



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 8-2626-00109/00010  
Effective Date: 05/29/2018 Expiration Date: 05/28/2028

Permit Issued To: TECH PARK OWNER LLC  
789 ELMGROVE RD  
ROCHESTER, NY 14624

Contact: PETER J CHAPMAN  
ROCHESTER TECHNOLOGY PARK  
789 ELMGROVE RD - BLDG 1  
ROCHESTER, NY 14624  
(585) 295-1250

Facility: ROCHESTER TECHNOLOGY PARK  
789 ELMGROVE RD  
ROCHESTER, NY 14624

Contact: PETER J CHAPMAN  
ROCHESTER TECHNOLOGY PARK  
789 ELMGROVE RD - BLDG 1  
ROCHESTER, NY 14653-9600  
(585) 726-0499

Description:  
Renewal and modification of the Air State Facility to Tech Park Owner LLC for its Rochester Technology Park natural gas and oil fired boiler plant, which provides steam for leased buildings at the former Kodak Elmgrove site.

Modifications include a 10 year permit term, a revised fuel oil sulfur limitation accordance with 6 NYCRR Part 225, and a permit condition referencing the applicability of 40 CFR Part 63 Subpart ZZZZ.

This renewal maintains the ability to fire the boilers with either natural gas or #6 fuel oil, but still restrict NOx emissions to below the Title V and Part 227-2 NOx RACT applicability threshold of 100 tons per year by limiting #6 fuel oil use in any 12 consecutive month period.

Additionally, the permit continues to avoid the applicability of 40 CFR 63 Subpart JJJJJ National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources by limiting #6 fuel oil use to periods of natural gas supply curtailment or interruption only.

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 8262600109**



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:           KIMBERLY A MERCHANT  
  6274 EAST AVON-LIMA RD  
  AVON, NY 14414-9519

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



**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.



**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, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 8 HEADQUARTERS



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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



**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**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 8 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 8 Headquarters  
Division of Environmental Permits  
6274 Avon-Lima Road  
Avon, NY 14414-9519  
(585) 226-2466

**New York State Department of Environmental Conservation**

Permit ID: 8-2626-00109/00010

Facility DEC ID: 8262600109



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: TECH PARK OWNER LLC  
789 ELMGROVE RD  
ROCHESTER, NY 14624

Facility: ROCHESTER TECHNOLOGY PARK  
789 ELMGROVE RD  
ROCHESTER, NY 14624

Authorized Activity By Standard Industrial Classification Code:  
4961 - STEAM SUPPLY  
6531 - REAL ESTATE AGENTS AND MANAGER  
9999 - NONCLASSIFIABLE ESTABLISHMENTS

Permit Effective Date: 05/29/2018

Permit Expiration Date: 05/28/2028



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-1.7: Recycling and Salvage
- 3 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 4 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 5 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- \*6 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 7 6 NYCRR 211.1: Air pollution prohibited
- 8 6 NYCRR 225-1.2 (e): Compliance Demonstration
- 9 6 NYCRR 227-1.3: Compliance Demonstration
- 10 40CFR 63, Subpart ZZZZ: Compliance and Enforcement

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 11 ECL 19-0301: Contaminant List
- 12 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 13 6 NYCRR Subpart 201-5: Emission Unit Definition
- 14 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 15 6 NYCRR 201-5.3 (a): Compliance Demonstration
- 16 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 17 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 18 6 NYCRR 201-5.4 (e): Compliance Demonstration
- 19 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 20 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 21 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.





**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 - 6 NYCRR 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,



required to operate such device effectively.

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

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

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

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

**Item E: Recycling and Salvage - 6 NYCRR 201-1.7**

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

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

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

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

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

**Item H: Proof of Eligibility for Sources Defined as Trivial**



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

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

**Item I: Required Emission Tests - 6 NYCRR 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item J: Open Fires Prohibitions - 6 NYCRR 215.2**

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item K: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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



All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to 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 between the dates of 05/29/2018 and 05/28/2028**

**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 between the dates of 05/29/2018 and 05/28/2028**

**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 between the dates of 05/29/2018 and 05/28/2028**

**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 between the dates of 05/29/2018 and 05/28/2028**



**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: Facility Permissible Emissions**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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

**Item 5.1:**

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: 0NY210-00-0

PTE: 198,000 pounds per year

Name: OXIDES OF NITROGEN

**Condition 6: Capping Monitoring Condition**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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

**Item 6.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

6 NYCRR 227-2.1

**Item 6.2:**

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

**Item 6.3:**

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 6.4:**

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

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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 6.5:**

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 6.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 6.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The total emissions of NO<sub>x</sub> will not exceed 99 tons per year (198000 pounds per year) on a rolling 12-month basis. Facility-wide NO<sub>x</sub> emissions will be calculated monthly based on fuel use and the following AP-42 emission factors: (1) Natural Gas fired boiler or engine - 100 lb. NO<sub>x</sub>/MMscf (2) # 6 Fuel Oil fired boiler- 55 lb. NO<sub>x</sub>/1000 gallons (3) Diesel Fuel fired engine - 4.41 lb. NO<sub>x</sub>/MMbtu (4) Natural Gas fired engines - 326.40 lb. NO<sub>x</sub>/MMscf

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 198000 pounds per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

**Condition 7: Air pollution prohibited**

**Effective between the dates of 05/29/2018 and 05/28/2028**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 7.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

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**Condition 8: Compliance Demonstration**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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

**Item 8.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires residual oil are limited to the purchase of residual oil with a sulfur content no greater than 0.50 percent by weight and are limited to the firing of residual oil with a sulfur content no greater than 0.50 percent by weight. A log (in a format suitable to the Department) of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Any residual oil stored on site must meet the above requirements for sulfur in fuel before being used. Documentation must be provided to the department to verify the sulfur in fuel content.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR

Upper Permit Limit: 0.50 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

**Applicable Federal Requirement:6 NYCRR 227-1.3**



**Item 9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity.

Operators of oil-fired boilers which are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall perform the following:

- 1) Observe the stack when the boiler is operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during 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 day
  - observer's name
  - identity of emission point
  - weather condition
  - 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) two consecutive days firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the



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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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 10: Compliance and Enforcement**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

**Applicable Federal Requirement:40CFR 63, Subpart ZZZZ**

**Item 10.1:**

The Department has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart ZZZZ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.



**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

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

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

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

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

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

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

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

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

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

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

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

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records.



Facility owners and/or operators must submit the records 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 between the dates of 05/29/2018 and 05/28/2028**

**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: 007446-09-5  
Name: SULFUR DIOXIDE

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

**Condition 12: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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



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50 MMBTU/ H each, after NYSDEC approved unit de-rating.

Building(s): 51

**Item 13.2:**

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

Emission Unit: U-00002

Emission Unit Description:

This unit consists of 14 emergency generators (13 fueled by natural gas, 1 by diesel). All are exempt from permitting under section 201-3.2 (c) (6).

**Condition 14: Renewal deadlines for state facility permits  
Effective between the dates of 05/29/2018 and 05/28/2028**

**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 between the dates of 05/29/2018 and 05/28/2028**

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

**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:

New and modified State facility permits will be issued for a period not to exceed 10 years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 16: Compliance Demonstration  
Effective between the dates of 05/29/2018 and 05/28/2028**

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

**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 16.2:**

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Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following requirements have been specifically identified as being not applicable to this facility any emission units, emission points, processes or emissions sources within this facility:

40 CFR Part 63, Subpart JJJJJ

Emission Unit: U00001

You are subject to this subpart if you own or operate an industrial , commercial, or institutional boiler as defined in 63.11237 that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in 63.2 except as specified in 63.11195. A gas boiler as defined in 63.11195 is not subject to this subpart or to any requirements in this subpart, as are boilers fueled by # 6 Fuel Oil during periods of natural gas curtailments or supply interruption. Exempt emergency generators are powered by natural gas or diesel fuel.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

Subsequent reports are due every 6 calendar month(s).

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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

**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:

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

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 8  
6274 East Avon-Lima Rd.  
Avon, NY 14414

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Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 12/28/2018 for the period 05/29/2018 through 11/28/2018

**Condition 18: Compliance Demonstration**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

**Applicable State Requirement:6 NYCRR 201-5.4 (e)**

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Changes at a facility that meet all of the criteria listed below may not require a permit modification and may be conducted without the prior approval of the Department.

1. Changes that do not cause facility emissions to exceed any emission limitation or other condition in the facility's permit.
2. Changes that do not cause the facility to become subject to any additional regulations or requirements.
3. Changes that do not seek to establish or modify a federally enforceable emission cap or limit.

The facility owner or operator must maintain records of the date and description of each such change for a period of at least five years. Records must be made available for review to Department representatives upon request, and must include the following information at a minimum:

1. Identification of the emission unit, process(es), emission source(s), and emission point(s) affected by the change;
2. The date on which the change occurred; and
3. A description of the change.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 19: Visible Emissions Limited**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

**Applicable State Requirement:6 NYCRR 211.2**

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**Item 19.1:**

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.

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

**Condition 20: Emission Point Definition By Emission Unit**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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

**Item 20.1:**

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 55 Diameter (in.): 50  
NYTMN (km.): 4781.389 NYTME (km.): 277.193 Building: 51

Emission Point: 00002

Height (ft.): 55 Diameter (in.): 50  
NYTMN (km.): 4781.389 NYTME (km.): 277.193 Building: 51

Emission Point: 00003

Height (ft.): 55 Diameter (in.): 50  
NYTMN (km.): 4781.389 NYTME (km.): 277.193 Building: 51

Emission Point: 00005

Height (ft.): 55 Diameter (in.): 48  
NYTMN (km.): 4781.389 NYTME (km.): 277.193 Building: 51

**Condition 21: Process Definition By Emission Unit**  
**Effective between the dates of 05/29/2018 and 05/28/2028**

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

**Item 21.1:**

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

Emission Unit: U-00001

Process: BLR Source Classification Code: 1-02-006-02

Process Description:

THE DUAL FUEL BOILERS (4) HAVE THE CAPABILITY TO COMBUST BOTH NATURAL GAS AND NO.6 FUEL OIL AND WILL BE THE PRIMARY SUPPLY OF STEAM TO THE FACILITY.



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Emission Source/Control: 10000 - Combustion

Emission Source/Control: 20000 - Combustion

Emission Source/Control: 30000 - Combustion

Emission Source/Control: 50000 - Combustion

**Item 21.2:**

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

Emission Unit: U-00002

Process: ENG

Process Description:

14 exempt emergency generators installed to provide <500  
hours of emergency operation each per year when usual  
sources of power are unavailable.

Emission Source/Control: GENER - Combustion