

Facility DEC ID: 9140200746

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-1402-00746/00004  
Effective Date: 04/23/2021 Expiration Date: 04/22/2031

Permit Issued To: THE BUFFALO CITY CEMETERY INC  
1411 DELAWARE AVE  
BUFFALO, NY 14209

Contact: JOSEPH DISPENZA  
1411 DELAWARE AVE  
BUFFALO, NY 14209  
(716) 885-1600

Facility: THE BUFFALO CITY CEMETERY, INC.  
901 W DELAVAN AVE  
BUFFALO, NY 14209-1217

**Description:**

The Buffalo City Cemetery, Inc (facility) is a crematorium. The facility operates three cremation units in addition to a natural gas fired furnace (120,000 BTU/hr) and hot water heater (40,000 BTU/hr). The facility is replacing an existing Air Facility Registration with an Air State Facility permit. This Air State Facility (ASF) permit is to allow the facility to replace two existing crematory units. In Phase 1, the facility will replace an existing CMS crematory unit with a Facultateive Technologies (FT) SE III cremator Emission Unit U-00001. In Phase 2, the Facility will replace an existing Matthews crematory unit with a FT SE III cremator Emission Unit U-00002. The FT SE III cremator units are two chambered with each chamber powered by a Natural Gas fired burner. The cremators are designed to incinerate human remains and funeral containers at a rate of 200 pounds per hour. The two replacement units are in addition to an existing FT SE III unit Emission Unit U-00003 currently operating at the facility which was installed in 2015.

6 NYCRR Part 219-4.3(a) states that no person may cause or allow emissions of particulates into the outdoor atmosphere from an existing cremation unit in excess of 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen. Emission Unit U-00003 is subject to this requirement.

6 NYCRR Part 219-4.3(b) states that no person may cause or allow emissions of particulates into the outdoor atmosphere from a new or modified cremation unit in excess of 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen. Emission Unit U-00001 and Emission Unit U-00002 are subject to this requirement.

According to the requirements of the Climate Leadership and Community Protection Act that went into effect in January 2021, the facility's consulting firm has conducted several analyses regarding greenhouse gas emissions from the proposed operation. First, the current emissions were calculated. The emissions units present at the Facility consist of a CMS cremator, a Matthews cremator, a Facultateive Technologies SE III cremator, a RunTru by Trane furnace, and a Bradford White Corporation hot water heater. All existing units are powered by natural gas. Emissions of GHGs from the facility were assumed to be from natural gas combustion. The

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natural gas combustion emissions were analyzed using 2020 natural gas usage data and emission factors from AP-42. Next, a potential to emit analysis for the facility using natural gas combustion emission factors from AP-42 for the proposed two new Facultateive Technologies SE III units, the existing FT SE III unit, the furnace, and the hot water heater was performed. It was assumed that all sources would operate at maximum capacity for a year to capture yearly emissions. Sources of carbon dioxide equivalents in the analysis included emissions from the facility, emissions associated with transporting natural gas to New York, and emissions associated with distributing natural gas within the state.

CO2e emissions were calculated to decrease by 675 tpy once the new machines are installed. This is due to the fact that the new cremators are more efficient.

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: LISA M CZECHOWICZ  
NYSDEC - REGION 9  
270 MICHIGAN AVE  
BUFFALO, NY 14203-2915

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

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### 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.

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**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 the expiration of permits for Title V and 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.

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

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**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

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.

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

**Condition 5: Submission of application for permit modification or renewal-REGION 9 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 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
(716) 851-7165

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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1411 DELAWARE AVE  
BUFFALO, NY 14209

Facility: THE BUFFALO CITY CEMETERY, INC.  
901 W DELAVAN AVE  
BUFFALO, NY 14209-1217

Authorized Activity By Standard Industrial Classification Code:  
7261 - FUNERAL SERVICE AND CREMATORIES

Permit Effective Date: 04/23/2021

Permit Expiration Date: 04/22/2031

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**FEDERALLY ENFORCEABLE CONDITIONS**

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**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.

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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

**Item E: 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 F: 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 G: 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 H: 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

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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 I: 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 J: 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 K: Permit Exclusion - ECL 19-0305**

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

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

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to

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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 1: Visible Emissions Limited**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable Federal Requirement: 6 NYCRR 211.2**

**Item 1.1:**

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.

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**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: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined in 6 NYCRR subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

(1) an emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;

(2) the equipment at the facility was being properly operated and maintained;

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) the facility owner or operator notified the department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.

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

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

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

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records.

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Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

Item C: **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 2: Contaminant List**  
Effective between the dates of 04/23/2021 and 04/22/2031

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

**Item 2.1:**  
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

**Condition 3: Malfunctions and Start-up/Shutdown Activities**  
Effective between the dates of 04/23/2021 and 04/22/2031

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

**Item 3.1:**  
(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the

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emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, the air contaminants emitted, and the resulting emission rates and/or opacity.

(d) The department may also require the facility owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 4: Emission Unit Definition**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

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

**Item 4.1:**

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

Emission Unit: U-00001

Emission Unit Description:

Emission Unit U-00001 is an FT SE III crematory unit.

The unit operates with two chambers, both powered by natural gas burners. The primary burner operates at 950,000 BTU/hr at a temperature of 2100F. The secondary burner operates at 1,100,000 BTU/hr and at a temperature of 1600F. The unit has a rate of 200 lbs/hr and can combust human remains and funeral containers. The unit has a single emission point which exhausts through the

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facility's roof.  
Emission Unit U-00001 will be installed during Phase 1 of construction.

Building(s): 1-A

**Item 4.2:**

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

Emission Unit: U-00002

Emission Unit Description:

Emission Unit U-00002 is an FT SE III crematory unit. The unit operates with two chambers, both powered by natural gas burners. The primary burner operates at 950,000 BTU/hr at a temperature of 2100F. The secondary burner operates at 1,100,000 BTU/hr and at a temperature of 1600F. The unit has a rate of 200 lbs/hr and can combust human remains and funeral containers. The unit has a single emission point which exhausts through the facility's roof.  
Emission Unit U-00002 will be installed during Phase 2 of construction.

Building(s): 1

**Item 4.3:**

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

Emission Unit: U-00003

Emission Unit Description:

Emission Unit U-00003 is an FT SE III crematory unit. The unit operates with two chambers, both powered by natural gas burners. The primary burner operates at 950,000 BTU/hr at a temperature of 2100F. The secondary burner operates at 1,100,000 BTU/hr and at a temperature of 1600F. The unit has a rate of 200 lbs/hr and can combust human remains and funeral containers. The unit has a single emission point which exhausts through the facility's roof.  
Emission Unit U-00003 is an existing unit.

Building(s): 1

**Condition 5: Renewal deadlines for state facility permits  
Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 5.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 6: Compliance Demonstration**



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

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 9  
270 Michigan Ave.  
Buffalo, NY 14203

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 7: Air pollution prohibited**

Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 211.1**

**Item 7.1:**

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 8: Compliance Demonstration**

Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.4 (a)**

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

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

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Monitoring Description:

No person may cause or allow emissions to the outdoor atmosphere having a six-minute average opacity of 10 percent or greater from any cremation unit. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 10 percent

Reference Test Method: EPA Reference Test Method 9

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement:6 NYCRR 219-4.4 (b)**

**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The owner or operator of a cremation unit must maintain a one-hour average temperature of at least 1600 degrees Fahrenheit in the secondary combustion chamber, with a minimum residence time for combustion gases of at least one second, at all times remains are being cremated.

The owner or operator of a cremation unit must install, operate, calibrate, and maintain, in accordance with manufacturer's instructions, instruments for continuously monitoring and recording the secondary chamber combustion temperature.

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1600 degrees Fahrenheit for at least  
 one second for residence time

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 10: Operating Requirements - Allowed Materials**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement:6 NYCRR 219-4.4 (d)**

Permit ID: 9-1402-00746/00004

Facility DEC ID: 9140200746

**Item 10.1:**

No person may combust materials other than human and animal remains, their associated containers, pathological waste, and incidental animal bedding in any cremation unit unless prior written authorization has been obtained from the Department.

**Condition 11: Compliance Demonstration**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.4 (e)**

**Item 11.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 11.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person may cause or allow the combustion of human and animal remains in any cremation unit unless a cremation certification form has been completed. Each cremation certification form shall contain the following information at a minimum:

- (1) The name, title, and affiliation of the person providing the remains for cremation;
- (2) An attestation signed by the person providing the remains for cremation attesting that the remains and their container do not contain materials prohibited from being combusted by 6 NYCRR Subpart 219-4;
- (3) The name and signature of the person accepting the remains for cremation; and
- (4) The date the remains were accepted for cremation.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 12: Compliance Demonstration**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.4 (f)**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Permit ID: 9-1402-00746/00004

Facility DEC ID: 9140200746

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

Monitoring Description:

No person may cause or allow human or animal remains to be charged at a crematory facility in excess of the manufacturer's rated hourly capacity of the cremation unit.

The facility owner or operator shall maintain records indicating the weight of remains charged to the cremation unit at the facility for a period of at least five years from the date of the record. Such records must be made available to the Department upon request.

Parameter Monitored: FEED RATE

Upper Permit Limit: 200 pounds per hour

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 13: Compliance Demonstration**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.5**

**Item 13.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

6 NYCRR Part 219-4.5(a) states that upon request by the department, the owner or operator of a crematory facility must demonstrate compliance with the requirements of this Subpart by either conducting onsite testing or submitting a representative stack test for an identical unit.

On April 19, 2016, an onsite test was performed on Emission Unit U-00003. DEC approved the test report on June 3, 2016. Due to the fact that Emission Unit U-000001 and Emission Unit U-00002 are identical units to Emission Unit U-00003, no further testing is required at this time.

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 14: Operator Training and Certification**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.6 (a)**

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**Item 14.1:**

No cremation unit subject to the requirements of 6 NYCRR Subpart 219-4 is permitted to operate unless it is operated under the onsite supervision of a person possessing a valid crematory operator certification issued by the Department.

**Condition 15: Compliance Demonstration**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.7 (a)**

**Item 15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a crematory facility must inspect each cremation unit at that facility at least once per calendar year. The facility owner or operator shall perform all necessary repairs and routine maintenance in order to ensure that each cremation unit, monitoring device, and control device is operated and maintained in accordance with manufacturer's instructions.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 05/22/2022 for the period 04/23/2021 through 04/22/2022

**Condition 16: Compliance Demonstration**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement:6 NYCRR 219-4.8 (a)**

**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a crematory facility must maintain the following records at the facility for a period of at least five years:

(1) Continuous secondary chamber temperature monitoring records indicating the date and time of each cremation performed;

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- (2) Operator training and certification records for all operators at the facility;
- (3) A record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them;
- (4) A record of any maintenance performed on each cremation unit, including the annual inspection required by 6 NYCRR Section 219-4.7, and the routine replacement of parts and components; and
- (5) A copy of each cremation certification form created pursuant to 6 NYCRR Subdivision 219-4.4(e).

All records kept pursuant to this condition must be provided to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement: 6 NYCRR 219-4.8 (b)**

**Item 17.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a crematory facility must maintain the following records at the facility for the lifetime of each cremation unit installed at the facility:

- (1) Manufacturer's operating instructions for each cremation unit and any associated monitoring equipment or emissions controls; and
- (2) A copy of the most recent stack test submitted to the Department to demonstrate compliance with the requirements of 6 NYCRR Subpart 219-4.

Records kept pursuant to this condition must be provided to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 18: Compliance Demonstration**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement: 6 NYCRR 219-4.9**

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an existing cremation unit shall:

(1) Obtain appropriate operator certifications, as described in 6 NYCRR Section 219-4.6, by March 14, 2021 for each uncertified operator at the facility;

(2) Demonstrate compliance with the requirements of 6 NYCRR Subpart 219-4 no later than March 14, 2025. A demonstration of final compliance shall include the following information for each existing cremation unit:

(i) An emissions testing report, as described in 6 NYCRR Section 219-4.5, indicating that each existing cremation unit meets the particulate matter emission limit specified in 6 NYCRR Subdivision 219-4.3(a);

(ii) Documentation indicating that each existing cremation unit meets the requirements of 6 NYCRR Subpart 219-4;

(iii) Documentation of the certification status of each operator at the facility.

(3) The owner or operator of an existing cremation unit may submit a written request for a single extension of the deadline described in paragraph (2) above. The request shall describe in detail the circumstances necessitating the extension and shall propose a projected final compliance date. The Department, in its sole discretion, shall approve or deny the request on a case by case basis.

For existing cremation units that cannot meet the requirements of Subpart 219-4, the owner or operator shall submit a written plan to the Department that describes the

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proposed schedule for the replacement or removal of the affected cremation unit. Such written plan must be submitted within 60 days of the owner or operator becoming aware that the unit cannot meet the requirements of Subpart 219-4.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 19: Emission Point Definition By Emission Unit**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

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

**Item 19.1:**

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

Emission Unit: U-00001

Emission Point: EP001

Height (ft.): 21                      Diameter (in.): 18  
 NYTMN (km.): 4759.4              NYTME (km.): 184.5              Building: 1-A

**Item 19.2:**

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

Emission Unit: U-00002

Emission Point: EP002

Height (ft.): 21                      Diameter (in.): 18  
 NYTMN (km.): 4759.4              NYTME (km.): 184.5              Building: 1

**Item 19.3:**

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

Emission Unit: U-00003

Emission Point: EP003

Height (ft.): 25                      Diameter (in.): 18  
 NYTMN (km.): 4759.4              NYTME (km.): 184.5              Building: 1

**Condition 20: Compliance Demonstration**  
**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement:6 NYCRR 219-4.3 (b)**

**Item 20.1:**

The Compliance Demonstration activity will be performed for:



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Facility DEC ID: 9140200746

Emission Unit: U-00001

Regulated Contaminant(s):  
CAS No: 0NY075-00-0 PARTICULATES

**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person may cause or allow emissions of particulates into the outdoor atmosphere from a new or modified cremation unit in excess of 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

Compliance with this condition will be demonstrated according to the stack testing requirements outlined in 6 NYCRR Section 219-4.5.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.05 grains per dry standard cubic foot (corrected to 7% O<sub>2</sub>)

Reference Test Method: EPA Reference Test Method 5

Monitoring Frequency: WHEN THE SOURCE IS OPERATING

Averaging Method: Arithmetic average of stack test runs

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 21: Compliance Demonstration**

**Effective between the dates of 04/23/2021 and 04/22/2031**

**Applicable State Requirement: 6 NYCRR 219-4.3 (b)**

**Item 21.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):  
CAS No: 0NY075-00-0 PARTICULATES

**Item 21.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person may cause or allow emissions of particulates into the outdoor atmosphere from a new or modified cremation unit in excess of 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

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Compliance with this condition will be demonstrated according to the stack testing requirements outlined in 6 NYCRR Section 219-4.5.

Parameter Monitored: PARTICULATES  
Upper Permit Limit: 0.05 grains per dry standard cubic foot (corrected to 7% O<sub>2</sub>)  
Reference Test Method: EPA Reference Test Method 5  
Monitoring Frequency: WHEN THE SOURCE IS OPERATING  
Averaging Method: Arithmetic average of stack test runs  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 22: Compliance Demonstration**  
Effective between the dates of 04/23/2021 and 04/22/2031

**Applicable State Requirement: 6 NYCRR 219-4.3 (a)**

**Item 22.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):  
CAS No: 0NY075-00-0 PARTICULATES

**Item 22.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person may cause or allow emissions of particulates into the outdoor atmosphere from an existing cremation unit in excess of 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

Compliance with this condition will be demonstrated according to the stack testing requirements outlined in 6 NYCRR Section 219-4.5.

Parameter Monitored: PARTICULATES  
Upper Permit Limit: 0.08 grains per dry standard cubic foot (corrected to 7% O<sub>2</sub>)  
Reference Test Method: EPA Reference Test Method 5  
Monitoring Frequency: WHEN THE SOURCE IS OPERATING  
Averaging Method: Arithmetic average of stack test runs  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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**Facility DEC ID: 9140200746**