

Facility DEC ID: 9291100404

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
 Permit ID: 9-2911-00404/00003  
 Effective Date: 02/06/2020 Expiration Date: 02/05/2030

Permit Issued To: SANTAROSA HOLDINGS INC  
 4870 PACKARD RD  
 NIAGARA FALLS, NY 14304

Contact: GRANT WOOLEY  
 1501 COLLEGE AVE  
 NIAGARA FALLS, NY 14305  
 (716) 278-2000

Facility: ALTERNATIVE RESOURCES MANAGEMENT INC  
 1501 COLLEGE AVE  
 NIAGARA FALLS, NY 14305

**Description:**

This permit action is for a new Air State Facility (ASF) permit Ren 0, Mod 0, for Alternative Resources Management, Inc. (ARMI). ARMI currently operates a Construction & Demolition (C&D) Debris processing facility at 1501 College Avenue (Route 31) in the City of Niagara Falls, New York. The approximate eight-acre facility is located on the eastern end of a +/- 19.44-acre site that is currently in a Brownfield Cleanup Agreement (BCA). ARMI's office is located at 4870 Packard Road, Niagara Falls, NY.

Deliveries of authorized materials to the facility are accepted from 7:00 a.m. to 7:00 p.m. Monday through Saturday. ARMI may accept up to 500 tons per day (approx. 1,000 cubic yards per day) of materials approved to produce refuse-derived fuel (RDF) and tire-derived fuel (TDF). Maximum waste receipts during any quarter may not exceed 39,000 tons, and 156,000 tons in any year. The acceptable materials include wood (C&D and unadulterated), cellulose (manufacturer rejects), raggertail (steel and plastic), and waste tires. These materials are shredded, stockpiled in concrete bunkers, and blended to make a non-conventional engineered fuel to the specifications of customers. The facility's 6 NYCRR Part 360 Solid Waste Management permit (No. 9-2911-00404/00001) contains all of the above restrictions, and while they are not included in the ASF permit, the above limits were used to calculate emissions from the facility.

The shredding operation rotates between two identical mobile TANA (Shark 440 DT) shredders that are powered by similar Cummins QSX15 diesel engines (Tier 3 and Tier 4). Typically, one shredder gets used on site while the other one is in the shop for maintenance, but both are permitted to run at the same time if needed. In addition, a trivial (non-permitted) stationary electric-powered shredder (MTB) is also used on site when needed. The shredders use a magnet to separate out metals which are later sold to recyclers. Water spray is applied at the shredder hoppers for dust control. There is no combustion of materials at this facility.

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Traffic areas must be paved (i.e., concrete, asphalt, compacted millings, concrete pads etc.) with appropriate drainage and must be cleaned to prevent tracking of material onto roads and to prevent windblown material from leaving the site. ARMI must keep a log of all complaints and the corresponding corrective action taken with the results. ARMI must be in full compliance with the requirements contained in the Department approved Facility Manual dated January 3, 2020 (EnSol Project No.: 16-0047) and update it periodically as needed.

6 NYCRR Part 200.7 requirements were added for the TANA and MTB hopper water spray devices while materials are being shredded.

6 NYCRR Part 211.2 requirements were added for facility-wide visible emissions limitations (opacity) to this permit.

6 NYCRR Part 212-1.6 requirements were added for visible emission limitations (opacity) on the shredding process and for compliance with the Dust Control Plan contained in Section 2.15 of the Department approved Facility Manual dated January 3, 2020.

6 NYCRR Part 225-1.2(h) sulfur in fuel limits were added for the two Cummins QSX15 diesel engines (Tier 3 and Tier 4) that power the two identical mobile TANA (Shark 440 DT) shredders.

6 NYCRR Part 227-1.3(a) yearly requirements were added for visible emission limitations (opacity) on the two similar Cummins QSX15 diesel engines (Tier 3 and Tier 4).

40 CFR Part 60, Subpart IIII requirements for stationary compression ignition internal combustion engines were added for the two similar Cummins QSX15 diesel engines (Tier 3 and Tier 4) powering the two identical mobile TANA (Shark 440 DT) shredders.

The facility's 6 NYCRR Part 360 Solid Waste Management permit (No. 9-2911-00404/00001) contains requirements where all processing and storage takes place outdoors.

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

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Special Conditions included as part of this permit.

Permit Administrator:        MARK F PASSUITE  
                                      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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**Facility Level**

- 5 5 Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

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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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Permit Issued To: SANTAROSA HOLDINGS INC  
4870 PACKARD RD  
NIAGARA FALLS, NY 14304

Facility: ALTERNATIVE RESOURCES MANAGEMENT INC  
1501 COLLEGE AVE  
NIAGARA FALLS, NY 14305

Authorized Activity By Standard Industrial Classification Code:  
5093 - SCRAP AND WASTE MATERIALS

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**EU=T-00001,Proc=DFE**

- 9 7 6 NYCRR 227-1.3 (a): Compliance Demonstration

**EU=T-00001,Proc=SHR**

- 9 8 6 NYCRR 212-1.6: Compliance Demonstration

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**FEDERALLY ENFORCEABLE CONDITIONS**

FINAL

\*\*\*\* 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.

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**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: 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: Open Fires - Prohibitions**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement: 6 NYCRR 215.2****Item 1.1:**

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

**Item 1.2**

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit

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toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**Condition 2: Maintenance of Equipment**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 2.1:**

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.

**Condition 3: Compliance Demonstration**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The TANA and MTB hopper water spray devices must be operating at the same time materials are being shredded. Hopper water spray device downtime and corresponding corrective actions must be recorded in both the Daily Inspection and Dust Control Logs. The Daily Inspection and Dust Control Logs must be maintained at the facility for a minimum of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 4: Visible Emissions Limited**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement:6 NYCRR 211.2**

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**Item 4.1:**

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.

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement:6 NYCRR 225-1.2 (h)**

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of a stationary combustion installations that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
 Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
 Parameter Monitored: SULFUR CONTENT  
 Upper Permit Limit: 0.0015 percent by weight  
 Monitoring Frequency: PER DELIVERY  
 Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
 Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 6: Applicability**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart IIII**

**Item 6.1:**

Facilities that have stationary compression ignition internal combustion engines must comply

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with applicable portions of 40 CFR 60 Subpart III.

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

**Condition 7: Compliance Demonstration**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

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

**Item 7.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: T-00001  
Process: DFE

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (based on a six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The facility owner or operator shall conduct a Method 9 test annually on each Cummins QSX15 diesel engine (Tier 3 and Tier 4) powering the two identical mobile TANA (Shark 440 DT) shredders. A report of the results of the test will be submitted to the Department within 30 days of the completion of the Method 9 test. All records generated by the permittee will be maintained at the facility for a minimum of five years.

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

**Condition 8: Compliance Demonstration**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

**Applicable Federal Requirement:6 NYCRR 212-1.6**

**Item 8.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: T-00001  
Process: SHR



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**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall be in full compliance with the Dust Control Plan contained in Section 2.15 of the Department approved Facility Manual dated January 3, 2020.

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

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

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

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;

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

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

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

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

**Item B: Public Access to Recordkeeping for 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. Facility owners and/or operators must submit the records

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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 9: Contaminant List**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

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

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

No contaminants.

**Condition 10: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

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

**Item 10.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

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(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, 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 stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and 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. 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, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the 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 11: Emission Unit Definition****Effective between the dates of 02/06/2020 and 02/05/2030****Applicable State Requirement: 6 NYCRR Subpart 201-5****Item 11.1:**

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

Emission Unit: T-00001

Emission Unit Description:

An excavator is used to transfer cellulose, ragtail, wood, and waste tires from the unloading area to the shredder. The facility has two identical mobile TANA (Shark 440 DT) shredders powered by similar Cummins QSX15 diesel engines which are identified as MH4 (535 HP, Tier 4, ESN 79952835) and MH5 (560 HP, Tier 3, ESN 79704982). The diesel engines exhaust to the air and a fine water spray is applied at the shredders' hoppers for controlling dust and for cooling the shredders' blades during the shredding process. Ultra-low sulfur diesel (ULSD) fuel and diesel exhaust fluid (DEF) are used to lower concentrations of contaminants in emissions. The two

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identical mobile TANA shredders may be used simultaneously, and their diesel engines are maintained (tune-up) as recommended by the manufacturer. The facility also utilizes a trivial (non-permitted) stationary electric-powered (MTB) shredder when needed. The MTB shredder uses a water spray at its hopper for controlling dust. The TANA and MTB shredders have a magnet that removes metals from the materials during the shredding process.

**Condition 12: Renewal deadlines for state facility permits**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

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

**Item 12.1:**

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 13: Compliance Demonstration**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

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

**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:

The facility owner or operator must be in full compliance with the requirements set forth in the Department approved Facility Manual dated January 3, 2020 (EnSol Project No.: 16-0047) including, but not limited to, the following: good housekeeping practices, dust and debris control, material containment, facility primary and secondary entrances, inspections, fuel use, testing, training, monitoring, corrective actions, closure plan and record keeping.

The facility owner or operator shall review and update the Facility Manual periodically as needed and notify the Department in order to obtain an updated approval. A copy of the approved Facility Manual must be kept at the facility. The Facility Manual is an enforceable attachment to this permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 14: Compliance Demonstration**  
Effective between the dates of 02/06/2020 and 02/05/2030

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

**Item 14.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 14.2:**

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

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 15: Air pollution prohibited**  
Effective between the dates of 02/06/2020 and 02/05/2030

**Applicable State Requirement:6 NYCRR 211.1**

**Item 15.1:**

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 16: Emission Point Definition By Emission Unit**  
Effective between the dates of 02/06/2020 and 02/05/2030

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

**Item 16.1:**

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

Emission Unit: T-00001

Emission Point: EP001

Height (ft.): 4 Diameter (in.): 5

NYTMN (km.): 4782.155 NYTME (km.): 171.157

Emission Point: EP002

Height (ft.): 4 Diameter (in.): 5

NYTMN (km.): 4782.155 NYTME (km.): 171.157

**Condition 17: Process Definition By Emission Unit**  
**Effective between the dates of 02/06/2020 and 02/05/2030**

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

**Item 17.1:**

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

Emission Unit: T-00001

Process: DFE

Source Classification Code: 2-02-001-02

Process Description:

Two similar Cummins QSX15 diesel engines identified as MH4 (535 HP) and MH5 (560 HP), power two identical mobile TANA (Shark 440 DT) shredders.

Emission Source/Control: ES001 - Combustion

Design Capacity: 535 horsepower (mechanical)

Emission Source/Control: ES004 - Combustion

Design Capacity: 560 horsepower (mechanical)

**Item 17.2:**

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

Emission Unit: T-00001

Process: SHR

Source Classification Code: 3-02-999-99

Process Description:

Cellulose, raggertail, wood, and waste tires are transported to the facility by truck, unloaded and stockpiled using a loader. An excavator is used to transfer materials from the stockpiles to the mobile TANA shredder (or MTB shredder as needed). As the material passes through the shredder, metals are separated out and the remaining material is reduced in size and blended to make an engineered refuse-derived fuel (RDF) or tire-derived (TDF) fuel to the specifications of customers. The fuel blends are stockpiled until they are loaded into trucks using a loader, then transported to customers.

Emission Source/Control: ES003 - Control

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Control Type: WATER MIST/SPRAY

Emission Source/Control: ES006 - Control

Control Type: WATER MIST/SPRAY

Emission Source/Control: ES002 - Process

Design Capacity: 70 tons per hour

Emission Source/Control: ES005 - Process

Design Capacity: 70 tons per hour



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