F: Recycling and Salvage - 6 NYCRR 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source 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 which contains emission sources or units subject to 6 NYCRR Subpart 201-3, 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.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source 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 which contains emission sources or units subject to 6 NYCRR Subpart 201-3, 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.

**Item J: Required Emission Tests - 6 NYCRR 202-1.1**



An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item K: Open Fires Prohibitions - 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.

**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.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 2-1: Required Emissions Tests**



Effective between the dates of 09/19/2012 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1

**Item 2-1.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

**Condition 1: Facility Permissible Emissions**

Effective between the dates of 05/12/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

**Item 1.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000124-38-9 (From Mod 2) PTE: 195,000,000  
pounds per year  
Name: CARBON DIOXIDE

CAS No: 0NY998-00-0 (From Mod 2) PTE: 97,500 pounds  
per year  
Name: VOC

**Condition 4: Capping Monitoring Condition**

Effective between the dates of 05/12/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

**Item 4.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 4.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4.3:**

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

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**Item 4.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY998-00-0 VOC

**Item 4.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE  
Monitoring Description:  
The facility is capping out of Title V requirements with a volatile organic compound (VOC) emission limit of 47.5 tons (95,000 pounds) per year on a twelve (12) month rolling total basis. The VOC emissions will be tracked on a monthly and twelve (12) month rolling total basis, using production data, fuel usage data, published emission factors, and emissions test data as applicable to calculate actual emissions.

Parameter Monitored: VOC  
Upper Permit Limit: 95,000 pounds  
Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 12 calendar month(s).

**Condition 2-2: Capping Monitoring Condition**  
**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 201-7.2**

**Item 2-2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the

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purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 2-2.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 2-2.3:**

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.

**Item 2-2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 2-2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2-2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000124-38-9 CARBON DIOXIDE

**Item 2-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The facility is capping out of Title V requirements with a carbon dioxide (CO<sub>2</sub>) emission limit of 97,500 tons per year (195,000,000 pounds per year) on a (12) month rolling basis. The facility will monitor this limit by keeping the amount of natural gas used in any twelve month period (facility wide including exempt sources) to less than 1,625,000,000 cubic feet. (This number is based on an emission factor of 120,000 lb CO<sub>2</sub> per million cubic feet natural gas.)

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Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NATURAL GAS  
Parameter Monitored: NATURAL GAS  
Upper Permit Limit: 1,625,000,000 cubic feet per year  
Monitoring Frequency: MONTHLY  
Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2013.  
Subsequent reports are due every 12 calendar month(s).

**Condition 2-3: Air pollution prohibited**  
**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 2-3.1:**

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. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 10: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 227-1.3 (a)**

**Item 10.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of 40 CFR 60.



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The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: METHOD 9  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 11: Corrective Action**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 227-1.6**

**Item 11.1:**  
This Condition applies to Emission Unit: 1-STEAM

**Item 11.2:**  
(a) Any person found to have violated any provision of this Part shall not cause, permit or allow operation of the stationary combustion installation involved in the violation unless:

- (1) it is equipped with approved emission control equipment;
- (2) it is rehabilitated or upgraded in an approved manner; or
- (3) the fuel is changed to an acceptable type.

(b) The commissioner may seal such stationary combustion installation so as to prevent any operation if the conditions of paragraph (a)(1)-(3) above are not met within the time provided by the order of final determination issued in the case of the violation.

(c) No person shall cause, permit or allow operation of any stationary combustion installation sealed by the commissioner in accordance with this section.

(d) No person except the commissioner or his representative shall remove, tamper with or destroy any seal affixed to any stationary combustion installation.

**Condition 12: General Provisions**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 227-1.7**

**Item 12.1:**  
This Condition applies to Emission Unit: 1-STEAM

**Item 12.2:**

**New York State Department of Environmental Conservation**

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(a) Emission data. Any person who owns or operates a stationary combustion installation described in 6 NYCRR Part 227-1 shall provide pertinent data concerning emissions when so requested by the commissioner.

(b) Test methods. Sampling, compositing and analysis of fuel samples shall be carried out in accordance with the most recent ASTM standard methods or equivalent methods acceptable to the commissioner.

**Condition 13: EPA Region 2 address.  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 13.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 13.2:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

**Condition 14: Date of construction notification - If a COM is not used.  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(a), NSPS Subpart A**

**Item 14.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 14.2:**

Any owner or operator subject to this part shall furnish the Administrator with the following information:

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- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

**Condition 15: Recordkeeping requirements.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(b), NSPS Subpart A**

**Item 15.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 15.2:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(c), NSPS Subpart A**

**Item 16.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



Affected owners or operators shall submit an excess emissions report semi-annually based on the calendar year (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be postmarked no later than 30 calendar days following the end of the reporting period, and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

Subsequent reports are due every 6 calendar month(s).

**Condition 17: Excess Emissions Report**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(d), NSPS Subpart A**

**Item 17.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 17.2:**

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

**Condition 18: Monitoring frequency waiver.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(e), NSPS Subpart A**



**Item 18.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 18.2:** Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the conditions in 40 CFR 60.7(e) are met.

**Condition 19: Facility files for subject sources.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(f), NSPS Subpart A**

**Item 19.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 19.2:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspection. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

**Condition 20: Notification Similar to State or Local Agency**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(g), NSPS Subpart A**

**Item 20.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 20.2:**

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part 60.7(a).

**Condition 21: Performance testing timeline.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(a), NSPS Subpart A**

**Item 21.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 21.2:**

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct



performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 22: Performance Test Methods - Waiver EU Level**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A**

**Item 22.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 22.2:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR Part 60 unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternate method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

**Condition 23: Performance test methods.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A**

**Item 23.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 23.2:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

**Condition 24: Required performance test information.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(c), NSPS Subpart A**

**Item 24.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 24.2:**

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operate of the facility.

**Condition 25: Prior notice.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**



**Applicable Federal Requirement:40CFR 60.8(d), NSPS Subpart A**

**Item 25.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 25.2:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

**Condition 26: Performance testing facilities.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(e), NSPS Subpart A**

**Item 26.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 26.2:**

The following performance testing facilities shall be provided during all tests:

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

**Condition 27: Number of required tests.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(f), NSPS Subpart A**

**Item 27.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 27.2:**

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.

**Condition 28: Availability of information.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A**

**Item 28.1:**

This Condition applies to Emission Unit: 1-STEAM



**Item 28.2:**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter.

**Condition 29: Opacity standard compliance testing.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.11, NSPS Subpart A**

**Item 29.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 29.2:**

The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A or this Part 40 CFR 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

**Condition 30: Circumvention.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A**

**Item 30.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 30.2:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 31: Monitoring requirements.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A**

**Item 31.1:**

This Condition applies to Emission Unit: 1-STEAM





**Item 31.2:**

All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

**Condition 32: Modifications.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A**

**Item 32.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 32.2:**

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

**Condition 33: Reconstruction.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.15, NSPS Subpart A**

**Item 33.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 33.2:**

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

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**Condition 35: Compliance Demonstration**  
Effective between the dates of 05/12/2008 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(a), NSPS Subpart Dc

**Item 35.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 35.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 36: Compliance Demonstration**  
Effective between the dates of 05/12/2008 and Permit Expiration Date

Applicable Federal Requirement:40CFR 60.48c(g)(2), NSPS Subpart Dc

**Item 36.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 36.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

As an alternative to meeting the requirements of 40 CFR 60.48c(g)(1), the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in §60.48c(f) to demonstrate compliance with the SO<sub>2</sub> standard, fuels not subject to an emissions standard (excluding opacity), or a mixture of these fuels may elect to record and maintain records of the amount of each fuel combusted during each calendar month.

Monitoring Frequency: MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 37: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.48c(i), NSPS Subpart Dc**

**Item 37.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 37.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 56: Emissions from new emission sources and/or modifications**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (a)**

**Item 56.1:**

This Condition applies to Emission Unit: 2-FOODS

**Item 56.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 57: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**



**Applicable Federal Requirement:6 NYCRR 212.6 (a)**

**Item 57.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-FOODS

**Item 57.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The facility owner/operator shall conduct a visible emissions check (determining the presence or absence of visible emissions greater than the limit specified) of all emission points and/or emission sources for this emission unit once per day, during daylight hours, except during conditions of extreme weather (fog, snow, rain). If any visible emissions are noted above the limit specified, corrective action is required.

Daily records of the visible emission checks are to be maintained in a bound log book or other format acceptable to the Department, including corrective actions taken and explanations for days when weather conditions are prohibitive, on site for a period of five years. The daily records shall indicate the date, time, weather conditions, observer's name, and the results of the observations.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 58: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.6 (a)**

**Item 58.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-FOODS

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**Item 58.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 59: Emissions from new emission sources and/or modifications  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (a)**

**Item 59.1:**

This Condition applies to Emission Unit: 3-GRAIN

**Item 59.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 60: Compliance Demonstration  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (c)**

**Item 60.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-GRAIN

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 60.2:**

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.050 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 61: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement: 6 NYCRR 212.6 (a)**

**Item 61.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-GRAIN

**Item 61.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The facility owner/operator shall conduct a visible emissions check (determining the presence or absence of visible emissions greater than the limit specified) of all emission points and/or emission sources for this emission unit once per day, during daylight hours, except during conditions of extreme weather (fog, snow, rain). If any visible emissions are noted above the limit specified, corrective action is required.

Daily records of the visible emission checks are to be maintained in a bound log book or other format acceptable to the Department, including corrective actions taken and explanations for days when weather conditions are prohibitive, on site for a period of five years. The daily records shall indicate the date, time, weather conditions, observer's name, and the results of the

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observations.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 62: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement: 6 NYCRR 212.6 (a)**

**Item 62.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-GRAIN

**Item 62.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**





**Condition 63: Contaminant List**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:ECL 19-0301**

**Item 63.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000124-38-9  
Name: CARBON DIOXIDE

CAS No: 0NY075-00-0  
Name: PARTICULATES

CAS No: 0NY210-00-0  
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0  
Name: VOC

**Condition 2-4: Unavoidable noncompliance and violations**

**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 201-1.4**

**Item 2-4.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after



becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superseded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 65: Emission Unit Definition**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 65.1(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 1-STEAM

Emission Unit Description:

Two 99.7 million Btu/hr boilers provide steam to the facility for heating, processing and canning. A heat recovery system is also utilized. The boilers fire natural gas and are subject to NSPS Subpart Dc. Each boiler, as well as the heat recovery system, vent to an individual stack. There is also a 3.06 MMBtu/yr exempt boiler firing natural gas primarily used for comfort heat when the plant is not operating.

Building(s): MAIN

**Item 65.2(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 2-FOODS

Emission Unit Description:

Raw fruits and vegetables are processed into infant food using a variety of equipment including ingredient tanks/kettles, ribbon blender cookers, thermometers, a

New York State Department of Environmental Conservation

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blancher (thermoscrew) and fill lines. VOC may be emitted from the food products during processing.

Building(s): MAIN

**Item 65.3(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 3-GRAIN

Emission Unit Description:

Infant cereal production: Flour and other ingredients are mixed and cooked and then conveyed to drum dryers. The dried material is then broken into flakes. Air containing fines from cereal flake production is passed through one of five dust collectors.

Building(s): MAIN

**Condition 66: Air pollution prohibited  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 66.1:**

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. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 2-5: Visible Emissions Limited  
Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 2-5.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

\*\*\*\* Emission Unit Level \*\*\*\*

**Condition 67: Emission Point Definition By Emission Unit  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 67.1(From Mod 2):**

The following emission points are included in this permit for the cited Emission Unit:

New York State Department of Environmental Conservation

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Emission Unit: 1-STEAM

Emission Point: 0001A  
Height (ft.): 75 Diameter (in.): 52  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 0002A  
Height (ft.): 75 Diameter (in.): 52  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 0003A  
Height (ft.): 75 Diameter (in.): 52  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

**Item 67.2(From Mod 2):**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 2-FOODS

Emission Point: 00004  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00005  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00006  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00007  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00008  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00009  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00010  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00011  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

# New York State Department of Environmental Conservation

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Facility DEC ID: 4272600061



Emission Point: 00012			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00013			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00014			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00015			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00016			
Height (ft.): 34	Diameter (in.): 75		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00017			
Height (ft.): 34	Diameter (in.): 75		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00018			
Height (ft.): 33	Diameter (in.): 29		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00019			
Height (ft.): 40	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00020			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00021			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00022			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00023			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00024			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	

**New York State Department of Environmental Conservation**

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**Item 67.3(From Mod 2):**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 3-GRAIN

Emission Point: 00025  
Height (ft.): 34 Diameter (in.): 50  
NYTMN (km.): 4754.454 NYTME (km.): 562.754 Building: MAIN

Emission Point: 00026  
Height (ft.): 34 Diameter (in.): 50  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

Emission Point: 00027  
Height (ft.): 34 Diameter (in.): 50  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

Emission Point: 00028  
Height (ft.): 31 Diameter (in.): 16  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

Emission Point: 00029  
Height (ft.): 31 Diameter (in.): 16  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

Emission Point: 00030  
Height (ft.): 31 Diameter (in.): 16  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

Emission Point: 00031  
Height (ft.): 31 Diameter (in.): 16  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

Emission Point: 00032  
Height (ft.): 31 Diameter (in.): 16  
NYTMN (km.): 4754.454 NYTME (km.): 562.784 Building: MAIN

**Condition 68: Process Definition By Emission Unit**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 68.1(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-STEAM

Process: GAS Source Classification Code: 1-02-006-02

Process Description:

Two 99.7 million Btu/hr boilers burn natural gas. Both boilers are equipped with low NOx burners. A heat recovery system is utilized with the boilers.





cooker that vents to the atmosphere.

Emission Source/Control: COO10 - Process

Emission Source/Control: COO11 - Process

Emission Source/Control: COO12 - Process

Emission Source/Control: COOK1 - Process

Emission Source/Control: COOK2 - Process

Emission Source/Control: COOK3 - Process

Emission Source/Control: COOK4 - Process

Emission Source/Control: COOK5 - Process

Emission Source/Control: COOK6 - Process

Emission Source/Control: COOK7 - Process

Emission Source/Control: COOK8 - Process

Emission Source/Control: COOK9 - Process

**Item 68.5(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-FOODS

Process: THR

Process Description:

Two thermintors (comminuting hammermill) desize and heat food by physical hammering under steam.

Emission Source/Control: THER1 - Process

Emission Source/Control: THER2 - Process

**Item 68.6(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 3-GRAIN

Process: DRY

Process Description:

Three steam heated drum dryers are used to dry cereals.

Emission Source/Control: DRY01 - Process

Emission Source/Control: DRY02 - Process

Emission Source/Control: DRY03 - Process





**Item 68.7(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 3-GRAIN

Process: FLK

Process Description:

Air containing fines from cereal flake production is passed through one of five dust collectors.

Emission Source/Control: DUST1 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST2 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST3 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST4 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST5 - Control

Control Type: FABRIC FILTER

Emission Source/Control: LINE1 - Process

Emission Source/Control: LINE2 - Process

**Condition 1-1: Compliance Demonstration**

**Effective between the dates of 04/21/2009 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 201-5.3 (b)**

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall stack test one of the boilers in order to determine the oxides of nitrogen emissions. The facility shall submit the stack test protocol for the testing within sixty (60) days of the startup date of the boilers. The stack test shall be completed within sixty

**New York State Department of Environmental Conservation**

**Permit ID: 4-2726-00061/00001**

**Facility DEC ID: 4272600061**



(60) days of the Department's approval of the protocol. The results of the stack test shall be submitted in triplicate to the Department within sixty (60) days after the completion of the stack test. The stack testing shall be performed in accordance with 6 NYCRR Part 202-1.

Any additional compliance testing will be conducted at the discretion of the Department.

Reference Test Method: Method 7E

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE





**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-2726-00061/00001  
Mod 0 Effective Date: 05/12/2008 Expiration Date: No expiration date.  
Mod 1 Effective Date: 04/21/2009 Expiration Date: No expiration date.  
Mod 2 Effective Date: 09/19/2012 Expiration Date: No expiration date.

Permit Issued To: HERO GROUP INC  
100 HERO DR  
AMSTERDAM, NY 12010

Contact: BARBARA ROCKWELL  
BEECH NUT NUTRITION  
100 HERO DR  
AMSTERDAM, NY 12010  
(518) 839-0247

Facility: HERO GROUP INC (BEECH-NUT) MANUFACTURING PLANT  
100 HERO DR/FLORIDA BUSINESS PARK  
AMSTERDAM, NY 12010

**Description:**

This is a modified Air State Facility permit for the manufacturing operations conducted at this facility which sets a new limit on the amount of natural gas usage the company is allowed to use. This will ensure that the emissions will always be below the new Title V thresholds for carbon dioxide emissions. The modifications also include small physical changes to actual existing emission points from what was conceptually designed, and other minor corrections in boiler size, emission point groupings, and small changes in the details for actual constructed processes.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: ANGELO A MARCUCCIO  
NYSDEC  
1130 N WESTCOTT RD  
SCHENECTADY, NY 12306-2014

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
  - Applications for permit renewals, modifications and transfers
  - Permit modifications, suspensions or revocations by the Department
  - Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



**Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 2-1.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**Condition 4: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

\*\*\*\* Facility Level \*\*\*\*

**Condition 5: Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 4 Headquarters  
Division of Environmental Permits  
1130 North Westcott Rd.  
Schenectady, NY 12306-2014  
(518) 357-2069



**New York State Department of Environmental Conservation**

Permit ID: 4-2726-00061/00001

Facility DEC ID: 4272600061



**Permit Under the Environmental Conservation Law (ECL)**

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY  
PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To:HERO GROUP INC  
100 HERO DR  
AMSTERDAM, NY 12010

Facility: HERO GROUP INC (BEECH-NUT) MANUFACTURING PLANT  
100 HERO DR|FLORIDA BUSINESS PARK  
AMSTERDAM, NY 12010

Authorized Activity By Standard Industrial Classification Code:  
2032 - CANNED SPECIALTIES

Mod 0 Permit Effective Date: 05/12/2008  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 04/21/2009  
date.

Permit Expiration Date: No expiration

Mod 2 Permit Effective Date: 09/19/2012  
date.

Permit Expiration Date: No expiration



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 2-1 6 NYCRR 202-1.1: Required Emissions Tests
- 1 6 NYCRR 201-7.2: Facility Permissible Emissions
- \*4 6 NYCRR 201-7.2: Capping Monitoring Condition
- \*2-2 6 NYCRR 201-7.2: Capping Monitoring Condition
- 2-3 6 NYCRR 211.1: Air pollution prohibited

#### Emission Unit Level

##### EU=1-STEAM

- 10 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 11 6 NYCRR 227-1.6: Corrective Action
- 12 6 NYCRR 227-1.7: General Provisions
- 13 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 14 40CFR 60.7(a), NSPS Subpart A: Date of construction notification -  
If a COM is not used.
- 15 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 16 40CFR 60.7(c), NSPS Subpart A: Compliance Demonstration
- 17 40CFR 60.7(d), NSPS Subpart A: Excess Emissions Report
- 18 40CFR 60.7(e), NSPS Subpart A: Monitoring frequency waiver.
- 19 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 20 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or  
Local Agency
- 21 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 22 40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver EU  
Level
- 23 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 24 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 25 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 26 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 27 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 28 40CFR 60.9, NSPS Subpart A: Availability of information.
- 29 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 30 40CFR 60.12, NSPS Subpart A: Circumvention.
- 31 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 32 40CFR 60.14, NSPS Subpart A: Modifications.
- 33 40CFR 60.15, NSPS Subpart A: Reconstruction.
- 35 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 36 40CFR 60.48c(g)(2), NSPS Subpart Dc: Compliance Demonstration
- 37 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Demonstration

##### EU=2-FOODS

- 56 6 NYCRR 212.4 (a): Emissions from new emission sources and/or  
modifications
- 57 6 NYCRR 212.6 (a): Compliance Demonstration
- 58 6 NYCRR 212.6 (a): Compliance Demonstration

##### EU=3-GRAIN



- 59 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications
- 60 6 NYCRR 212.4 (c): Compliance Demonstration
- 61 6 NYCRR 212.6 (a): Compliance Demonstration
- 62 6 NYCRR 212.6 (a): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 63 ECL 19-0301: Contaminant List
- 2-4 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 65 6 NYCRR Subpart 201-5: Emission Unit Definition
- 66 6 NYCRR 211.2: Air pollution prohibited
- 2-5 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 67 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 68 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

**EU=1-STEAM**

- 1-1 6 NYCRR 201-5.3 (b): Compliance Demonstration

NOTE: \* preceding the condition number indicates capping.



**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,



required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6 NYCRR 201-1.2**

If an existing emission source was subject to the permitting requirements of 6 NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: 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 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 F: Recycling and Salvage - 6 NYCRR 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source 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 which contains emission sources or units subject to 6 NYCRR Subpart 201-3, 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.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source 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 which contains emission sources or units subject to 6 NYCRR Subpart 201-3, 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.

**Item J: Required Emission Tests - 6 NYCRR 202-1.1**



An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item K: Open Fires Prohibitions - 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.

**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.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 2-1: Required Emissions Tests**



Effective between the dates of 09/19/2012 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 202-1.1

**Item 2-1.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

**Condition 1: Facility Permissible Emissions**

Effective between the dates of 05/12/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

**Item 1.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000124-38-9 (From Mod 2) PTE: 195,000,000  
pounds per year  
Name: CARBON DIOXIDE

CAS No: 0NY998-00-0 (From Mod 2) PTE: 97,500 pounds  
per year  
Name: VOC

**Condition 4: Capping Monitoring Condition**

Effective between the dates of 05/12/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.2

**Item 4.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 4.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4.3:**

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.





**Item 4.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY998-00-0 VOC

**Item 4.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The facility is capping out of Title V requirements with a volatile organic compound (VOC) emission limit of 47.5 tons (95,000 pounds) per year on a twelve (12) month rolling total basis. The VOC emissions will be tracked on a monthly and twelve (12) month rolling total basis, using production data, fuel usage data, published emission factors, and emissions test data as applicable to calculate actual emissions.

Parameter Monitored: VOC  
Upper Permit Limit: 95,000 pounds  
Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 12 calendar month(s).

**Condition 2-2: Capping Monitoring Condition**  
**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable Federal Requirement: 6 NYCRR 201-7.2**

**Item 2-2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the

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purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 2-2.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 2-2.3:**

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.

**Item 2-2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 2-2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2-2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000124-38-9 CARBON DIOXIDE

**Item 2-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The facility is capping out of Title V requirements with a carbon dioxide (CO<sub>2</sub>) emission limit of 97,500 tons per year (195,000,000 pounds per year) on a (12) month rolling basis. The facility will monitor this limit by keeping the amount of natural gas used in any twelve month period (facility wide including exempt sources) to less than 1,625,000,000 cubic feet. (This number is based on an emission factor of 120,000 lb CO<sub>2</sub> per million cubic feet natural gas.)

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Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NATURAL GAS  
Parameter Monitored: NATURAL GAS  
Upper Permit Limit: 1,625,000,000 cubic feet per year  
Monitoring Frequency: MONTHLY  
Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2013.  
Subsequent reports are due every 12 calendar month(s).

**Condition 2-3: Air pollution prohibited**  
**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 2-3.1:**

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. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 10: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 227-1.3 (a)**

**Item 10.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test Method 9 in Appendix A of 40 CFR 60.

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The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

**DESCRIPTION**

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 11: Corrective Action**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 227-1.6**

**Item 11.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 11.2:**

(a) Any person found to have violated any provision of this Part shall not cause, permit or allow operation of the stationary combustion installation involved in the violation unless:

- (1) it is equipped with approved emission control equipment;
- (2) it is rehabilitated or upgraded in an approved manner; or
- (3) the fuel is changed to an acceptable type.

(b) The commissioner may seal such stationary combustion installation so as to prevent any operation if the conditions of paragraph (a)(1)-(3) above are not met within the time provided by the order of final determination issued in the case of the violation.

(c) No person shall cause, permit or allow operation of any stationary combustion installation sealed by the commissioner in accordance with this section.

(d) No person except the commissioner or his representative shall remove, tamper with or destroy any seal affixed to any stationary combustion installation.

**Condition 12: General Provisions**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 227-1.7**

**Item 12.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 12.2:**

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(a) Emission data. Any person who owns or operates a stationary combustion installation described in 6 NYCRR Part 227-1 shall provide pertinent data concerning emissions when so requested by the commissioner.

(b) Test methods. Sampling, compositing and analysis of fuel samples shall be carried out in accordance with the most recent ASTM standard methods or equivalent methods acceptable to the commissioner.

**Condition 13: EPA Region 2 address.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 13.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 13.2:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

**Condition 14: Date of construction notification - If a COM is not used.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(a), NSPS Subpart A**

**Item 14.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 14.2:**

Any owner or operator subject to this part shall furnish the Administrator with the following information:

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- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

**Condition 15: Recordkeeping requirements.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(b), NSPS Subpart A**

**Item 15.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 15.2:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(c), NSPS Subpart A**

**Item 16.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



Affected owners or operators shall submit an excess emissions report semi-annually based on the calendar year (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be postmarked no later than 30 calendar days following the end of the reporting period, and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

Subsequent reports are due every 6 calendar month(s).

**Condition 17: Excess Emissions Report**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(d), NSPS Subpart A**

**Item 17.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 17.2:**

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

**Condition 18: Monitoring frequency waiver.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(e), NSPS Subpart A**



**Item 18.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 18.2:** Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the conditions in 40 CFR 60.7(e) are met.

**Condition 19: Facility files for subject sources.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(f), NSPS Subpart A**

**Item 19.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 19.2:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspection. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

**Condition 20: Notification Similar to State or Local Agency**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.7(g), NSPS Subpart A**

**Item 20.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 20.2:**

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part 60.7(a).

**Condition 21: Performance testing timeline.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(a), NSPS Subpart A**

**Item 21.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 21.2:**

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct





performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 22: Performance Test Methods - Waiver EU Level**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A**

**Item 22.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 22.2:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR Part 60 unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternate method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

**Condition 23: Performance test methods.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A**

**Item 23.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 23.2:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

**Condition 24: Required performance test information.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(c), NSPS Subpart A**

**Item 24.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 24.2:**

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operate of the facility.

**Condition 25: Prior notice.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**



**Applicable Federal Requirement:40CFR 60.8(d), NSPS Subpart A**

**Item 25.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 25.2:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

**Condition 26: Performance testing facilities.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(e), NSPS Subpart A**

**Item 26.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 26.2:**

The following performance testing facilities shall be provided during all tests:

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

**Condition 27: Number of required tests.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.8(f), NSPS Subpart A**

**Item 27.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 27.2:**

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.

**Condition 28: Availability of information.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A**

**Item 28.1:**

This Condition applies to Emission Unit: 1-STEAM



**Item 28.2:**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter.

**Condition 29: Opacity standard compliance testing.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.11, NSPS Subpart A**

**Item 29.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 29.2:**

The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A or this Part 40 CFR 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

**Condition 30: Circumvention.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A**

**Item 30.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 30.2:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 31: Monitoring requirements.**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A**

**Item 31.1:**

This Condition applies to Emission Unit: 1-STEAM



**Item 31.2:**

All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

**Condition 32: Modifications.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A**

**Item 32.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 32.2:**

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

**Condition 33: Reconstruction.**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.15, NSPS Subpart A**

**Item 33.1:**

This Condition applies to Emission Unit: 1-STEAM

**Item 33.2:**

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

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**Condition 35: Compliance Demonstration**  
Effective between the dates of 05/12/2008 and Permit Expiration Date

**Applicable Federal Requirement:40CFR 60.48c(a), NSPS Subpart Dc**

**Item 35.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 35.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 36: Compliance Demonstration**  
Effective between the dates of 05/12/2008 and Permit Expiration Date

**Applicable Federal Requirement:40CFR 60.48c(g)(2), NSPS Subpart Dc**

**Item 36.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 36.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

As an alternative to meeting the requirements of 40 CFR 60.48c(g)(1), the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in §60.48c(f) to demonstrate compliance with the SO<sub>2</sub> standard, fuels not subject to an emissions standard (excluding opacity), or a mixture of these fuels may elect to record and maintain records of the amount of each fuel combusted during each calendar month.

Monitoring Frequency: MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 37: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.48c(i), NSPS Subpart Dc**

**Item 37.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

**Item 37.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 56: Emissions from new emission sources and/or modifications**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (a)**

**Item 56.1:**

This Condition applies to Emission Unit: 2-FOODS

**Item 56.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 57: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**



**Applicable Federal Requirement:6 NYCRR 212.6 (a)**

**Item 57.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-FOODS

**Item 57.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The facility owner/operator shall conduct a visible emissions check (determining the presence or absence of visible emissions greater than the limit specified) of all emission points and/or emission sources for this emission unit once per day, during daylight hours, except during conditions of extreme weather (fog, snow, rain). If any visible emissions are noted above the limit specified, corrective action is required.

Daily records of the visible emission checks are to be maintained in a bound log book or other format acceptable to the Department, including corrective actions taken and explanations for days when weather conditions are prohibitive, on site for a period of five years. The daily records shall indicate the date, time, weather conditions, observer's name, and the results of the observations.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 58: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.6 (a)**

**Item 58.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-FOODS

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**Item 58.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 59: Emissions from new emission sources and/or modifications  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (a)**

**Item 59.1:**

This Condition applies to Emission Unit: 3-GRAIN

**Item 59.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 60: Compliance Demonstration  
Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 212.4 (c)**

**Item 60.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-GRAIN

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 60.2:**

Compliance Demonstration shall include the following monitoring:



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Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.050 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing will be conducted at the discretion of the Department.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 61: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement: 6 NYCRR 212.6 (a)**

**Item 61.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-GRAIN

**Item 61.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The facility owner/operator shall conduct a visible emissions check (determining the presence or absence of visible emissions greater than the limit specified) of all emission points and/or emission sources for this emission unit once per day, during daylight hours, except during conditions of extreme weather (fog, snow, rain). If any visible emissions are noted above the limit specified, corrective action is required.

Daily records of the visible emission checks are to be maintained in a bound log book or other format acceptable to the Department, including corrective actions taken and explanations for days when weather conditions are prohibitive, on site for a period of five years. The daily records shall indicate the date, time, weather conditions, observer's name, and the results of the

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observations.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation.

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 62: Compliance Demonstration**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable Federal Requirement: 6 NYCRR 212.6 (a)**

**Item 62.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-GRAIN

**Item 62.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**



**Condition 63: Contaminant List**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:ECL 19-0301**

**Item 63.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000124-38-9  
Name: CARBON DIOXIDE

CAS No: 0NY075-00-0  
Name: PARTICULATES

CAS No: 0NY210-00-0  
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0  
Name: VOC

**Condition 2-4: Unavoidable noncompliance and violations**

**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 201-1.4**

**Item 2-4.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after



becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superseded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 65: Emission Unit Definition**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 65.1(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 1-STEAM

Emission Unit Description:

Two 99.7 million Btu/hr boilers provide steam to the facility for heating, processing and canning. A heat recovery system is also utilized. The boilers fire natural gas and are subject to NSPS Subpart Dc. Each boiler, as well as the heat recovery system, vent to an individual stack. There is also a 3.06 MMBtu/yr exempt boiler firing natural gas primarily used for comfort heat when the plant is not operating.

Building(s): MAIN

**Item 65.2(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 2-FOODS

Emission Unit Description:

Raw fruits and vegetables are processed into infant food using a variety of equipment including ingredient tanks/kettles, ribbon blender cookers, thermometers, a

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blancher (thermoscrew) and fill lines. VOC may be emitted from the food products during processing.

Building(s): MAIN

**Item 65.3(From Mod 2):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 3-GRAIN

Emission Unit Description:

Infant cereal production: Flour and other ingredients are mixed and cooked and then conveyed to drum dryers. The dried material is then broken into flakes. Air containing fines from cereal flake production is passed through one of five dust collectors.

Building(s): MAIN

**Condition 66: Air pollution prohibited**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 66.1:**

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. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 2-5: Visible Emissions Limited**  
**Effective between the dates of 09/19/2012 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 2-5.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

\*\*\*\* Emission Unit Level \*\*\*\*

**Condition 67: Emission Point Definition By Emission Unit**  
**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 67.1(From Mod 2):**

The following emission points are included in this permit for the cited Emission Unit:

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Emission Unit: 1-STEAM

Emission Point: 0001A  
Height (ft.): 75 Diameter (in.): 52  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 0002A  
Height (ft.): 75 Diameter (in.): 52  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 0003A  
Height (ft.): 75 Diameter (in.): 52  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

**Item 67.2(From Mod 2):**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 2-FOODS

Emission Point: 00004  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00005  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00006  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00007  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00008  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00009  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00010  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

Emission Point: 00011  
Height (ft.): 33 Diameter (in.): 36  
NYTMN (km.): 4754.608 NYTME (km.): 563.036 Building: MAIN

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Emission Point: 00012			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00013			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00014			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00015			
Height (ft.): 34	Diameter (in.): 58		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00016			
Height (ft.): 34	Diameter (in.): 75		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00017			
Height (ft.): 34	Diameter (in.): 75		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00018			
Height (ft.): 33	Diameter (in.): 29		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00019			
Height (ft.): 40	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00020			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00021			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00022			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00023			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	
Emission Point: 00024			
Height (ft.): 35	Diameter (in.): 8		
NYTMN (km.): 4754.608	NYTME (km.): 563.036	Building: MAIN	



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**Item 67.3(From Mod 2):**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 3-GRAIN

Emission Point: 00025

Height (ft.): 34

Diameter (in.): 50

NYTMN (km.): 4754.454

NYTME (km.): 562.754

Building: MAIN

Emission Point: 00026

Height (ft.): 34

Diameter (in.): 50

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

Emission Point: 00027

Height (ft.): 34

Diameter (in.): 50

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

Emission Point: 00028

Height (ft.): 31

Diameter (in.): 16

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

Emission Point: 00029

Height (ft.): 31

Diameter (in.): 16

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

Emission Point: 00030

Height (ft.): 31

Diameter (in.): 16

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

Emission Point: 00031

Height (ft.): 31

Diameter (in.): 16

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

Emission Point: 00032

Height (ft.): 31

Diameter (in.): 16

NYTMN (km.): 4754.454

NYTME (km.): 562.784

Building: MAIN

**Condition 68: Process Definition By Emission Unit**

**Effective between the dates of 05/12/2008 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 68.1(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-STEAM

Process: GAS

Source Classification Code: 1-02-006-02

Process Description:

Two 99.7 million Btu/hr boilers burn natural gas. Both boilers are equipped with low NOx burners. A heat recovery system is utilized with the boilers.

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Emission Source/Control: 00B1A - Combustion  
Design Capacity: 99.7 million Btu per hour

Emission Source/Control: 00B2A - Combustion  
Design Capacity: 99.7 million Btu per hour

Emission Source/Control: 00HRS - Combustion

Emission Source/Control: 00K1A - Control  
Control Type: LOW NOx BURNER

Emission Source/Control: 00K2A - Control  
Control Type: LOW NOx BURNER

**Item 68.2(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-FOODS  
Process: BLN  
Process Description:  
One blancher is used to process fruits and vegetables.

Emission Source/Control: BLAN1 - Process

**Item 68.3(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-FOODS  
Process: CAN  
Process Description:  
Six fill lines are used to can finished food products.

Emission Source/Control: CAN01 - Process

Emission Source/Control: CAN02 - Process

Emission Source/Control: CAN03 - Process

Emission Source/Control: CAN04 - Process

Emission Source/Control: CAN05 - Process

Emission Source/Control: CAN06 - Process

**Item 68.4(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-FOODS  
Process: RBC  
Process Description:  
Twelve ribbon blender cookers are used to cook fruits and vegetables. There is a hood over each ribbon blender



cooker that vents to the atmosphere.

Emission Source/Control: COO10 - Process

Emission Source/Control: COO11 - Process

Emission Source/Control: COO12 - Process

Emission Source/Control: COOK1 - Process

Emission Source/Control: COOK2 - Process

Emission Source/Control: COOK3 - Process

Emission Source/Control: COOK4 - Process

Emission Source/Control: COOK5 - Process

Emission Source/Control: COOK6 - Process

Emission Source/Control: COOK7 - Process

Emission Source/Control: COOK8 - Process

Emission Source/Control: COOK9 - Process

**Item 68.5(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-FOODS

Process: THR

Process Description:

Two thermintors (comminuting hammermill) desize and heat food by physical hammering under steam.

Emission Source/Control: THER1 - Process

Emission Source/Control: THER2 - Process

**Item 68.6(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 3-GRAIN

Process: DRY

Process Description:

Three steam heated drum dryers are used to dry cereals.

Emission Source/Control: DRY01 - Process

Emission Source/Control: DRY02 - Process

Emission Source/Control: DRY03 - Process



**Item 68.7(From Mod 2):**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 3-GRAIN

Process: FLK

Process Description:

Air containing fines from cereal flake production is passed through one of five dust collectors.

Emission Source/Control: DUST1 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST2 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST3 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST4 - Control

Control Type: FABRIC FILTER

Emission Source/Control: DUST5 - Control

Control Type: FABRIC FILTER

Emission Source/Control: LINE1 - Process

Emission Source/Control: LINE2 - Process

**Condition 1-1: Compliance Demonstration**

**Effective between the dates of 04/21/2009 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 201-5.3 (b)**

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-STEAM

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall stack test one of the boilers in order to determine the oxides of nitrogen emissions. The facility shall submit the stack test protocol for the testing within sixty (60) days of the startup date of the boilers. The stack test shall be completed within sixty

**New York State Department of Environmental Conservation**

**Permit ID: 4-2726-00061/00001**

**Facility DEC ID: 4272600061**



(60) days of the Department's approval of the protocol. The results of the stack test shall be submitted in triplicate to the Department within sixty (60) days after the completion of the stack test. The stack testing shall be performed in accordance with 6 NYCRR Part 202-1.

Any additional compliance testing will be conducted at the discretion of the Department.

Reference Test Method: Method 7E

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

