

Facility DEC ID: 7312200095

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 7-3122-00095/00010
Effective Date:

Expiration Date:

Permit Issued To: THERMAL FOAMS/SYRACUSE INC
6173 S BAY RD
PO BOX 1396
CICERO, NY 13039-1396

Contact: JOHN JEFFERY
8761 Gaskin Rd
Clay, NY 13041
(315) 415-2512

Facility: THERMAL FOAMS INC
6173 SOUTH BAY RD
CICERO, NY 13039

Description:

This application is for an updated Air State Facility (ASF) Permit for Thermal Foams/Syracuse, Inc. This facility is a manufacturer of expanded polystyrene foam products and has been operating under old Certificates to Operate since 1995. The existing certificates authorize operation of five emission points which are used for venting/removal of pentane vapors generated during the expansion, aging and molding of expandable polystyrene resin. The ASF permit would provide for continued operation of these five points as well as one additional emission point associated with a new pre-expansion system. The permit would also allow the facility to continue operating under the current VOC emission cap of 49.9 tons per year in order to avoid having to comply with Title V permitting requirements established under 6 NYCRR Part 201-6.

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: KEVIN M BALDUZZI
NYSDEC - REGION 7
5786 Widewaters Pkwy
SYRACUSE, NY 13214-1867

Authorized Signature: _____ Date: ____ / ____ / ____

Facility DEC ID: 7312200095

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: 7312200095

PAGE LOCATION OF CONDITIONS

PAGE

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

- 5 5 Submission of application for permit modification or renewal-REGION 7 HEADQUARTERS

Facility DEC ID: 7312200095

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: 7312200095

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 7
HEADQUARTERS
Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 7 Headquarters
Division of Environmental Permits
5786 Widewaters Parkway
Syracuse, NY 13214-1867
(315) 426-7400

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: THERMAL FOAMS/SYRACUSE INC
6173 S BAY RD
PO BOX 1396
CICERO, NY 13039-1396

Facility: THERMAL FOAMS INC
6173 SOUTH BAY RD
CICERO, NY 13039

Authorized Activity By Standard Industrial Classification Code:
3086 - PLASTICS FOAM PRODUCTS

Permit Effective Date:

Permit Expiration Date:

PAGE LOCATION OF CONDITIONS

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 6 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 6 2 6 NYCRR 201-1.7: Recycling and Salvage
- 6 3 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 6 4 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 7 5 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 7 6 6 NYCRR 201-7.1: Facility Permissible Emissions
- 7 *7 6 NYCRR 201-7.1: Capping Monitoring Condition
- 9 8 6 NYCRR 211.2: Visible Emissions Limited
- 9 9 6 NYCRR 212-2.3 (b): Compliance Demonstration

Emission Unit Level

EU=1-EPSFM

- 10 10 6 NYCRR 212-1.5 (d): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 12 11 ECL 19-0301: Contaminant List
- 12 12 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 13 13 6 NYCRR Subpart 201-5: Emission Unit Definition
- 14 14 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 14 15 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 14 16 6 NYCRR 211.1: Air pollution prohibited
- 15 17 6 NYCRR 212-2.1: Compliance Demonstration

Emission Unit Level

- 16 18 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 17 19 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

FEDERALLY ENFORCEABLE CONDITIONS

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: 7-3122-00095/00010

Facility DEC ID: 7312200095

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: 7-3122-00095/00010

Facility DEC ID: 7312200095

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: 7-3122-00095/00010

Facility DEC ID: 7312200095

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: Acceptable Ambient Air Quality
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 200.6

Item 1.1:

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.

Condition 2: Recycling and Salvage
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 2.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 3: Prohibition of Reintroduction of Collected Contaminants to the air
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 3.1:

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.

Condition 4: Exempt Sources - Proof of Eligibility
Effective for entire length of Permit

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)**Item 4.1:**

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 5: Trivial Sources - Proof of Eligibility
Effective for entire length of Permit****Applicable Federal Requirement:6 NYCRR 201-3.3 (a)****Item 5.1:**

The owner or operator of an emission source or activity that is listed as being trivial in this Section 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 required records on-site for a period of five years and make them available to representatives of the department upon request.

**Condition 6: Facility Permissible Emissions
Effective for entire length of Permit****Applicable Federal Requirement:6 NYCRR 201-7.1****Item 6.1:**

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: 0NY998-00-0
Name: VOC

PTE: 99,800 pounds per year

**Condition 7: Capping Monitoring Condition
Effective for entire length of Permit****Applicable Federal Requirement:6 NYCRR 201-7.1****Item 7.1:**

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 Subpart 201-6

Item 7.2:

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

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

Item 7.3:

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 7.4:

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 7.5:

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 7.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000109-66-0 PENTANE

CAS No: 0NY998-00-0 VOC

Item 7.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Facility volatile organic compound (VOC) emissions shall not exceed 49.9 tons/year (any 12-month rolling total).

Facility shall maintain records of VOC emissions on a monthly basis) in order to verify compliance with the VOC emission cap of 49.9 tons/year. VOC emissions are (from polystyrene foam manufacturing), mostly pentane (98.5% pentane emissions from the manufacturing operations) and will be calculated based on pentane content and quantity of EPS beads used.

Parameter Monitored: VOC

Upper Permit Limit: 49.9 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

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

Condition 8: Visible Emissions Limited
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 211.2

Item 8.1:

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 9: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 212-2.3 (b)

Item 9.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 000109-66-0 PENTANE

Item 9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility is subject to 212-2.3(b) requirements for the C-rating contaminant Pentane. Pentane emissions were modeled and found to be acceptable. As per from Table 4, this requires a 75% control requirement of the pentane emissions due to the emission rate potential (ERP) of greater than or equal to 10 lbs./hr. but less than 25 lbs./hr. The facility will not limit this process but will still maintain compliance with their VOC cap.

The facility submitted a T-BACT analysis, which was accepted by the Department as appropriate. This analysis confirmed that no control is acceptable for this process, due to the high cost (in US dollars) per ton associated with the application of control technology (a regenerative thermal oxidizer (RTO)) to reduce about 30 tons/year actual VOC emissions at the facility at 95+ %. No other control options were considered technically feasible.

This permitting variance will be submitted to the Environmental Protection Agency (EPA) for approval, as a

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

State Implementation Plan (SIP) revision, for this facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 10: Compliance Demonstration
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR 212-1.5 (d)

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-EPSFM

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In instances where a facility owner or operator can demonstrate to the satisfaction of the department that the facility owner or operator will apply BACT for criteria air contaminants or T-BACT for non-criteria air contaminants, the department may specify a less restrictive permissible emission rate or degree of air cleaning for the process emission source or emission point than required under Subpart 212-2 of this Part. The Department has determined that this process is BACT, which satisfies RACT, for this source.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

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: 7-3122-00095/00010

Facility DEC ID: 7312200095

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 11: Contaminant List
Effective for entire length of Permit

Applicable State Requirement:ECL 19-0301

Item 11.1:

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

CAS No: 000109-66-0

Name: PENTANE

CAS No: 0NY998-00-0

Name: VOC

Condition 12: Malfunctions and Start-up/Shutdown Activities
Effective for entire length of Permit

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

Applicable State Requirement:6 NYCRR 201-1.4**Item 12.1:**

(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 13: Emission Unit Definition
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 13.1:**

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

Emission Unit: 1-EPSFM

Emission Unit Description:

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

This emission unit covers all of the facility's expanded polystyrene (EPS) foam manufacturing operations including pre-expansion, pre-puff aging, molding, block aging, fabrication and storage.

Building(s): 1

**Condition 14: Renewal deadlines for state facility permits
Effective for entire length of Permit**

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

Item 14.1:

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 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:

Facility shall submit all required reports and any relevant correspondence to RAPCE.R7@dec.ny.gov. ANy reports are due thirty (30) days after the end of the reporting period.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**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

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

Condition 17: Compliance Demonstration
Effective for entire length of Permit

Applicable State Requirement: 6 NYCRR 212-2.1

Item 17.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

6 NYCRR, Part 212 addresses toxic air contaminants: they are assigned a preliminary environmental rating (graded from A, most toxic, to D), which is based on the toxicity (listed in the DAR-1 tables). High toxicity contaminants are rated A, medium toxicity, B, and low toxicity, C. Ambient modeling is then performed to predict ambient concentrations for each contaminant at the property line. Depending on the modeling results, the proximity of nearby receptors, and other considerations, the Department assigns a final Environmental Rating. Using that rating, the required degree of control is specified by 6 NYCRR 212 Tables 3 or 4. Alternatively, best available control technology (BACT), or toxic-BACT (TBACT), can be applied. All predicted ambient impacts must be below the one hour and annual guidelines before the permit can be issued (or below the hazard index).

There is a subset of contaminants that is subject to additional scrutiny, identified in 6 NYCRR 212-2.2 as “high toxicity air contaminants (HTACs)”. If facility-wide annual emissions for a given HTAC are less than the corresponding mass emission threshold, no further review is required. Additionally, by policy, no review is required for non-HTAC contaminants that are emitted at less than 100 pounds per year. Part 212-2.1 applies to process sources upon issuance of a new or a modified permit. This facility has included a Part 212-2 analysis as part of the facility air state facility permit application to address the emission of high toxicity air contaminants (HTACs). The facility currently does not emit any HTACs.

Part 212-2.1 must be satisfied for any modification at this facility which causes:

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

- the emission of an HTAC not previously emitted;
- the emissions of an HTAC above one of the thresholds in 212-2.2, Table 2.;
- emissions of any regulated air contaminants not previously emitted above 100 lbs. actual per year.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

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

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 18.1:

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

Emission Unit: 1-EPSFM

Emission Point: 00001	Height (ft.): 20	Diameter (in.): 36	
	NYTMN (km.): 4779.3	NYTME (km.): 410.8	Building: 1
Emission Point: 00002	Height (ft.): 23	Diameter (in.): 8	
	NYTMN (km.): 4779.3	NYTME (km.): 410.8	Building: 1
Emission Point: 00003	Height (ft.): 25	Diameter (in.): 19	
	NYTMN (km.): 4779.3	NYTME (km.): 410.8	Building: 1
Emission Point: 00004	Height (ft.): 3	Diameter (in.): 20	
	NYTMN (km.): 4779.3	NYTME (km.): 410.8	Building: 1
Emission Point: 00005	Height (ft.): 3	Diameter (in.): 14	
	NYTMN (km.): 4779.3	NYTME (km.): 410.8	Building: 1
Emission Point: 00006	Height (ft.): 20	Diameter (in.): 4	
	NYTMN (km.): 4779.3	NYTME (km.): 410.8	Building: 1

Condition 19: Process Definition By Emission Unit

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

Effective for entire length of Permit

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 19.1:

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

Emission Unit: 1-EPSFM

Process: 001

Source Classification Code: 3-01-206-01

Process Description:

This process involves the pre-expansion of polystyrene beads. The beads are pre-impregnated with pentane which serves as a blowing agent in the expansion process.

Emission Source/Control: P-EXP - Process

Design Capacity: 1,750 pounds per hour

Item 19.2:

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

Emission Unit: 1-EPSFM

Process: 002

Source Classification Code: 3-01-206-80

Process Description:

This process involves the aging of expanded EPS beads, also known as "pre-puff" material, prior to molding.

Emission Source/Control: PPUFF - Process

Design Capacity: 7,000 pounds per hour

Item 19.3:

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

Emission Unit: 1-EPSFM

Process: 003

Source Classification Code: 3-01-206-01

Process Description:

This process involves the molding of expanded EPS beads.

Emission Source/Control: MOLDR - Process

Design Capacity: 950 pounds per hour

Item 19.4:

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

Emission Unit: 1-EPSFM

Process: 004

Source Classification Code: 3-01-206-80

Process Description:

This process involves the aging and storage of polystyrene foam blocks.

Emission Source/Control: BLKAS - Process

Design Capacity: 46,750 pounds per hour

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095

Permit ID: 7-3122-00095/00010

Facility DEC ID: 7312200095