

**New York State Department of Environmental Conservation  
Facility DEC ID: 7033400009**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 7-0334-00009/00023  
Effective Date: 02/25/2005  
Expiration Date: No expiration date

Permit Issued To: FRITO LAY INC  
7701 LEGACY DR  
PLANO, TX 75024-0634

Facility: FRITO LAY  
10 SPUD LN  
KIRKWOOD, NY 13795

Contact: STEVE ENGLISH  
FRITO-LAY  
10 SPUD LN  
BINGHAMTON, NY 13904  
(607) 775-4330

Description:

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: MICHAEL K BARYLSKI  
DIVISION OF ENVIRONMENTAL PERMITS  
1285 FISHER AVE  
BINGHAMTON, NY 13904-1090

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

**New York State Department of Environmental Conservation**

**ID: 7033400009**



**Notification of Other State Permittee Obligations**

d 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 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 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 prescribed for the permittee.

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

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

Permit Renewal -REGION 7

SUBOFFICE



**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 and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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



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transfer of ownership.

**Condition 4: Permit Modifications, Suspensions and Revocations by the Department  
Applicable State Requirement: 6NYCRR 621.14**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR  
revocation include:

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

**Condition 5: Permit Modifications, Suspensions, and Revocations by the Department  
Applicable State Requirement: 6NYCRR 621.14**

**Item 5.1:**

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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

**Modification or Renewal -REGION 7**

**SUBOFFICE**

**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 6.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 7 Sub-office  
Division of Environmental Permits  
1285 Fisher Avenue  
Cortland, NY 13045-1090

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(607) 753-3095



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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: FRITO LAY INC  
7701 LEGACY DR  
PLANO, TX 75024-0634

Facility: FRITO LAY  
10 SPUD LN  
KIRKWOOD, NY 13795

Authorized Activity By Standard Industrial Classification Code:  
2096 - POTATO CHIPS AND SIMILAR SNACKS



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 4 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 1 6NYCRR 212.4(a): Compliance Demonstration
- 2 6NYCRR 212.4(a): Compliance Demonstration
- 3 6NYCRR 212.6(a): Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 5 ECL 19-0301: Contaminant List
- 6 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 7 6NYCRR 201-5: Emission Unit Definition
- \*8 6NYCRR 201-7.2: Capping Monitoring Condition
- 9 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

- 10 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 11 6NYCRR 201-5: Process Definition By Emission Unit
- 12 6NYCRR 201-7.2: Process Permissible Emissions

**NOTE: \* preceding the condition number indicates capping.**

Permit Effective Date: 02/25/2005

Permit Expiration Date: No expiration date.





**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 6NYCRR Part 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 - 6NYCRR Part 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 - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

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source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

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

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

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

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

(4) The facility owner and/or operator notified the Department within two working days after the event

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occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

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

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

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

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

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

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 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



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

**Item J: Required Emission Tests - 6 NYCRR Part 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 6NYCRR Part 202-1.

**Item K: Visible Emissions Limited - 6 NYCRR Part 211.3**

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.

**Item L: Open Fires - 6 NYCRR Part 215**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**Item M: 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



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

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

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

**Condition 4: Recycling and Emissions Reduction**

**02/25/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 82, Subpart F**

**Item 4.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**Condition 1: Compliance Demonstration**

**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 1.1:**

needed for the facility:

The Compliance Demonstration applies to:

Emission Unit: F-RYERS

Process: FRY

Emission Source: DTC33

Emission Unit: F-RYERS



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Process: FRY                      Emission Source: FRY43

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: FRY7A

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: FRY8A

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: MUN28

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: PC050

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: RST39

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: UTC09

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: UTC35

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: PCC51

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: PCC52

Emission Unit: F-RYERS  
Process: FRY                      Emission Source: PCC53

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

**Item 1.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Frito Lay operates several fryers that emit liquid particulate matter. The Department has assigned liquid particulate an environmental rating of B.

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2 of 6 NYCRR 212.9

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The applicant has stated that the emission rate potential from each fryer is less than 10 pounds per hour.

Upon the request of the Department, the facility shall conduct emissions testing to determine the emission rate potential and the actual emissions rate. Such testing shall be conducted in accordance with the time frames specified in 6 NYCRR 202-1 and procedures approved by the Department. The owner or operator shall submit to the DEC, in triplicate, to the DEC within 60 days after completion of the tests.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 2: Compliance Demonstration**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 2.1:**

ied for the Facility.

**Item 2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operational Flexibility Protocol - New Construction of general process sources; modifications to existing sources

The owner or operator may install a new air contamination source provided that criteria pollutants, hazardous air pollutants, and all other pollutants emitted from such device for which an annual guideline concentration (AGC) and/or short term guideline concentration (SGC) exist, meet all of the following conditions:

1. The device will not result in the emission of any A-rated contaminant with an emission rate potential equal to or greater than 1.0 pound/hr. A-rated contaminants are those contaminants listed with a "high" toxicity in the

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Department's most recent DAR-1 (formerly Air Guide 1) guidance document, and any other contaminants that may be A-rated by the Department. The owner or operator shall conduct emissions testing upon written request of the DEC in accordance with 6 NYCRR 202.

2. The device will not result in the emission of any non-VOC contaminant, not given an A-rating, with an emission rate potential equal to or greater than 10 pounds/hr. The owner or operator shall conduct emissions testing upon written request of the DEC in accordance with 6 NYCRR 202.

3. The device shall not emit particulate matter in excess of 0.05 gr/dscf. The owner or operator shall conduct emissions testing upon written request of the DEC in accordance with 6 NYCRR 202. The owner or operator shall conduct emissions testing upon written request of the DEC in accordance with 6 NYCRR 202.

4. The device shall not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater, except only the emission of uncombined water. The owner or operator shall conduct emissions testing upon written request of the DEC in accordance with 6 NYCRR 202.

5. The owner or operator must identify all potential pollutants that could be emitted, including A-rated contaminants, hazardous air pollutants, VOCs, and non-VOC pollutants.

6. A facility-wide DAR-1 (formerly Air Guide 1) analysis must be completed using the DEC's DAR -1 (Air Guide 1) screening software (or completed pursuant to a DEC-approved protocol) showing that there are no predicted off-site ambient concentrations in excess of the AGC or SGC for each contaminant. This analysis shall include all emissions of such pollutant, facility-wide.

7. If the installation results in the emission of any pollutant not previously authorized or emitted in accordance with this permit, or if the installation results in an increase in the emission rate potential of a pollutant emitted at the facility, the owner or operator shall submit to the DEC a notice of the intention to install the new air contamination source. Such notice



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shall be submitted no later than 30 days prior to the proposed installation.

8. The DEC reserves the right to require a permit modification to impose special conditions if DEC determines the proposed change may have a significant air quality impact. In such cases, upon receipt of any notice submitted by the owner or operator to the DEC as required in this permit, the DEC will respond within 15 days of receipt of such notice, and may require that the owner not undertake the proposed change without a permit modification.

9. No facility-wide emissions cap, stated in this permit, shall be exceeded.

10. The installation does not render the facility subject to any additional regulations or requirements;

11. The owner or operator must physically label all emissions points; and

12. A summary of all activities conducted under this operational flexibility condition shall be reported to the DEC in the facility's annual compliance report.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

**Condition 3: Compliance Demonstration**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 3.1:**

ed for the Facility.

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

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

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**Monitoring Description:**

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined using EPA Method 9 upon request from the DEC.

Upon completion of any opacity emissions test, the owner or operator shall submit to the DEC a report of such emissions within 30 days of completion of the tests.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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law.

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 5: Contaminant List**

**/2005 and Permit Expiration Date**

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

**Item 5.1:**

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

**Condition 6: Unavoidable noncompliance and violations**

**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 6.1:**

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

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

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR



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Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superseded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

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

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

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

**Condition 7: Emission Unit Definition**  
**Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 7.1:**

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

Emission Unit: 1-PROCS

Emission Unit Description:

UNIT INCLUDES THE PRIMARY BOILER and BACK UP BOILERS (2)

- Building(s): 1
- 2
- 3
- 4

**Item 7.2:**

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

Emission Unit: F-RYERS

Emission Unit Description:

Frito Lay operates nine potato chip fryers.

**New York State Department of Environmental Conservation**

Permit ID: 7-0334-00009/00023

Facility DEC ID: 7033400009



Building(s): 1

**Condition 8: Capping Monitoring Condition**

**/2005 and Permit Expiration Date**

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

**Item 8.1:**

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:

6NYCRR 201-6.1

6NYCRR 227-2.1

**Item 8.2:**

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

**Item 8.3:**

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 8.4:**

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 8.5:**

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 8.6:**

ied for the Facility.

Regulated Contaminant(s):

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

**Item 8.7:**

Compliance Demonstration shall include the following monitoring:



**New York State Department of Environmental Conservation**

**Permit ID: 7-0334-00009/00023**

**Facility DEC ID: 7033400009**

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility-wide emissions of NOX must not exceed 95 TPY based on a 12 month rolling average. Emissions shall be computed as the product of fuel use (natural gas or propane) and emissions factors, as follows:

$$\text{NOx emissions} = (\text{million cubic feet natural gas}) \times (100 \text{ lb/mm cubic foot}) + (\text{gallons of propane burned}) \times (19 \text{ pounds NOx/1000 gallons}).$$

The owners or operators must submit to the DEC annually, on a calendar basis, emissions information showing that NOx emissions have not exceeded the emissions cap for each 12 prior month rolling annual period. If NOx emissions exceed the cap at any time, the owner or operator shall submit to the DEC a written notice of such excess emissions within 30 days of such excess emission. If emissions exceed 50 tons/year, for any 12 month rolling period, the owner or operator shall submit to the DEC a notice of such emissions and a protocol for developing unit-specific emission factors through testing. Testing shall be conducted according to the DEC-approved test protocol and the time frames specified in 6 NYCRR 202. Upon DEC approval of the new emissions factors, facility-wide emissions shall be computed using the new emissions factors and, for those devices not tested, EPA published emissions factors.

Monitoring Frequency: MONTHLY

Averaging Method: CALENDAR YEAR AVERAGE

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 03/26/2006 for the period 02/25/2005 through 02/24/2006

**Condition 9: Air pollution prohibited  
/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 9.1:**

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.

**New York State Department of Environmental Conservation**

Permit ID: 7-0334-00009/00023

Facility DEC ID: 7033400009



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

**Condition 10: Emission Point Definition By Emission Unit**  
Effective between the dates of 02/25/2005 and Permit Expiration Date

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

**Item 10.1:**

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

Emission Unit: 1-PROCS

Emission Point: 00043

Height (ft.): 35

Diameter (in.): 15

NYTMN (km.): 4661.022 NYTME (km.): 430.732 Building: 1

**Item 10.2:**

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

Emission Unit: F-RYERS

Emission Point: 00009

Height (ft.): 45

Diameter (in.): 15

Building: 1

Emission Point: 00028

Height (ft.): 45

Diameter (in.): 11

Building: 1

Emission Point: 00033

Height (ft.): 45

Diameter (in.): 15

Building: 1

Emission Point: 00035

Height (ft.): 45

Diameter (in.): 15

Building: 1

Emission Point: 00039

Height (ft.): 45

Diameter (in.): 15

Building: 1

Emission Point: 00051

Height (ft.): 75

Diameter (in.): 38

Building: 1





**New York State Department of Environmental Conservation**

**Permit ID: 7-0334-00009/00023**

**Facility DEC ID: 7033400009**

Emission Point: 00052 Height (ft.): 75	Diameter (in.): 26	Building: 1
Emission Point: 00053 Height (ft.): 35	Diameter (in.): 24	Building: 1
Emission Point: 0007A Height (ft.): 45	Diameter (in.): 16	Building: 1
Emission Point: 0008A Height (ft.): 45	Diameter (in.): 16	Building: 1

**Condition 11: Process Definition By Emission Unit  
Effective between the dates of 02/25/2005 and Permit Expiration Date**

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

**Item 11.1:**

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

Emission Unit: 1-PROCS  
 Process: 101 Source Classification Code: 1-02-006-02  
 Process Description:  
 THIS UNIT/PROCESS CONSISTS OF PRIMARY BOILER, BACK UP BOILERS (2) AND SEVERAL PROCESS AND COMBUSTION RELATED EXEMPT SOURCES. PROCESS 101 CORRESPONDS TO OPERATION UNDER NATURAL GAS FIRING. ONLY ONE OF PROCESS 101 OR PROCESS 102 WILL OPERATE AT ANY TIME.

Emission Source/Control: 00045 - Combustion  
Design Capacity: 79 million Btu per hour

**Item 11.2:**

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

Emission Unit: 1-PROCS  
 Process: 102 Source Classification Code: 1-02-010-02  
 Process Description:  
 THIS UNIT/PROCESS CONSISTS OF PRIMARY BOILER, BACK UP BOILERS (2) AND SEVERAL

**New York State Department of Environmental Conservation**

**Permit ID: 7-0334-00009/00023**

**Facility DEC ID: 7033400009**



PROCESS AND COMBUSTION RELATED EXEMPT SOURCES. PROCESS 102 CORRESPONDS TO OPERATION UNDER PROPANE FUEL FIRING. PROCESS 102 IS SUBJECT TO NOX CAP WHICH LIMITS THE TOTAL PROPANE USE ON AN ANNUAL BASIS. ONLY ONE OF PROCESS 101 OR PROCESS 102 WILL OPERATE AT ANY TIME.

Emission Source/Control: 00045 - Combustion

Design Capacity: 79 million Btu per hour

**Item 11.3:**

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

Emission Unit: F-RYERS

Process: FRY

Source Classification Code: 3-02-036-01

Process Description: Potato chip fryers

Emission Source/Control: PCC51 - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: PCC52 - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: PCC53 - Control

Control Type: MIST ELIMINATOR

Emission Source/Control: DTC33 - Process

Emission Source/Control: FRY43 - Process

Emission Source/Control: FRY7A - Process

Emission Source/Control: FRY8A - Process

Emission Source/Control: MUN28 - Process

Emission Source/Control: PC050 - Process

Emission Source/Control: RST39 - Process

Emission Source/Control: UTC09 - Process

Emission Source/Control: UTC35 - Process

**Condition 12: Process Permissible Emissions**

**2005 and Permit Expiration Date**

