

Facility DEC ID: 6213600064

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 6-2136-00064/00001  
Effective Date:

Expiration Date:

Permit Issued To: FLOCAST, LLC  
15 S SECOND ST  
DOLGEVILLE, NY 13329

Contact: JAMIE T BERGERON  
BERGERON BY DESIGN  
15 S SECOND ST.  
DOLGEVILLE, NY 13329  
(315) 429-8847

Facility: FLOCAST, LLC  
15 S SECOND ST  
Dolgeville, NY 13329

Contact: Gina Wein  
15 S SECOND ST  
DOLGEVILLE, NY 13329  
(315) 429-8407

Description:

This Air State Facility Permit renewal is issued pursuant to Article 19 (Air Pollution Control) of the Environmental Conservation Law. This facility is located at Flocast LLC, 15 Second Street, Dolgeville, NY, 13329.

This permit allows the operations and of emission unit 1-SPTOM. The emission unit allows the manufacturing of polyurethane foam for physical therapy aids and positioning devices primarily for handicapped children. Three polyurethane foams are blown: flexible polyurethane foam, rigid polyurethane foam and a urethane elastomer skin. Foams are blown or poured into closed clam-shell molds. Patterns and molds are built on site. Minimal pattern painting occurs, gluing, labeling, and minimal hand stamp printing is employed. This facility is subject to 40 CFR 63 Subpart OOOOOO. This permit is a Natural Minor and no control devices have been required, indicating the facility's potential to emit of all regulated contaminants are below major threshold levels.

Pursuant to the requirements of Section 7(2) of the Climate Leadership and Community Protection Act (CLCPA), the Department has requested and received information regarding the project's consistency with the CLCPA.

Facility DEC ID: 6213600064

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: TODD J PHILLIPS  
NYSDEC - UTICA SUBOFFICE  
207 GENESEE ST  
UTICA, NY 13501

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

Facility DEC ID: 6213600064

**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.

Facility DEC ID: 6213600064

**PAGE LOCATION OF CONDITIONS**

**PAGE**

**DEC GENERAL CONDITIONS**

**General Provisions**

- |   |   |   |
|---|---|---|
| 5 | 1 | Facility Inspection by the Department                                     |
| 5 | 2 | Relationship of this Permit to Other Department Orders and Determinations |
| 5 | 3 | Applications for permit renewals, modifications and transfers             |
| 6 | 4 | Permit modifications, suspensions or revocations by the Department        |

**Facility Level**

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

Facility DEC ID: 6213600064

**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.

Facility DEC ID: 6213600064

**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to 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 6**  
**SUBOFFICE - UTICA**  
**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 6 Sub-office  
 Division of Environmental Permits  
 State Office Building, 207 Genesee Street  
 Utica, NY 13501-2885  
 (315) 793-2555

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: FLOCAST, LLC  
15 S SECOND ST  
DOLGEVILLE, NY 13329

Facility: FLOCAST, LLC  
15 S SECOND ST  
Dolgeville, NY 13329

Authorized Activity By Standard Industrial Classification Code:  
3061 - MECHANICAL RUBBER GOODS  
3086 - PLASTICS FOAM PRODUCTS  
3089 - PLASTICS PRODUCTS, NEC  
5162 - PLASTICS MATERIALS AND BASIC SHAPES

Permit Effective Date:

Permit Expiration Date:

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

## PAGE LOCATION OF CONDITIONS

### PAGE

#### **FEDERALLY ENFORCEABLE CONDITIONS**

##### **Facility Level**

- |   |   |
|---|---|
| 6 | 1 6 NYCRR 201-3.2 (c) (17): Surface Coating Exemption |
| 6 | 2 6 NYCRR 211.2: Visible Emissions Limited            |
| 6 | 3 6 NYCRR 211.2: Compliance Demonstration             |
| 7 | 4 6 NYCRR 212-1.6 (a): Compliance Demonstration       |
| 9 | 5 6 NYCRR 212-2.4 (b): Compliance Demonstration       |

##### **Emission Unit Level**

##### **EU=1-SPTOM**

- |   |   |
|---|---|
| 9 | 6 6 NYCRR 228-2.2: Compliance Demonstration |
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##### **EU=1-SPTOM,Proc=200**

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|----|---|
| 10 | 7 40CFR 63.11416(c), Subpart OOOOOO: Compliance Demonstration |
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##### **EU=1-SPTOM,Proc=400**

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|----|---|
| 11 | 8 40CFR 63.11416(e), Subpart OOOOOO: Compliance Demonstration |
|----|---|

#### **STATE ONLY ENFORCEABLE CONDITIONS**

##### **Facility Level**

- |    |  |
|----|--|
| 13 | 9 ECL 19-0301: Contaminant List                                      |
| 14 | 10 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities    |
| 14 | 11 6 NYCRR Subpart 201-5: Emission Unit Definition                   |
| 15 | 12 6 NYCRR 201-5.1 (a): Compliance Demonstration                     |
| 16 | 13 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits |
| 16 | 14 6 NYCRR 201-5.3 (c): CLCPA Applicability                          |
| 16 | 15 6 NYCRR 201-5.3 (c): Compliance Demonstration                     |
| 17 | 16 6 NYCRR 211.1: Air pollution prohibited                           |

##### **Emission Unit Level**

- |    |  |
|----|--|
| 17 | 17 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit |
| 17 | 18 6 NYCRR Subpart 201-5: Process Definition By Emission Unit        |



Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 2/DRAFT

\*\*\*\* 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,

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

required to operate such device effectively.

**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**

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

**Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item 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)**

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS****The following conditions are federally enforceable.****Condition 1: Surface Coating Exemption**  
**Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 201-3.2 (c) (17)****Item 1.1:**

The following activity is exempt from permitting requirements, but must be included in the Title V permit application: Surface coating and related activities at facilities which uses less than 25 gallons per month of total coating materials. Coating materials include all paints and paint components, other materials mixed with paints prior to application, and cleaning solvents, combined, subject to the following:

- (i) the facility is located outside of the New York City metropolitan area or the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, or Woodbury; and
- (ii) all abrasive cleaning and surface coating operations are performed in an enclosed building where such operations are exhausted into appropriate emission control devices.

**Condition 2: Visible Emissions Limited**  
**Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 211.2****Item 2.1:**

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 3: Compliance Demonstration**  
**Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 211.2****Item 3.1:**

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

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

Emission Unit: 1-SPTOM

Regulated Contaminant(s):

CAS No: 0NY075-00-0	PARTICULATES
CAS No: 0NY100-00-0	TOTAL HAP
CAS No: 0NY998-00-0	VOC

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:

1. Have a complaint phone line available 24 hours a day, 7 days a week; the employment of an answering machine is acceptable.
2. Investigate any possible causes of any complaint received.
3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
4. Fully document the complaint, results of investigation, and action taken.
5. Annually, report in a format acceptable to the Department. Facility shall report the number of complaints (even if zero) that have been logged throughout the reporting period.

Monitoring Frequency: DAILY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 4: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall conduct a visible

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

emissions observation of all emission points and emission sources specified by this condition once per day while the process is in operation.

1) Observe the stack for each emission source which is operating, once per day for visible emissions. This observation(s) must be conducted during daylight hours, but not during periods of adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- date and time of observation
- observer's name
- identity of the emission point
- weather conditions
- was a plume observed

Inclement weather conditions shall be recorded for those days when observations are prohibited. This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) for two consecutive days, either a Method 9 or Method 22 analysis (based upon the source emitting the visible emissions) of the affected emission point(s) or emission source(s) must be conducted within two (2) business days of such occurrence. The results of either the Method 9 or Method 22 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing either the Method 9 or Method 22 analysis if the opacity standard has been contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

The facility owner or operator shall make any necessary

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

corrections and verify that the excess visible emissions problem has been corrected.

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

Reference Test Method: See Monitoring Description

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 5: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions from any process emission source for which an application was received by the department after July 1, 1973 are restricted as follows:

No facility owner or operator shall cause or allow emissions of particulate 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 6 NYCRR 212-2.5 (a) and (b).

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: EPA Method 5

Averaging Method: Arithmetic average of stack test runs

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

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

**Condition 6: Compliance Demonstration**  
**Effective for entire length of Permit**

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

**Applicable Federal Requirement: 6 NYCRR 228-2.2**

**Item 6.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-SPTOM

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner/operator shall limit total VOC emissions to less than 200 pounds, or an equivalent volume, per year (12-month rolling total) from all applicable Air Pollution Control Permit Condition adhesives, sealants, adhesive primers, and sealant primers, used at the facility, excluding coatings subject to Part 228-1 [Duratec Grey Vinyl Ester Primer, or equivalent], and exempt cyanoacrylate adhesives per 228-2.2(a)(4).

The owner/operator shall record usage of Kantstik Sealer in processes 100 and 300 on a 12 month rolling total, and shall limit use of the sealer to 32 gallons/year. This will keep the VOC emissions to less than 200 lbs VOC/yr.

The facility shall keep records in a form that is acceptable to the department. Reports of records maintained will be submitted to the department upon request.

Monitoring Frequency: MONTHLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 7: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 63.11416(c), Subpart OOOOOO**

**Item 7.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-SPTOM

Process: 200

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of a new or existing molded foam



Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

affected source must comply with the following requirements:

(1) Material containing methylene chloride must not be used as an equipment cleaner to flush the mixhead or used elsewhere as an equipment cleaner in a molded flexible polyurethane foam process.

(2) Mold release agent containing methylene chloride must not be used in a molded flexible polyurethane foam process.

The owner or operator may demonstrate compliance with the above requirement using adhesive usage records, Material Safety Data Sheets, and engineering calculations.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 8: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 63.11416(e), Subpart OOOOOO**

**Item 8.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-SPTOM

Process: 400

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of a new or existing flexible polyurethane foam fabrication affected source must not use any adhesive containing methylene chloride in a flexible polyurethane foam fabrication process.

Compliance may be demonstrated by using adhesive usage records, Material Safety Data Sheets, and engineering calculations.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

# 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

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

with 6 NYCRR Part 616 - Public Access to Records.  
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 9: Contaminant List**  
**Effective for entire length of Permit**

**Applicable State Requirement:ECL 19-0301****Item 9.1:**

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

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

CAS No: 0NY100-00-0  
Name: TOTAL HAP

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

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

**Condition 10: Malfunctions and Start-up/Shutdown Activities**  
**Effective for entire length of Permit**

**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.

(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 11: Emission Unit Definition**  
**Effective for entire length of Permit**

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

**Item 11.1:**

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

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

Emission Unit: 1-SPTOM

Emission Unit Description:

This emission unit consists of all manufacturing operations at this facility. Molded polyurethane foam items are produced by some or all of the following operations: 1) Solid elastomeric urethane 2) Flexible polyurethane foam 3) Rigid polyurethane foam 4) Assembly of the finished part - including gluing, fasteners, labeling, stay/fixture installation.  
40 CFR 63-000000 applies: Facility is a "molded foam source" and is a "fabrication source".

Building(s): 2nd Street

**Condition 12: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable State Requirement: 6 NYCRR 201-5.1 (a)**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-SPTOM

Process: 100

Emission Unit: 1-SPTOM

Process: 200

Emission Unit: 1-SPTOM

Process: 300

Emission Unit: 1-SPTOM

Process: 400

Regulated Contaminant(s):

CAS No: 0NY100-00-0 TOTAL HAP

CAS No: 0NY998-00-0 VOC

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall monitor, record and report the volume usage of VOC and HAP containing reactants, coatings, inks, solvents, adhesives, etc. VOC and HAP emissions shall be calculated. Records shall be calculated on a 12-month rolling total basis. This spreadsheet shall be submitted to NYSDEC in each Annual Monitoring Report. Purpose of the spreadsheet submission is to verify ongoing compliance

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

with annual potential to emit (PTE) thresholds for VOC and HAP. This permit is a "Natural Minor" and is therefore predicated upon the following PTEs: VOC<50 ton/yr, aggregated HAP<25 ton/yr, speciated HAP<10 ton/yr.

Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 13: Renewal deadlines for state facility permits  
Effective for entire length of Permit**

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

**Item 13.1:**

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 14: CLCPA Applicability**  
**Effective for entire length of Permit**

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

**Item 14.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 15: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 6  
State Office Building  
317 Washington Ave.  
Watertown, NY 13601

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 16: Air pollution prohibited**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 16.1:**

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 17: Emission Point Definition By Emission Unit**  
**Effective for entire length of Permit**

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

**Item 17.1:**

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

Emission Unit: 1-SPTOM

Emission Point: 00001

Height (ft.): 45 Diameter (in.): 10  
NYTMN (km.): 4771.48 NYTME (km.): 518.748 Building: 2nd Street

Emission Point: 00004

Height (ft.): 8 Diameter (in.): 18  
NYTMN (km.): 4771.482 NYTME (km.): 518.724 Building: 2nd Street

**Condition 18: Process Definition By Emission Unit**  
**Effective for entire length of Permit**

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

Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

**Item 18.1:**

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

Emission Unit: 1-SPTOM

Process: 100

Source Classification Code: 3-08-010-05

**Process Description:**

This process consists of the formation of "solid elastomeric polyurethane" (an isocyanate and polyol mix). Mold is prepped with the application of a mold release agent, which is applied by hand. Solid elastomeric urethane is applied. Mixhead is flushed without the usage of methylene chloride. This process generates MDI (a VOC and a HAP) emissions. DEC staff may find additional detail (confidential) in the "Application Identification Information" description field.

Emission Source/Control: SKINN - Process

Emission Source/Control: WAXER - Process

**Item 18.2:**

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

Emission Unit: 1-SPTOM

Process: 200

Source Classification Code: 3-08-010-05

**Process Description:**

This process consists of the formation of "flexible skin and formation "flexible polyurethane foam" (an isocyanate and polyol mix) into split-molds. This process uses an isocyanate and polyol mixture to manufacture the skin and foam inside a split shaping mold. This foam generates MDI (VOC & HAP) emissions. Mixhead is flushed with Dibasic Ester (DBE), not to include methylene chloride. It is this process that makes 40 CFR 63-000000 applicable to Flocast, LLC. DEC staff may find additional detail (confidential) in the "Application Identification Information" description field.

Emission Source/Control: FLEXX - Process

**Item 18.3:**

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

Emission Unit: 1-SPTOM

Process: 300

Source Classification Code: 3-08-010-05

**Process Description:**

This process consists of the formation of "rigid polyurethane foam". Rigid polyurethane foam is produced from isocyanate and polyol which is mixed by hand and then poured from cups; so no mixhead exists and therefore no mixhead-flushing can occur. This process generates MDI (a



Permit ID: 6-2136-00064/00001

Facility DEC ID: 6213600064

VOC & a HAP) emissions, the bulk of MDI combines in a chemical reaction into the finished product. DEC staff may find additional detail (confidential) in the "Application Identification Information" description field. This process also includes minimal spray-painting in the pattern shop spray booth an operation that is exempt due to coating usage at less than 25 gal/month usage. DEC staff may find additional detail (confidential) in the "Application Identification Information" description field.

Emission Source/Control: FILT1 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: FILT2 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: PATRN - Process

Emission Source/Control: PTRN2 - Process

Emission Source/Control: RIGID - Process

**Item 18.4:**

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

Emission Unit: 1-SPTOM

Process: 400

Source Classification Code: 4-90-999-98

Process Description:

This process consists of various final assembly operations, which include bolting, screwing, gluing and hand held stamper to stamp/print "Flocast, LLC". The hand held stamper is exempt per 201-3.2(c)(14). An adhesive is activated with solvent.

Emission Source/Control: FINIS - Process

**Permit ID: 6-2136-00064/00001**

**Facility DEC ID: 6213600064**