

Facility DEC ID: 5412400423

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility

Permit ID: 5-4124-00423/00001

Mod 0 Effective Date: 09/29/2021 Expiration Date: 09/28/2031

Mod 1 Effective Date: 10/18/2021 Expiration Date: 09/28/2031

Mod 2 Effective Date: 03/02/2022 Expiration Date: 09/28/2031

Permit Issued To: DWC LLC

23 Wood Rd Unit 300  
Round Lake, NY 12151

Contact:

Jason Mazzotti  
23 Wood Rd Unit 300  
Round Lake, NY 12151  
(845) 401-4492

Facility:

DEATH WISH COFFEE CO  
23 Wood Rd Unit 300  
Round Lake, NY 12151

Description:

Death Wish Coffee Company operates a coffee roasting facility consisting of two (2) batch coffee roasters (EU: A-ROAST) including a Probat-Burns batch roaster rated at 600 lbs/batch fitted with an afterburner and a Loring S70 batch roaster rated at 150 lbs/batch that also has an afterburner chamber for destruction of Volatile Organic Compounds (VOCs). The roasters and afterburners combust natural gas. The permit includes limitations on roasting Green Coffee Beans throughput of 5,187,500 pound per year for Probat Burns roaster and 3,696,000 pounds per year for Loring roaster, respectively. These throughput limits will hold the facility's potential to emit ("PTE") Carbon monoxide to less than 90 tons per year, making it a minor source of criterion pollutant emissions and not subject to Title V permitting requirements. The emissions will be tracked monthly pursuant to 6 NYCRR 201-7 to verify the emissions, and a certification of compliance with these caps will be submitted annually.

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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:           BETH A MAGEE  
  NYSDEC - WARRENSBURG SUBOFFICE  
  232 GOLF COURSE RD  
  WARRENSBURG, NY 12885-1172

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**

- 6 5 Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG

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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 5  
SUBOFFICE - WARRENSBURG**

**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 5 Sub-office  
Division of Environmental Permits  
232 Golf Course Road  
Warrensburg, NY 12885-1172  
(518) 623-1281

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: DWC LLC  
23 Wood Rd Unit 300  
Round Lake, NY 12151

Facility: DEATH WISH COFFEE CO  
23 Wood Rd Unit 300  
Round Lake, NY 12151

Authorized Activity By Standard Industrial Classification Code:  
2095 - ROASTED COFFEE

Mod 0 Permit Effective Date: 09/29/2021

Permit Expiration Date: 09/28/2031

Mod 1 Permit Effective Date: 10/18/2021

Permit Expiration Date: 09/28/2031

Mod 2 Permit Effective Date: 03/02/2022

Permit Expiration Date: 09/28/2031

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**EU=A-00001,Proc=002,ES=AB001**

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NOTE: \* preceding the condition number indicates capping.



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**FEDERALLY ENFORCEABLE CONDITIONS**

Mod 2/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**

(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: Open Fires - Prohibitions**  
Effective between the dates of 09/29/2021 and 09/28/2031

**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: Exempt Sources - Proof of Eligibility**  
Effective between the dates of 09/29/2021 and 09/28/2031

**Applicable Federal Requirement:6 NYCRR 201-3.2 (a)**

**Item 2.1:**

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

**Condition 3: Exempt and Trivial Activities Applicability**  
Effective between the dates of 09/29/2021 and 09/28/2031

**Applicable Federal Requirement:6 NYCRR 201-3.1 (a)**

**Item 3.1:**

If the facility owner and/or operator performs any of the exempt and trivial activities listed in 6 NYCRR Part 201-3.2(c) or 201-3.3(c), such activities are exempt from the permitting provisions of 6 NYCRR Part 201-5, but not from other Parts of 6 NYCRR Chapter III, or from applicable permitting requirements of local air pollution control agencies.

**Condition 4: Facility Permissible Emissions**  
Effective between the dates of 09/29/2021 and 09/28/2031

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

**Item 4.1:**

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: 000630-08-0 (From Mod 2) PTE: 180,000 pounds  
per year

Name: CARBON MONOXIDE

**Condition 5: Capping Monitoring Condition**  
Effective between the dates of 09/29/2021 and 09/28/2031

**Applicable Federal Requirement:6 NYCRR Subpart 201-7**

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**Item 5.1:**

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 201-6.1 (a)

**Item 5.2:**

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

**Item 5.3:**

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 5.4:**

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 5.5:**

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 5.6:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: A-00001  
Process: 001

Emission Unit: A-00001  
Process: 002

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 5.7:**

Compliance Demonstration shall include the following monitoring:

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

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The Green Beans throughput from the Coffee Roasters at this facility is limited to no more than combined total of 8,883,500 lbs (Loring 3,696,000 lbs and Probat Burns 5,187,500 lbs) during any consecutive 12-month period, rolled monthly. The permittee must monitor the throughput from the both roasters and record the monthly and 12-month rolling. Each 12-month green beans throughput total will be compared to the permitted limit of 8,883,500 lbs.

Based upon emission calculations performed for green beans throughput limit, total Carbon Monoxide emissions from both roasters will be bellow 90 tons per year by maintaining Green Beans throughput below this limit

Permittee must submit an annual report of monthly and 12 month rolling throughput to document compliance with the permitted limit of 8,883,500 lbs per year.

Parameter Monitored: GREEN BEANS  
Upper Permit Limit: 8,883,500 pounds per year  
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 1/30/2022.  
Subsequent reports are due every 12 calendar month(s).

**Condition 6: Separate emission test by the commissioner**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable Federal Requirement:6 NYCRR 202-1.4**

**Item 6.1:**

The commissioner may conduct separate or additional emission tests on the behalf of the State to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

**Condition 7: Visible Emissions Limited**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 7.1:**

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 2-1: Maintain all process emission sources, including the associated air pollution control and monitoring equipment**  
**Effective between the dates of 03/02/2022 and 09/28/2031**

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**Applicable Federal Requirement: 6 NYCRR 212-1.5 (g)**

**Item 2-1.1:**

At all times, the facility owner or operator must operate and maintain all process emission sources, including the associated air pollution control and monitoring equipment, in a manner consistent with safety, good air pollution control practices, good engineering practices and manufacturers' recommendations for minimizing emissions.



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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 8: Contaminant List**  
Effective between the dates of 09/29/2021 and 09/28/2031

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

**Item 8.1:**

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

CAS No: 000050-00-0  
Name: FORMALDEHYDE

CAS No: 000630-08-0  
Name: CARBON MONOXIDE

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

**Condition 2-2: Malfunctions and Start-up/Shutdown Activities**  
Effective between the dates of 03/02/2022 and 09/28/2031

Permit ID: 5-4124-00423/00001

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**Applicable State Requirement:6 NYCRR 201-1.4****Item 2-2.1:**

(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.

(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 9: Malfunctions and Start-up/Shutdown Activities  
Effective between the dates of 09/29/2021 and 09/28/2031****Applicable State Requirement:6 NYCRR 201-1.4****Item 9.1:**

(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

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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 10: Emission Unit Definition**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

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

**Item 10.1 (From Mod 2):**

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

Emission Unit: A-00001

Emission Unit Description:

There are 2 (two) coffee roasters: a 600 lbs/batch Probat-Burns with an afterburner to control emissions with a separate cooling tray/destoner exhaust and a 150 lbs/batch Loring S70 roaster with an afterburner to control emissions of Volatile Organic Compounds (VOCs).

Building(s): 001

**Condition 11: Renewal deadlines for state facility permits**

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Effective between the dates of 09/29/2021 and 09/28/2031

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

**Item 11.1:**

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 12: Compliance Demonstration**

Effective between the dates of 09/29/2021 and 09/28/2031

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

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**

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 5  
232 Golf Course Rd.  
Warrensburg, NY 12885

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

Subsequent reports are due every 12 calendar month(s).

**Condition 13: Air pollution prohibited**

Effective between the dates of 09/29/2021 and 09/28/2031

**Applicable State Requirement:6 NYCRR 211.1**

**Item 13.1:**

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.

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**Condition 14: Determination of Environmental Rating**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement:6 NYCRR 212-1.3**

**Item 14.1:**

In accordance with the applicability requirements of Section 212-1.1 of this Part, the department will assign an environmental rating for each air contaminant emitted from each process emission source or emission point in accordance with Subdivisions (a) through (e) of this Section. The factors in Subdivisions (a) through (d) will be considered in making a determination of the environmental rating to be applied to an air contaminant pursuant to subdivision (e), Table 1 - Environmental Rating Criteria.

- (a) Toxic and other properties and emission rate potential of the air contaminant;
- (b) location of the process emission source or emission point(s) for the air contaminant with respect to residences or other sensitive environmental receptors, taking into account the area's anticipated growth;
- (c) emission dispersion characteristics at or near the process emission source or emission point(s), taking into account the physical location of the process emission source or emission point(s) relative to the surrounding buildings and terrain; and
- (d) the projected maximum cumulative impact of an air contaminant taking into account emissions from all process emission sources at the facility under review and the pre-existing ambient concentration of the air contaminant under review.

**Condition 16: Compliance Demonstration**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement:6 NYCRR 212-1.6 (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: MONITORING OF PROCESS OR CONTROL  
 DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

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.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: EPA RM 9  
 Averaging Method: 6 MINUTE AVERAGE

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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement: 6 NYCRR 212-2.4 (b)**

**Item 17.1:**

The Compliance Demonstration activity will be performed for the facility:  
 The Compliance Demonstration applies to:

Emission Unit: A-00001  
 Process: 001

Emission Unit: A-00001  
 Process: 002

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

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No facility owner or operator shall cause or allow emissions of particulates that exceed 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis, except in instances where determination of permissible emission rate using process weight for a specific source category emitting solid particulate is based upon Table 5 and Table 6 of Subdivisions 212-2.5(a) and (b) of this Part.

Facility must submit a stack test protocol to the Department for approval at least 90 days prior to the testing. Facility must perform stack test based on an approved stack test protocol, and then submit to the Department the stack test report for approval, within 60 days of performing the test. The owner or operator shall maintain all records on-site for a minimum of five (5) years and must be available to the Department upon request.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: 40 CFR 60 Appendix A Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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**Condition 18: Idling of Diesel Trucks Limited**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement:6 NYCRR 217-3.2**

**Item 18.1:**

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

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

**Condition 19: Emission Point Definition By Emission Unit**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

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

**Item 19.1(From Mod 0):**

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

Emission Unit: A-00001

Emission Point: 00001

Height (ft.): 20 Diameter (in.): 10  
 NYTMN (km.): 4751.437 NYTME (km.): 599.362 Building: 001

Emission Point: 00002

Height (ft.): 30 Diameter (in.): 16  
 NYTMN (km.): 4751.435 NYTME (km.): 599.369 Building: 001

**Condition 20: Process Definition By Emission Unit**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

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

**Item 20.1(From Mod 0):**

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

Emission Unit: A-00001

Process: 001 Source Classification Code: 3-02-002-20

Process Description:

Process 001 is defined as coffee roasting in the Probat-Burns 23R coffee roaster. A 600 lbs/batch Probat-Burns 23R with an afterburner to control emissions with a separate cooling tray/destoner exhaust. Green coffee beans are fed into the roaster, and after the roasting process are fed into the cooling tray. Air from the roaster and cooling tray are ducted to the



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afterburner.

Emission Source/Control: AB002 - Control  
Control Type: THERMAL OXIDATION

Emission Source/Control: COOLT - Process

Emission Source/Control: PRBAT - Process  
Design Capacity: 2,400 pounds per hour

**Item 20.2(From Mod 0):**

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

Emission Unit: A-00001

Process: 002

Source Classification Code: 3-02-002-20

Process Description:

Process 002 is defined as coffee roasting in the Loring S70 coffee roaster. A 150 lbs/batch Loring S70 with an afterburner to control emissions with a separate cooling tray/destoner exhaust. Green coffee beans are fed into the roaster, and after the roasting process are fed into the cooling tray. Air from the roaster and cooling tray are ducted to the afterburner.

Emission Source/Control: AB001 - Control  
Control Type: THERMAL OXIDATION

Emission Source/Control: LORNG - Process  
Design Capacity: 600 pounds per hour

**Condition 21: Applicability - Issuance of a renewal for an existing permit or registration**

**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement:6 NYCRR 212-1.1 (a) (2)**

**Item 21.1:**

This Condition applies to Emission Unit: A-00001

**Item 21.2:**

Part 212 applies to process emission sources and/or emission points associated with a process operation, unless excepted from the provision of this Part pursuant to Section 212-1.4 of this Subpart:

- (2) Upon issuance of a renewal for an existing permit or registration.

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**Condition 2-3: Compliance Demonstration**  
Effective between the dates of 03/02/2022 and 09/28/2031

**Applicable State Requirement: 6 NYCRR 212-2.3 (b)**

**Item 2-3.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: A-00001

Regulated Contaminant(s):

CAS No: 000050-00-0 FORMALDEHYDE

**Item 2-3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Formaldehyde emission rate shall be limited to 0.147 pounds per hour at the Death Wish Coffee Co.. The maximum allowable hourly emission rate for formaldehyde, estimated using mountainos Bros. stack test report based emission factor, is 0.147 lb/hr. This emission rate was used in the air dispersion modeling analysis and implementation of T-BACT for formaldehyde to demonstrate compliance with the acceptable risk management range. The Formaldehyde acceptable risk management range for death Wish Coffee CO. is 0.6 microgram/cubic meter.

Death Wish Coffee shall conduct a performance test using reference methods acceptable to the Department to confirm the maximum allowable hourly emission rate and actual emissions of formaldehyde in pounds per hour. The performance test shall be conducted while operating Probat Burn roaster at maximum throughput rate of 5,187,500 lb Green beans/year and Loring roaster at 3,696,000 lb Green beans/year. During the stack test, process parameters including coffee bean type, roasting technique/process, coffee bean throughput, and other pertinent information shall be recorded. The thermal oxidizer's combustion temperature shall be continuously recorded throughout the stack test in accordance with this permit.

The source owner shall conduct a performance test to demonstrate compliance status with the emission rate limit in accordance with 202-1. This performance test shall be conducted within 180 days beginning the effective date of issuance of the permit. This performance test must be conducted under worst case operating conditions. Additional testing will be conducted at the discretion of the Department.

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Facility must submit a stack test protocol to the Department for approval at least 90 days prior to the testing. Facility must perform stack test based on an approved stack test protocol, and then submit the stack test report for approval, within 60 days of performing the test to the Department.

Death Wish Coffee Co. shall maintain the following records and provide all of the data necessary to evaluate compliance, including monthly records of the batch and total weight (lbs) of green coffee beans roasted in each roaster; monthly usage records totaled for each consecutive 12-month period; and records of continuous temperature measurements of the thermal oxidizers whenever the coffee roasters are in operation. All records shall be retained onsite for five years from the date of entry, and made available for inspection by NYSDEC representatives upon request.

Parameter Monitored: FORMALDEHYDE  
Upper Permit Limit: 0.1471 pounds per hour  
Reference Test Method: METHOD ACCEPTABLE TO THE DEPARTMENT  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 24: Compliance Demonstration**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement:6 NYCRR 212-1.7 (b)**

**Item 24.1:**  
The Compliance Demonstration activity will be performed for:

Emission Unit: A-00001  
Process: 001 Emission Source: AB002

**Item 24.2:**  
Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:  
The afterburner installed for Probat Burns coffee roaster exhaust must be operated at all times while the coffee roaster is operational. The Probat Burns afterburner must maintain a minimum hourly average temperature of 1450 Degree Fahrenheit as established during the most recent T

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BACT analysis to comply with 6 NYCRR Part 212.2.3(b)).

Temperature monitoring device for each coffee roaster afterburner shall continuously monitor and record the temperature inside the afterburner to demonstrate compliance with the minimum temperature requirement when the coffee roaster is operational except during any quality assurance and routine maintenance activities. Permittee using 'Alternative monitoring methods which were department approved'.

All equipment shall be installed and maintained in accordance with the manufacturer's instructions and specifications.

All operating and maintenance records shall be kept at the facility for a minimum of five (5) years and must be available to the Department upon request.

Parameter Monitored: TEMPERATURE  
 Lower Permit Limit: 1450 degrees Fahrenheit  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 3-HOUR ROLLING AVERAGE  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 25: Compliance Demonstration**  
**Effective between the dates of 09/29/2021 and 09/28/2031**

**Applicable State Requirement:6 NYCRR 212-1.7 (b)**

**Item 25.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: A-00001

Process: 002

Emission Source: AB001

**Item 25.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The afterburner installed for each coffee roaster exhaust must be operated at all times while the coffee roaster is operational. The Loring afterburner must maintain a minimum hourly average temperature of 1400 Degree Fahrenheit as established during the most recent T BACT analysis to comply with 6 NYCRR Part 212.2.3(b)).

Temperature monitoring device for each coffee roaster

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afterburner shall continuously monitor and record the temperature inside the afterburner to demonstrate compliance with the minimum temperature requirement when the coffee roaster is operational except during any quality assurance and routine maintenance activities. Permittee using 'Alternative monitoring methods which were department approved'.

All equipment shall be installed and maintained in accordance with the manufacturer's instructions and specifications.

All operating and maintenance records shall be kept at the facility for a minimum of five (5) years and must be available to the Department upon request.

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 1400 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-HOUR ROLLING AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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